

**A COMPARATIVE ANALYSIS OF TWO TYPES OF PIRACY:
IRANIAN / IRAQI PIRACY IN THE ARABIAN GULF AND SOMALI
PIRACY IN THE INDIAN OCEAN**

By

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Abstract

This thesis is an investigation into maritime piracy in the Arabian Gulf and Somalia with a practical objective of understanding the drivers underpinning piracy behaviour to aid identifying how best to deal with this issue. Maritime piracy is a complicated crime which is unique in every region. The main findings from empirical data collected using face-to-face semi-structured interviews (n = 43 undertaken between 2012 and 2013 in Kuwait, Qatar, Bahrain, Dubai, Abu Dhabi, Nairobi and Mombasa) showed that pirates could be categorized according to different strategies adopted in attacking ships: pirates in the Arabian Gulf applied hit and run techniques, while Somalis' pirates adopted a kidnap for ransom approach. While both sets of pirates seek money as a reward, the question is why do Iraqi and Iranian pirates steal cash and valuables, whereas Somali pirates focus on ransom? In this thesis, the resultant analyses identified that motive is not the main key for forming the pirates' chosen strategy - whether the motive is political, ideological or purely financial is not critical to the method selected. The reasons for the different strategies adopted by the pirates are manifold, however, three main variables emerged from the analyses: geographical advantage; state failure or success; and illegal fishing by foreign vessels. These three factors must be applied all together in order to trigger the kidnap-for-ransom strategy. In the Arabian Gulf, there is no illegal fishing or state failure, which suggests that Iraqi and Iranian pirates do not kidnap for ransom, whereas Somalia exhibits all three factors at the same time. Studying these and other factors by a combination of fieldwork and documentary analysis has led to a new understanding of why different kinds of maritime piracy have arisen in the geographical areas researched, and the research presented herein offers new contextual evidence that could help the different regions decide how best to tackle the different types of piracy. These findings and the methods employed may also have potential application in other parts of the world where piracy is a problem of potential risk.

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Chapter One: Introduction

1.1 Overview

The Arabian Gulf region is particularly vulnerable to the threat of piracy because of the intensity of international shipping in and out of the Gulf presenting a high number of opportunities for pirates to target. The problem is compounded by there being many different kinds of piracy, for example, piracy in this region is largely carried out by Somali pirates south of the Gulf generally in pursuit of ransom money, but piracy carried out by Iranian and Iraqi pirates in the North and the Central part of the Gulf is largely for cash, goods and some other items from the seafarers (Svan, 2006; Lando, 2010). Another complication is that there are many different types of responses to piracy by shipping nations. To illustrate, some of the responses taken by the Naval Task forces such as Coalition Task Force CTF 150, 151 and 152 involved military actions against pirates (CMF, 2002), but other responses did not. Thus there has to-date been no systematic approach to tackling piracy. Also some of the nations decided to deploy armed guards on their ships whereas other nations decided to avoid routes known to be frequented with pirates and travel via different routes Bryant *et al.* (2013, p. 76). In addition, some of the nations have negotiated with pirates and paid ransoms to free their hostages, whereas other nations have not. However, neither of these approaches appears to have made much impact in reducing piracy: military approaches seem to have made pirates more aggressive and more armed; while negotiations seem to have made pirates more active and eager to obtain money. Both approaches share one assumption in common - they address the symptoms of the problem not its causes. That is to say, they are reactive, not pro-active: they try to deal with piracy after, rather than before, the event. Instead of seeking to prevent piracy from happening in the first place by examining its causes, they seek to deal with it after it has occurred. "They fail to understand the core drivers that underpin piracy and the origin of piracy because their efforts thus far are confined to fighting and vanquishing the outcomes of terrorism, not to root out its sources or origins, meaning that they must mix long and short term solutions together" (Murphy, 2012, p. 10). The present study seeks to remedy this deficiency and current gap in knowledge by investigating the fundamental drivers of maritime piracy, and by doing so, to aid development of more effective strategies for dealing with piracy in future.

1.2 Seriousness of Somali piracy

In what follows, more attention is paid to the Somali piracy since this is the most intractable and serious form of piracy in the geographical study area. This is because, first, unlike Iraqi and Iranian pirates, Somali pirates belong to clan gangs. Whitman (2012, p. 33) drew attention to “the importance of pirate clans, noting that although new recruits are accepted into gangs if they have skills, other recruits join the gang only because their fathers, uncles or relatives are in the gang”. This analysis suggests that the pirate gangs may be based on cultural or clan structure, and as a result, we can expect that the groups of pirates will have more loyalty; faith and team work because they are related by blood, which is more difficult to counter. Whitman (2012, p. 34) named “the clans who are most actively involved with piracy in Somalia as:

- Eyl Isse Mahmuud and Leelkase of the Darood clan;
- Garad Omar Mahmuud of the Darood clan;
- Hobyo Habargedir (Saad, Ayr, Suleiman) of the Hawiye clan;
- Hardheere Habargedir (Ayr, Sarur, Suleiman) of the Hawiye clan, and;
- Mogadishu Habargedir (Ayr) of the Hawiye clan” (International Expert Group, 2008, p. 20).

Second, they can count on local support: “the Somali pirates rely on locals in the lands which are not under the control of the Somali government and those locals could provide shelters, food and places to keep the hostages” (Hallwood and Thomas, 2013, p. 343). Third, as Hallwood and Thomas (2013, p. 343) note, they are well-organized - “the Somali pirates are more organized than other pirates which decrease their chance of being caught”. For example, Liwång *et al.* (2013, p. 101, 103) pointed out that the Somali attack groups can remain at sea without support from mother ships or land bases for more than seven days, which means that they can operate away from the Somali coast, and the farther they go, the harder it is for the naval task forces to detect them; that there are land bases for the pirates all around the Somali coast line; that the pirates’ search groups are careful to stay away from each other and change their locations frequently to avoid being detected; that they target

vessels with low heights and in routes which are away from naval task forces; and that in times of good visibility, the Somali pirates' search groups can detect targets from long distances, depending on the targets' free board size and the earth's curvature. Fourth, Somali pirates have sophisticated means of financial transactions – based on the Hawala system. MacPhee (2012) in the Dalhousie Marine Piracy Project: Beating the Banks - Hawala's Place in the Global Financial Environment and its Potential Links to Piracy explained the Hawala system for distributing money, which is “a very common way of transferring money in the failed states”. Hawala in Arabic means “transfer”, but, as MacPhee (2012, p. 2) said, “it is a complex procedure involving the transfer of money without physical movement of cash; is based on strong relationships of trust within and between families and clans; and it allows the users to remain anonymous, which is attractive for criminal groups everywhere to avoid been tracked by governments or International Police”. The report says that the “Hawala system is very common in Somalia, Afghanistan and Pakistan”. Another advantage of Hawala is “its informality allowing it to adapt to changing regulatory, political, and business environments”. It is also convenient for international transfers of money: as MacPhee (2012, p. 5) explained, “no money actually changes hands... The exchange of transaction information can be made via telephone, email, or fax”. On the links between Hawala and piracy in Somalia, MacPhee (2012, p. 13) said that “according to (Geopolicity, 2011) estimates suggest that approximately 40-50% of ransom proceeds are moving out of the country using Hawala, with the rest being reinvested back into the business and redistributed within the community”. MacPhee (2012) also said that “this study predicted that piracy income could increase to \$200-400 million by 2015”. Based on “Somalia's GDP of roughly \$5.9 billion that would put piracy proceeds at almost 7% of total GDP”.

Clearly, then, Somali piracy is a particularly formidable challenge to maritime authorities, and its effects are far-reaching. Somali piracy has affected the global economy and security due to the many incidents of high-jacking and kidnapping of international shipping in and near the Gulf of Aden during the last five years. There were 518 recorded attacks from 2010 to 2015 according to (IMO, 2010; 2011; 2012; 2013; 2014; 2015). So the piracy problem in Somalia is a serious threat because of the number of incidents committed by pirates (Shane and Magnuson, 2014, p. 11). But the problem is not only that the numbers are rising until 2012: the real problem is that Somali pirates have both widened and deepened their operations. They have widened them in the sense that they have expanded their area of

operation to more than 1,500 nautical miles which means that they are building up an organization that is well supplied with finance, logistics, technology, weaponry and intelligence. They have deepened their operations in the sense that Somali pirates are kidnapping for ransom, which is a serious security issue that is not posed by Iranian or the Iraqi pirates in the Gulf who only attack ships in the area to steal goods and cash using minimal levels of violence against the victims.

The Gulf Countries Council (GCC) states' economies depend completely on the export of crude oil using oil tankers. The only way out and in to the GCC states is the Strait of Hormuz, located south of the Arabian Gulf. As the Somali pirates expand their operations more widely, we expect them to become a major problem affecting the ships using the Strait of Hormuz. It is noticeable by looking at the piracy live map (ICC, 2014) that the Somali pirates have started to operate very close to the Strait of Hurmuz. One of the main reasons for carrying out this research is to increase our knowledge of such trends in piracy operations in order to help evaluate the effectiveness of attempts to respond to them.

1.3 Research objectives

The main aim of this research thesis is to understand the type of maritime threats that might be expected to occur for the ships traveling from Kuwait passing through the Arabian Gulf, the Strait of Hurmuz, the Arabian Sea, the Indian Ocean, the Gulf of Eden, and the Strait of Bab-Almandab, and in doing so, to develop a typology of Iranian, Iraqi and Somali piracy. The rationale for understanding these types of piracy in the mentioned areas is to provide appropriate protection policies to deal with the different threats they pose.

In order to achieve the main research aim, we will need to achieve the following objectives for each of the three geographical areas of interest - Research Area one (the Northern Arabian Gulf), Research Area two (The Central Arabian Gulf), and Research Area three (Somalia):

- a. Understanding the context of maritime piracy each area;
- b. Identifying drivers, motives and factors (social, economic, ideological, religious and political factors) of maritime piracy in each area;

- c. Categorising the type, tactics, characteristics and procedures employed in maritime piracy in each area;
- d. Investigating relationships between the types, tactics, characteristics, procedures and policies used by governments, navies, coastguards and private security companies for dealing with maritime piracy in each area.

1.4 Research questions and hypotheses

The main research question is: “are the current anti-piracy policies and responses sufficient to compete with piracy?” In order to answer this main research question, we must address the following subsidiary research questions:

- a. Do the current piracy definitions define piracy behaviour in the best way?
- b. What are the consequences of piracy on the economy, humanity and security in the three geographical research areas?
- c. What are the differences between the types of piracy in the three research areas?
- d. What are the motives of pirates in the three research areas?
- e. Are the motives behind piracy relevant to explaining why pirates kidnap for ransom?
- f. What are the causes of piracy in the three research areas?
- g. What are the current responses to piracy by governments, companies, organizations or military units? Are they effective in reducing piracy or protecting seafarers?
- h. What are the effects of marine environmental variables (such as sea and weather conditions) on piracy tactics and can understanding these aid risk analysis of likely occurrence?
- i. What is the best way for governments, companies, organizations or military units to deal with piracy?

To achieve the research aims and to answer the research questions the following research hypotheses will be tested in this research thesis:

- a. Hypothesis 1: the motive behind piracy has nothing to do with the resulting type of piracy (armed robbery or kidnap for ransom).
- b. Hypothesis 2: the greater the state failure, the more piracy that will occur.

- c. Hypothesis 3: the more hate that is generated, the more kidnap for ransom will take place.
- d. Hypothesis 4: the more cultural, religious and ethnical differences between pirates and seafarers, the more kidnap for ransom will occur.
- e. Hypothesis 5: military responses alone, without dealing with piracy's roots, will either provoke the pirates to develop their military capabilities to compete with the deployed forces, or displace pirate operations somewhere else.

1.5 The epistemological and methodological problems of gaining insights into piracy

The main purpose of this research is to analyse and compare maritime piracy in the Arabian Gulf (Iraqi pirates in the North and Iranian pirates in the Central area) and in the Somali region. The analysis is to understand the motives behind the pirates in each region, the causes of piracy, the consequences, the tactics of each type of pirates, the responses, and the solutions proposed in dealing with each type of piracy. The aim of the analysis is to come up with a typology of piracy in two regions.

The **epistemological problems** of conducting this research were twofold. First, there was a problem of verifying the truth of the claims made by the respondents that I interviewed. For example, some of the claims made by prisoners in the jail in Kenya (Mombasa) were unverifiable by other sources, such as the lack of medical facilities in the prison, being tortured by the Kenyan authorities, being tortured by the navies who captured them and being held in prison for a long time without trial, and I had to use my own judgement and common sense to decide whether I believed them. Among the issues that I grappled with included the possibility that some prisoners had a vested interest in exaggerating the injuries that they had suffered at the hands of their captors. By contrast, some of the claims made by officials such as the officer in charge of data at the Kenyan Embassy in Somalia (which is located in Kenya for security purposes), were clearly at variance with the official data issued by the Kenyan government so could be discounted - or rather, gave rise to questions such as whether he was trying to mislead me, and if so, why? Second, there was a problem of verifying the truth of statistical data issued by the Kuwaiti and Qatari coastguards, which was at variance with the data recorded in ledgers. Such discrepancies led to the interesting question of whether there was an attempt to deceive, or a genuine and legitimate difference of interpretation in the way

data are recorded. The problem of getting proof and evidence to substantiate respondents' claims was one of the main obstacles to my research, and to overcome this obstacle, I used various solutions in particular cases, as the following four instances show:

Case one: Some of the naval and coastguard officers claimed that the Iranian government supported the Iranian pirates in the Arabian Gulf to achieve some political goals. My response to this allegation was to expand the questions to all types of interviewees to find out whether or not Iran has supported Iranian pirates in the Gulf, and I compared all the answers together. Few answers substantiated the claim. Also, I asked all the interviewees who made this claim if they had evidence to support it. As a result, I discovered that all of their claims were based on their political views only. Finally, I have visited and reviewed the court files in Kuwait and Qatar looking for the investigation reports and signs of evidence to prove those claims made by the interviewees, but I found nothing. All this led me to reject the claims.

Case two: Some of the Somali fisher-pirates claimed that they only attacked American and Western ships and would not attack Muslim ships, meaning that they were politically motivated. Also some of the pirates claimed that they only attacked fishing ships which conducted illegal fishing in the area, meaning that the main cause behind piracy is protection of Somali waters from overfishing. My response to these claims was to find out if the Somali pirates (especially the fishermen) have any political or radical motives, and I created a second quantitative data chapter where I analysed all the piracy attacks in Somalia reported by the IMO from 2010 to 2015. In this chapter I analysed the types of ships that the Somali pirates preferred, trying to find if they mostly attacked American and Western ships. I concluded from the quantitative chapter that the Somali pirates choose their targets based on the type of the target not the flag. Also I found that the most desired ships for the Somali pirates are oil tankers not fishing boats. All this meant that the claims of the Somali pirates that they only attacked American and Western ships, and/or that they only attacked fishing ships, were not true.

Case three: Some of the pirates claimed that they had been tortured by the authorities in Kenya and by the navies who captured them. My response to this claim was to ask the Somali pirates to give me evidence of torture, and some of them have shown me injuries like scars or old wounds, but I could not tell if these injuries were caused by the Kenyan

authorities or were old injuries. Some of the pirates had lost arms or legs during their combats with the navies who captured them, but again, there was no corroboratory evidence that these losses were due to maltreatment by their captors. I asked the Kenyan prison authorities to see their medical reports, but the ones I read did not mention torture injuries. I concluded, therefore, that the pirates' claims of being tortured could be neither verified nor refuted.

Case four: There are no available data in either the IMO piracy records or the literature on piracy in the Northern or Central areas of the Arabian Gulf. My response to this data deficiency was to access the data and the court files of maritime crime in the Kuwaiti coastguards' records, the Kuwaiti courts' records, the Qatari coastguards' records and the Qatari courts' records, where all the information about piracy was available. These records stated all the information of the piracy attacks in the Arabian Gulf which they have never reported to the IMO.

The **methodological problems** of conducting this research included the difficulty of obtaining access to genuine pirates, rather than fishers accused of piracy. It was too dangerous for me to attempt to find pirates in Somalia, and so I was restricted to pirates in Kenyan prisons, which was necessarily a biased sample. One of the problems faced in the field work in 2013 in Kenya that most of the Somali pirates in prison didn't speak Arabic or English, so I had to depend on the translator the whole time which was time consuming in asking the questions. Also one of the most noticeable problems faced is that a lot of the interviewees were careful in answering the questions or even accepting to be interviewed as the topics of the questions were sensitive, and they were in a vulnerable situation (awaiting trial in prison).

1.6 Chapter overview

Figure 1.1 outlines the structure and organization of the thesis and provides a fully-fledged chapter overview.

	This introductory chapter explains the importance of the Arabian Gulf region, the Indian Ocean, the Somali Basin and the Gulf of Aden and how piracy might affect these regions, especially in terms of economy and security. I outline the main aim of this research which is to provide a
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Chapter one	security policy to deal with piracy effectively in these two regions. I also state six hypotheses to be tested in this research
Chapter two	This methodological chapter explains the fieldwork undertaken in 2012 and in 2013. The field work in 2012 was in Kuwait, Qatar, Bahrain and UAE, while that in 2013 was in Kenya. The chapter outlines the methodology used for the data collection, including the semi-structured interviews during the two fieldwork periods to obtain primary data, and the secondary quantitative data obtained by analysing the IMO's piracy reports from 2010 to 2015. The chapter then states the way the two sets of data (primary and secondary) were analysed by using two forms of software: Nvivo, used to code and analyse the interview data; and SPSS, used to record and analyse the quantitative data. The chapter also explains the theoretical frameworks used, including rational choice theory, structural theory and cognitive theory. This is followed by a literature review in which the main themes of the research are covered, namely the definition of piracy, the motivations behind piracy, the causes of piracy, the manifestations of piracy, the consequences of piracy, the responses to piracy, the violations of international law and human rights in treating pirates, and recommendations for dealing with piracy
Chapter Three	This data chapter presents the qualitative data collected via interviews, analysed thematically. The chapter provides a list of interviewees in the fieldwork of both 2012 and 2013 and presents the contents of the data gathered thematically. The data are organized in the forms of themes, starting with the motives of piracy, the causes, the manifestations of piracy, and its consequences, the different responses to counter piracy, the violations of international law and human rights, and the solutions recommended by the interviewees.
Chapter Four	This data chapter provides a second data set comprising quantitative data analysed by recording all the IMO's piracy reports from 2010 to 2015. The chapter shows how the data was recorded in SPSS software. The chapter explains the variables used in the analysis, which are the locations of the attacks, the victims' ships types, the pirates' ships types, the month of the attack, the wave heights, the wind speeds and the success and failure of the attacks. Then the chapter analyses all these variables to show the frequencies of each single variable and to explain how this reflects the themes and claims mentioned in the literature and expressed by the interviewees.
	This discussion chapter discusses thematically the nine themes emerging from the analysis of the primary data, the secondary data, and the

Chapter Five	literature review. The chapter discusses the old and new piracy, the definition of piracy, the motivation, the causes, the manifestations, the consequences, the responses, the violations of human rights and international law, and the proposed solutions to the piracy problems. Finally, the chapter presents the answers for all of the research questions and rehearses the main argument of the thesis claims and the contribution it has made to understanding the problem of piracy in the Arabian Gulf and in Somalia.
Chapter Six	This concluding chapter provides a template guide to the best solutions as viewed in this research, presenting an equation for the conditions needed in order for piracy to form in a particular place. Then the chapter explains the proposed political, military and economic solutions which state the best practical way to deal with piracy in the Arabian Gulf and Somalia.

Figure 1.1 Thesis Structure

Chapter Two: Research Methodology, Theoretical Framework and Literature Review

2.1 Introduction

In order to answer the main research question of how best to deal with the problem of piracy in the Middle East, I investigated all the aspects of maritime security in the Northern and Central Arabian Gulf and then compared the emergent themes with the same aspects of security identified in the Somali region. I studied the available statistics of piracy attacks reported in the region using the International Maritime Organization IMO's piracy reports from 2010 to 2015 (IMO, 2015) and analysed its effect on global business, in terms of the costs of security, injuries, ransoms, and insurance wages for the two main areas of my research, which are the North of the Arabian Gulf and the Somali region. The first part of this examination studied the psychological and ideological aspects of piracy, looking at the pirates' religions, languages, nationalities, ethnicities and other special characteristics such as physical strength and age. The second part of the examination included the technology and ship handling details of piracy, studying ways of conducting piracy, directions for boarding target vessels, approaches, manoeuvres, distances from victims, speed of attack and employment of aggression. This examination also included the type of pirate ships, engines and power, modes of communication, the most common type of ships that pirates attack and also the most dangerous areas that are infected with piracy. This data was obtained from documentary sources such as IMO (2015) and Buoyweather (2015) and from interviews of pirates in the prisons of Kenya conducted in 2013? Furthermore, people who are responsible for dealing with piracy in both areas, such as the Kuwaiti, Qatari navies and coastguards and the task forces in Somalia and the Arabian Gulf such as the U.S. military base in Bahrain which holds the Naval Officers, Liaison Officers and Intelligence officers in the Coalition task forces CTF 150, 151 and 152 were also interviewed in the U.S. base in Manama, Bahrain. All of these analyses were designed to assist our understanding of how to deal with piracy in the Middle East.

2.2 Research methodology

2.2.1 Data collection

The main research question of this thesis is “are the current anti-piracy policies and responses fit for purpose in dealing with piracy?” In order to answer this research question, I undertook the first period of fieldwork and gathering of data in the summer of 2012. In 20th July 2012, starting in Kuwait, I travelled to Qatar from 5th August to 6th August 2012, travelled to Bahrain from 6th August to 9th August 2012, travelled to Dubai from 9th August to 11th August 2012 and travelled to Abu Dhabi from 11th August to 13 August 2012. The first field work was a scoping study to determine the breadth of issues surrounding piracy. Appendix D and E show the list of interviewees and organizations I have visited in 2012.

Having determined the framework of how to approach properly the core of the problem of dealing practically with piracy I undertook a second period of field-work in 2013 in Kenya. I travelled to Nairobi, Kenya from Kuwait from the 10th August 2013 to the 16th August to interview targets in the Nairobi University, the United Nations Regional Office, the Somali Embassy and the Kenyan Embassy in Somalia which is based in Nairobi for security reasons, and I have finished my last interview on 16th of August. After that I travelled to Mombasa, Kenya because I was granted permission to see the pirates in Shemola Tower Prison. I stayed in Mombasa from the 16th of August to the 22nd of August 2013, during which I interviewed most of the pirates in the prison and also interviewed the IMO officer in the IMO Regional Office in Mombasa. After this I travelled from Mombasa to Adis Ababa to Dubai and then finally arrived to Kuwait on the 23 of August 2013. Appendices D and E list all the interviewees and the organizations I visited and interviewed during the second field-work in 2013.

My methodology for collecting data was as follows:

1. Semi- structured interviews of key informants as presented in Appendices D and E
2. Documentary analysis of data on piracy attacks in chapter four which includes all the piracy attacks logged by the IMO (2015) reports, analysing them based on several variables.

Appendix A shows the topics covered determine the breadth of issues surrounding piracy in field-work one in 2012, and the topics covered to identify the key drivers underpinning piracy which were collected during field-work two in 2013.

2.2.2 Finding interviewees

In order to achieve good coverage of the breadth of information relevant to understanding the topics mentioned in Appendix B, the following groups were targeted for semi-structured face-to-face interviews. Initial research showed it is very difficult to get access to details of piracy cases because of the classification status of such a sensitive issue, but after further investigation it was not impossible. My work as a Kuwaiti Naval Officer eased my access to the Kuwaiti Navy, Coastguard, jails and other official organizations. Kuwait is a member of the Gulf Cooperation Council (GCC) with Saudi Arabia, Qatar, Bahrain, UAE and Oman, and the GCC countries are in the process of moving to a Con-federal stage trying to be similar to the European Union. This gave me access to the GCC's navies and coastguards because we have reciprocal protection agreements. The fieldwork took place while my family was in Kuwait with our extended family and friends. The first target of my field work was the Kuwaiti Naval Force and the naval intelligence Unit in the Kuwaiti Headquarters, who provided relevant data and contacts in the GCC. This provided unique access to sensitive data not easily accessible by a researcher and contributed to the original contribution of my research. Appendix B shows my interview inventory.

2.2.3 Design of the fieldwork

The United Nations has two ways of responding to and dealing with any international conflict which threatens international security, such as piracy or terrorism: (1) the first way is to tackle the root *causes* of the problem with development policy, regulations, negotiations, agreements and projects - for example, trying to solve the state failure of Somalia or to manage the conflict in the Middle East. (2) The second way is to use force and assign Task Forces to counter piracy – tackling the *consequences* of the problem – for example by using, CTF (Coalition Task Force) 151, CTF 150 and CTF 152. The project's research design focuses on both these responses, first addressing the causes, motives and distinctions between

the Iranian, Iraqi and Somali pirates, and second analysing the attempts that have been made to deal with those pirates by governments, international organizations and private companies. The aim is to provide the best solutions to deal with each type of piracy in the two regions of the research. Appendix [C] shows the interview questionnaire contents tailored to each type of respondent interviewed.

2.2.4 List of interviewees

In Appendix D a list of interviewees and organizations that I engaged with during my two fieldwork trips in 2012 and 2013, is listed.

2.2.5 Data analysis methods

The aim of the research is to understand piracy from different perspectives, as each interviewee has a unique background, and each pirate attack has unique characteristics (such as the wave height at the time of attack, wind speed, type of ships, and locations). All of the data I obtained from the interviews and from the documentary data were used to provide detailed contextual information on how the pirates would react in different situations in the Gulf.

Qualitative method - Coding and interpretation

All of the survey questions were as open as possible to allow the interviewees to provide most of the information that came to mind when asked about a particular theme. Since the research deals with sensitive data, sometimes the interviewees hesitated to provide specific information or avoided answering some of the questions: one of the interviewees did not answer any of the questions. Also some of the pirates I have interviewed in the prison were afraid to answer some of the questions because they feared that the authorities would use their answers against them in court proceedings. Most of the interviews were planned to last for one hour and the questions were tested based on this timing, but some of the interviews times were less than one hour because the interviewee did not want to participate or the interviewee skipped some of the questions. Conversely, some of the interviews lasted for

more than one hour because with the open questions, new issues occurred during the interview which added more relevant material.

To understand and interpret the data obtained in the two periods of fieldwork, I established the themes to be analysed by dividing the analyses into two geographical regions, the Arabian Gulf and Somalia, in order to compare the two sets of themes emerging from each area. Within each region and following a comprehensive literature review, I divided the emergent themes into financial piracy and terror piracy to enable me to find out if the division between pirates' motives affects the outcomes of piracy attacks.

For the coding of all the transcripts of the interviews conducted and the emergent themes I have used NVIVO (Wong, 2008) software which is qualitative data analysis software. I attended an intensive training course at Newcastle University to learn how to use NVIVO in interview coding and also used this in the literature review chapter to compare the data from the interviews with the literature findings. NVIVO provides a practical and an effective way to code all the emergent themes to show how often issues arising have been repeated, categories of interviewees backgrounds, relationships between categories and the relationships between each interviewee's categories and the literature. The themes to be analysed in the literature and in the data analysis are the following; 1) motives of pirates 2) causes of piracy 3) links between financial and terror piracy 4) consequences of piracy 5) responses to piracy, and 6) violations of human rights and international law.

Quantitative method - statistical data analysis

The data gathered from the interviews and from the literature will be complemented by the statistical data chapter 4 in which I have analysed all of the piracy attacks between 2010 to 2015, using SPSS software, the quantitative data analysis software (Bryman et al, 2004). In SPSS, I have analysed all the piracy attacks provided by the IMO piracy reports and analysed the following factors: 1) locations of the attack; 2) types of the victims' ships; 3) the date of the attack; 4) the month of the attack, 5) the attack day of the week, 6) whether the attack was night or day time, 7) the wind speed, 8) the wave height, and 9) the pirates' ships types.

When I had a better understanding about the variables tested in the quantitative data chapter, I compared them to the qualitative data from different perspectives identified from the interviews. For example, one of the hypotheses is that the Somali pirates who are motivated by political motives would attack American or Western ships so they can harm those countries' economies: by comparing this claim with the types of ships attacked between 2010 to 2015 we can decide if the target selection is randomly conducted or based on the flag of the ships. From the responses analysed emergent themes in the qualitative data were evaluated and compared with the responses from the interviews of the naval forces in the area and compared with the quantitative data' information available from the IMO (2015) about the most dangerous areas in which most of the attacks been conducted.

2.3 Theoretical Framework

In this section, we will consider the most common maritime piracy theories relevant to the piracy cases in Somalia and the Arabian Gulf areas. Rebecca Law (2011, p. 10) helpfully sets out three assumptions about Somali piracy. “The first assumption is that the majority of the Somali pirates are criminally-minded. The second assumption is that the failure of the state in Somalia has caused the absence of law which lowered the risk of capturing pirates and decreased the income of Somali citizens, thereby driving individuals to form groups of pirates to survive. The third assumption is that the new Somali transitional Federal Government is developing policies designed to contain the pirates. This containment strategy is akin to the drugs policy adopted in the Netherlands – i.e. where a government fails to counter a sort of crime they allow it in some level to enable the government at least to know the places of the crime and the number of criminals”. Applying these assumptions to piracy in general and not only in the Somali piracy case, we can divide theories of piracy into three main categories: 1. rational choice theory; 2. structural theory; and 3. cognitive theory.

2.3.1 Rational choice theory

Rational choice theory assumes that pirates are self-interested individuals, intent on personal gain – an assumption made by Law (2011, p. 10) that “the majority of Somali pirates are criminally minded”. According to this theory, piracy is a typical robbery, hijack, kidnap or

murder crime, and the only feature which makes it distinctive is that piracy is conducted at sea. On this theory, piracy is distinguished from terrorism: as a typical and a classical type of crime we can exclude the political and ideological part of it and see it as pure self-interest. Gullen and Agnew (2006, p. 1) stated that “crime occurs when the benefits outweigh the costs and when people pursue self-interest in the absence of effective punishments”, meaning that crime is a rational and freely-willed choice. Applying this theory to maritime piracy and excluding other factors such as political, religious and ideological factors to concentrate only on the financial benefits of the high value of ransoms or stolen goods, we can understand that Somali pirate’s motives are purely financial due to the very weak economy in Somalia which led the state to poverty and hunger. Also we can understand that the failure of the state and the lack of applying law and punishments have encouraged pirates to expand their operations to further distances and encouraged more people to join the group of pirates. Not only is the failure of the Somalia state causing the absence of punishments, but the international responses to maritime piracy are not effective in the matter of rules and regulations, military, security, weapon trade control and ship’s self-protection which decreased the risks for pirates to be captured, judged or fought which has made the pirate’s tasks easier with a lower risk. Shortlanda and Vothknecht (2011, p. 139) said that “the rational crime mode can be applied to pirates because they carefully plan and execute their operations which the aim is to attack and kidnap the victims for ransoms”.

2.3.2 Structural theory

Structural theory sees states like Somalia as oppressed by international economic forces which keep it in poverty by exploiting its natural resources such as fisheries. In other words, the developed world conspires to keep the developing world in a condition of dependence on aid (including military hardware) because weak developing countries are less likely than strong developing countries to challenge the economic dominance of developed countries. These structural factors explain how impoverished inhabitants turn to piracy because they have little or no alternative. Their alienated and anomic lives give them no respect for the property and lives of the people who oppress and rob them of their birth right. Their plight is reinforced by the demonised image which their exploiters construct for them: John Hamlin (2011, p. 3) explained how “social constructionist theory stated that people become criminals

when they are labelled as criminals”. This theory originated in the work of Edwin M. Lemert, Howard S. Becker, Kai Erikson, and John Kitsuse in the 1960s and the 1970s. It suggested that “when labelling people as criminals they will be stigmatized and the identity of criminals will develop automatically and then they will be sent to prison and all conventional roles will be removed from them”. Applying this social constructionist theory of crime to the Somali and the Arabian Gulf piracy cases it is noticeable that the international community has isolated Somalia from the international community hastening the process of state failure. This isolation was because the UN labelled Somalia as the most dangerous state in the world which automatically made the individuals see themselves as criminals. In the Arabian Gulf the pirates are mostly from Iraq and Iran, and these countries have both been stigmatized in the West as pariah states which encourage or turn a blind eye to terrorism, as in Somalia. For example, after the second Gulf war in 1991, Saddam’s regime was punished and isolated from the international community as a consequence of invading Kuwait and that punishment and isolation lasted till the Iraqi liberation in 2003. This was similar to the Somali case because Iraq was labelled by the UN and the Arab League as a criminal and terrorist country, according to the labelling theory of crime, that pariah status encouraged people to commit crimes such as piracy against international shipping. So social construction is part of the structural processes which explain piracy.

2.3.3 Cognitive theory

This theory attributes piracy to the force of radical ideas, induced by suffering from extreme poverty. Gullen and Agnew (2006, p. 12) claim that “the main reason why people commit crimes is the inequality that they suffer”. When looking at the Somali case it is understandable that the causes for piracy include the suffering of inequality such as invasion of the country’s fishery by foreigners, the failure of the state and the poisoning of the Somali Sea. Xuseyn (2011) posted a video on Youtube showing the effect of the illegal fishing and the chemical waste on the Somalis. It may be that the Arabian Gulf piracy case is similar to the Somali case in that, for example, when Iraq was punished by the UN, the population felt an injustice. As a consequence of that resentment, and the use of force against Iraq in 1991 and 2003, piracy increased in the area based on a holy case which grants pirates the right to recover their stolen rights as defined by the Iraqis. These cognitions are often reinforced by

radical ideological and religious groups, which sometimes give rise to maritime terrorism.

As we shall see, each of these three theories illuminates some aspects of the piracy problem in the Gulf and Somalia.

2.4 Literature Review

The structure of the literature review is as follows:

- 2.4.1 Definitions of piracy
- 2.4.2 Motivations of pirates
- 2.4.3 Causes of piracy.
- 2.4.4 Manifestations of piracy
- 2.4.5 Consequences of piracy
- 2.4.6 Responses to piracy
- 2.4.7 Violation of international law and human rights
- 2.4.8 Recommendations for dealing with piracy

2.4.1 Definitions of piracy

Defining piracy is very difficult. As Young (2007, p. 1) said, “there is no fixed definition for piracy”, but there have been many attempts at defining the term. Piracy is defined differently according to its agenda and goals, and by politicians, lawyers and others using this term. The literature provides a wide variety of definitions which arguably has led to some confusion when the same term is used to suggest very different meanings thus a lack of a clear universal definition has contributed misuse and confusion of the term. Haywood and Spivak (2012, p. 7) reported that the historian Plutarch produced the oldest definition of piracy which is “any attack on sea and coastal land without any authority”. This definition raises many questions, however, including ‘what if we discovered that the government is itself using its authority to influence pirates to conduct piracy?’

Some writers find a historical pattern of evolution of piracy from buccaneering to business activity. For example, Mejia *et al.* (2009) claim that modern piracy involves some acts of violence against shipping that is much bloodier than older forms of piracy and that piracy has been more active since 1996. Baniela (2010, p. 191) also compared the past type of piracy with the new type, saying that “piracy nowadays is different from the old adventures which appeared in novels and stories about freebooters, buccaneers, corsairs and pirates”. He

defined piracy as a business which potentially makes profits from targeting merchant ships which have limited resources and training for their defence especially in waters which are weak in security. Galletti (2012, p. 1) said that “pirates and buccaneers or other maritime dangers have disappeared a long time ago, and that till 1994 piracy was only described and connected to the productions of software and audio products”. In her article, she defined maritime piracy as “an armed robbery against ships”. However, maritime piracy never disappeared from the world but was limited to some areas which did not affect international economy or security, so was not widely reported by the media.

Haywood and Spivak (2012, p. 7) offer a more perspectival approach to the definition of piracy, arguing that throughout history, “states have three different perspectives on pirates (allies, criminals or enemies) and each perspective will define the way they treat pirates”. They said that

“if the state viewed pirates as criminals then they will deal with them similar to the civil criminals with formal courts and justice, but if the state viewed pirates as enemies then they will apply the rules of war on them and use lethal force against them and when they capture them they will be dealt as prisoners of war without rules and requirements of civil evidence and judicial process. But stating that pirates are allies or not depends on if they interfere with the state’s interests or not, so if the pirates interfere with the states’ interests they will be considered as enemies but, if they do not interfere with the state’s interests then they will be considered as allies”.

In other words, the definition of piracy depends on states’ perspectives on the type and acts involved. Haywood and Spivak (2012, p. 9) added that “in this century the states generally view pirates as criminals and not enemies nor allies”.

One of the most prominent attempts to provide a more fixed definition is that of UNCLOS. UNCLOS (1982, p. 60) has defined piracy as follows:

“(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or passengers of a private ship or private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on-board such a 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 the above sub-paragraphs” (UNCLOS, 1982, p. 60).

As Haywood and Spivak (2012, p. 10) note, the UNCLOS definition contains four elements: an illegal act of violence at sea; two vessels involved; committed on the high seas; and for private not political ends.

By contrast, piracy as IMB (2009, p. 3) defined it is “an act of boarding or attempted boarding, with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act”. UNCLOS requires that piracy has to be committed on the high seas, not in a state’s territorial waters because UNCLOS considers violent acts against ships in territorial waters as armed robbery not piracy. But the IMB did not state any such limitation on the location of piracy. Another difference is that UNCLOS specifies that piracy must have only private ends, whereas IMB describes the impact on and the danger to victims only, without limitation on the motives (Young (2007, p. 1). Although Freedom (2009, p. 32) said “that there is no one definition of sea piracy that is accepted by all states, scholars or organizations”, he adopted the IMB’s definition of sea piracy. As Freedom (2009) notes, IMB’s definition of piracy is more practical than UNCLOS’, but leaving piracy without a location limitation might give international naval warships an excuse to invade the local waters for some states. One way to deal with this problem is to limit international warships’ access to territorial waters to permission of local states.

Dillon (2005, p. 155), however, was not happy with the IMB definition because the reported piracy attacks by the IMB did not differentiate between different kinds of maritime crime. She said that

“IMO and IMB should consider four categories of maritime crime - corruption, sea robbery, piracy and maritime terrorism, since each category of maritime crime requires different resources, methods of approach and agencies, and the lack of distinction in defining the problem complicates targeting resources and disperses efforts to unrelated and inconsequential issues. If crimes against ships were based on the above four categories, world leaders could use them to create policies to resolve the actual problem”.

Dillon is right to point out that definitional issues are not just semantic disputes, but matters of practical importance.

From these definitional controversies in the literature, six issues of piracy definition arise:

2.4.1.1 Maritime crime

Dillon (2005, p 160) distinguishes between piracy and sea robbery, and argues that the IMO and IMB should disaggregate reports of sea robbery from reports of piracy: “Sea robbery takes place in port against stationary ships at berth or anchor and does not usually involve violence. Expanded police work and patrolling counters robberies in ports”. The IMO and the IMB do report sea robbery in the port areas and vessels that are at anchor but, in the Somali case the most attacked ships are the ships that are underway.

2.4.1.2 Act of war

Haywood and Spivak (2012, p. 71) reject the idea that piracy is an act of war, for four reasons: “Pirates are not involved in armed conflicts; they do not knowingly attack foreign naval vessels (meaning that the pirates in Somalia don’t wage war against military units - that they are criminals who avoid security vessels); They control no territory (meaning they do not recognise themselves as a state such as the Islamic State in Iraq and Syria); and They have no military command structure (meaning that they work randomly not like organized terrorist groups). So piracy cannot be an act of war”. However, it is difficult to deny that some kinds of piracy – such as maritime terrorist piracy - do constitute acts of war.

2.4.1.3 Terrorism

Haywood and Spivak (2012, p. 71) raised the question of “whether piracy is terrorism?”, and answered “that by means of the UNCLOS definition, by saying if pirates have private ends they should be considered as pirates, but if they have any other end such as political or

ideological then this is terrorism”. However, for Dillon (2005, p 155, 160) maritime terrorism, defined as “crimes against ships by terrorist organizations”, should not be classified as piracy: “The IMB and IMO should put attacks by terrorist groups into a separate category. A maritime terrorism category would be more useful to the maritime industry and government policymakers for formulating anti-terrorist policies than the current system of combining hundreds of reports of petty theft and common piracy with terrorist attacks”. However, acts of maritime terrorism are also acts of piracy: whether a pirate is motivated by terrorist objectives to commit piracy is irrelevant to the question of whether he commits piracy, for two reasons: the first reason is that it is too difficult to determine the motives behind piratic acts without a deep psychological investigation which will not guarantee knowledge of the motives; the second reason is that the most important issue identified about the phenomenon of piracy is its consequence not its motive. Young (2007, p. 11) stated that “piracy has often been conflated with terrorism because they overlap in tactics and goals”, but “when this issue was discussed in the Tri-annual conference on piracy and maritime terrorism held in Kuala Lumpur in June 2004, it was concluded that it is inappropriate to conflate the increasing problem of piracy with the potentially more dangerous consequences of terrorism”. They said in the conference that “there was no evidence to show that piracy and terrorism have joined up”. However, there are links between piracy and terrorism in Somalia. As Joseph (2010, p. 1283) pointed out, “there is evidence that ransoms obtained from piracy in Somalia have been used to support terrorist organizations such as Al-Qaeda group”.

2.4.1.4 Privateering

The definition of piracy as privateering focuses on the first stipulation of UNCLOS – that piracy must be for private ends. However, Joseph (2010, p. 1283) criticized this stipulation, “because to restrict the definition of piracy to commercially motivated acts ignores the fact that acts meant to promote terror or political objectives can pose a similar threat to safety at sea”. On the UNCLOS stipulation, as Sterio (2010, p. 1467) pointed out, “it is very difficult nowadays to distinguish between private ends and political or ideological ends; that modern pirates are mostly linked with political goals; and the stipulation would rule out any piracy in the world”. Sterio (2010, p. 1470) said that “SUA [Convention for the Suppression of

Unlawful Acts against the Safety of Maritime Navigation] overcomes [this]...stipulation of UNCLOS because it excluded the requirements of private ends motives”. So this Convention has given a wider freedom for the law to be enforced to counter piracy. However, Sterio (2010, p. 1462) noted that “the Convention has not been as widely ratified as UNCLOS, and is not generally considered a part of customary international law. Also the countries who are most affected by piracy such as Indonesia, Malaysia and Somalia, have not ratified the SUA Convention”.

2.4.1.5 Maritime corruption

Dillon (2005) rightly “differentiates piracy from acts of extortion or collusion against marine vessels by government officials and/or port authorities”, but argues that “To reduce the opportunity for extortion or collusion among port officials the IMO should speed its efforts to improve the uniformity of inspection and reporting in ports. Further, Authorities should publish periodic reports that identify ports that regularly delay vessels or those where vessels report instances of official corruption or organized criminal gangs” (Dillon, 2005, p. 160). The implication is that maritime corruption, if not piracy in itself, can facilitate piracy. However, whether reducing corruption in the port would reduce piracy is questionable, because in Somali most of the pirates are fishermen who work on skiffs who attack ships randomly in the open sea which means that reducing the ports’ corruption will not have any impacts on reducing piracy.

2.4.1.6 High seas versus territorial waters

UNCLOS stipulates that piracy can only be committed on the high seas, but for Dillon (2005, p. 160), “The definition of piracy should be expanded to include all attacks against vessels while underway both in territorial waters and on the high seas”. Haywood and Spivak (2012, p. 10) also criticize this UNCLOS stipulation, noting that “according to the UNCLOS (1982), states like Nigeria, Uganda and Tanzania could claim that there is no piracy in their countries even when seafarers have been attacked by pirates in their inland waters”. Joseph (2010, p. 1274) also spelled out the implication of the UNCLOS stipulation “that piracy is limited to the high seas, that any attack on ships within territorial waters are to be considered as armed robbery which has to be dealt with by the local coastguards”. Joseph (2010, p. 1288) reported

two cases where “the US navy chased pirates in international waters, and when the pirates reached Somali territorial waters, the US navy called the chase off because according to UNCLOS interpretation of international law they cannot operate in the territorial waters in any other country than the USA”. According to Sterio (2010, p. 1465), “both US and UK law stipulates that piracy only occurs on the high seas, whereas Kenyan law stipulates that piracy can occur in territorial waters as well as on the high seas”. Dillon (2005) pointed out that “the UNCLOS, US and UK view means that in the Somali case, military forces will never counter piracy in the territorial waters of Somalia, because there is no enforcement of the domestic Somali law in its territorial waters”. Hastings (2009, p. 217) said that “this distinction between the locations of exactly the same crimes makes it difficult to evaluate state failure as a cause of piracy”. As a result Hastings (2009) said that “he prefers to use the IMB (2009)’s piracy definition which defines piracy as crime committed in both the territorial and the international waters”. It seems sensible to say that the piracy definition must include attacks in both territorial waters and high seas, but this must be carefully stated so nations are not given carte blanche to invade other nation’s territorial waters under the excuse of combatting piracy

Some authors have produced typologies of piracy which serve less to define the term than to describe the variety of forms piracy has taken. For example, Whitman (2012, p. 4) produced an organizational typology, stating that “there are three types of piracy in the world; *Subsistence pirates* are often local fishers or traders who turn to piracy activity to supplement their income. They engage in small-scale, localized attacks, targeting fishers at sea, robbing vessels at port, and/or providing territorial protection in their local areas. Subsistence pirates often come from isolated coastal communities, where there are dire economic hardships and limited prospects”. The second type that Whitman (2012, p. 4) described is the “*Organized pirates* who have a higher level of sophistication, ambition, resources and frequently rely on violence. Their attacks extend beyond small-scale robbery, involving hijackings, kidnappings, cargo theft, or holding cargo, vessels and crew for ransom. Organized pirates often have links to organized crime groups that are involved in larger drug trafficking, arms smuggling, money laundering, and human trafficking, which facilitate the movement of their goods into the regional and global black markets”. The third type described by Whitman (2012, p. 4) is “the mid-way type between the small scale and the organized, which means that this type is *semi-organized*”. Applying this analysis to Somalia, the fishermen pirates in

Somalia are less organized and the later pirates are the more organized gangs. Whitman's (2012) analysis has led me to revise my view of the relationship between organized pirates and terrorist organizations. I initially assumed in my research that Al-Qaeda had moved their activity to Africa (especially to failed states such as Somalia) after the war on Afghanistan, 2001 and the war on Iraq 2003. But I made this estimation upon the evidence of only one case - Somalia – and that evidence was inferential, namely that Somalia had been a failed state since 1991 and Somali piracy began in 2005, just after the war on Iraq 2003, and from that I assumed that there was a relationship between the Al-Qaeda and Somali pirates. The assumption I made was that the organized pirates are more likely to work with other organizations to gain information and weapons supplies - organizations such as the Al-Shabab group. But I now realise that organized pirates may not always have links to terrorist groups.

Young (2007, p. 12) produced a temporal typology “of contemporary maritime piracy in Southeast Asia”, in which “the most common incidents of piracy are robbery which is simple hit and run usually resulting in violence only if confronted, and the majority of victims are fishermen and other local sea transport users”. “The next level is the short-term seizure of a vessel which is often for less than 30 minutes”. Young (2007, p. 13) said that “this step needs more people to attack, more equipment and more organization, and causes more violence”. The next level Young (2007, p. 13) said, “is the high-end scale, which is very organized and long-term seizure, in which the ship is the target, and they repaint it, reflag it and resell it again, and of course this tactic involves more violence and more organization”. Young's classification of types of piracy may well apply to the experience of the pirates in Southeast Asia, but it does not apply to piracy in the Gulf or Somalia, where there is no evidence of Young's (2007) third level. Somali pirates are not interested in the ships but, they are interested in taking ransoms from hostages.

Summing up this section on the definition of piracy, piracy must be addressed by its results not by the pirates' motives or the location at sea.

2.4.2 Motivations of pirates

In the literature, there are many studies of the motivations of pirates. Most authors believe that pirates are motivated solely by financial considerations, but a minority believe that political or ideological or religious motives also play a part, perhaps a decisive part. On financial considerations, as we saw earlier, Dillon (2005, p. 157) distinguished between four “types of maritime crimes, corruptions of port facilities, piracy, robbery and terrorism”, and defined piracy as a financial crime at sea: “piracy has financial motives with less violence and less organization which is more related to rational choice crime”. Leeson (2010, p. 1220) also distinguished between pirates and terrorists, and claimed that “pirates are motivated by rational choice, they rationally break the law and against the community...the main motive of their crime is purely financial”. Similarly, Gathii (2010, p. 107) held that “piracy in general and in Somalia is a pure crime with no other motives such as political or ideological”, and he recommended “dealing with pirates as criminals not terrorists”. Likewise, Mejia *et al.* (2009, p. 893) argued that “pirates in general are “driven by rational choice in general: pirates choose targets and they conduct the crime according to the ease of the target and their abilities to board the ship”, not according to the flag of the ship. Haywood and Spivak (2012, p. 16), reported that “the ransoms of piracy have greatly increased to become 5 million dollars in 2011”. Piracy grew because pirates have a low risk of consequences and the prospect of very high rewards (ransom) and their motivation can be explained by the rational choice crime theory.

However, other writers hold that pirates are motivated by political, ideological, and religious considerations, pointing to Somali pirates as a case in point. Whitman (2012, p. 31) analysed piracy motivation in the Gulf of Aden from a historical context, reporting that piracy in Somalia started after the failure of the state in 1991, which suggested “it was a form of self-protection against water toxic dumping and illegal fishing”. Liss (2011, Chapter 1) discussed “the different motivations between pirates who have private, political or radical ends”. Liss (2011) described the “drivers behind terrorists, guerrillas and other criminal organizations that use piracy, and claimed that “there are some links between Al Qaeda and piracy in the Southeast Asia and Bangladesh...So it is possible that in Somalia the Alshabab Group (part of Al Qaeda), began to work at sea due to their experience gained from the Asian region”. Liss (2011) also explained how “piracy in Southeast Asia and Bangladesh resulted from a variety of factors including the impact of ecological degradation and overfishing, and loopholes and shortcomings in maritime laws and regulations that are conducive to the operations of

pirates”, and how “piracy has an involvement with transnational crime syndicates and radical, politically motivated groups, and that there has been cooperation between terrorists and pirates since the attacks of 11 September 2001, worldwide, especially in Southeast Asia”. According to this interpretation, Al-Qaeda and Al-Shabab groups (terrorist organizations) are engaged in some way with piracy, and the terrorist pirates will seek for targets which will damage the global economy, especially in the west. Dillon (2005, p. 161) stated that “maritime terrorism is more related to terrorist organizations that are more organized and have political and radical ends”.

The argument that terrorist motivations play a part in piracy is a theory of structural determinism. Joseph (2010, p. 1273, 1283, 1294), arguing that “modern piracy is organized and structured...piracy promotes terror and it has the same safety consequences on the international scene as terrorism”, stated that “The ransom money is used by pirates to advance their extremist political objectives”, and that “Members of the Somali region of Puntland administer piracy activities”. Joseph (2010) used an incident to illustrate his argument: when the US military fatally shot down three Somali pirates, Somali pirates threatened to kill all the American sailors. It is true that a general hatred against a specific nationality exists in some piracy cases, but this is far from demonstrating that “piracy everywhere in the world is not rational or free choice, it is an organized crime and structured with political objectives” (Joseph, 2010, p. 1286). Sterio (2010, p. 1458), more guardedly, said that “modern pirates in general, not only in Somalia, resort to violence because of ideological and political aims”. Liss (2011) mentioned piracy in South Asia and said that “piracy there is carried out by terrorist organizations such as the Jemaah Islamiya and the Mumpulan Mujahideen in Malaysia; the Moro National Liberation Front, the Moro Islamic Liberation Front, and Abu Sayyaf in the Philippines; and Laskar Jihad in Indonesia”, and she gave examples of some of those groups hijacking ships and asking for ransoms. Sterio (2010) coined the term “piratization of terrorism,” and applied it to Somalia, noting that “terrorism already has a foothold in Somalia” and Liss (2010) gave an example of a terrorist attack by the Islamist rebel group in which 23 people died at a medical school graduation ceremony in Maqadishuio, in December 2009. Stating that “pirates are linked to terrorist organizations, with whom they exchange weapons and finance”, Sterio (2010, p. 1459) said that “Al-Qaeda engaged in maritime attacks in USA and France (e.g. the attack on USS Cole in 2000), and that Osama Bin-laden had almost twenty fighters who are called the Al-Qaeda Navy”,

showing how terrorists can mobilize at sea: “Osama Bin-laden forced a merchant vessel to deliver explosives used to bomb the American Embassy in Kenya and Tanzania in 1998”. Sterio (2010, p. 1460) stated that “modern pirates in South Asia and Somalia are very similar to terrorists in that they are very well organized; that they discriminate between targets according to their nationalities; that they prefer to take hostages from several states and demand ransoms from their countries because it gives them more than one chance to get ransoms; and that like terrorist operations, piracy operations are managed by warlords who live in the land and the dirty work is conducted by youths who suffer from poverty”.

However, Ong (2014, p. 268) stated that “piracy must be based on two criteria 1. The numbers and types of the attacks and incidents that occur; 2. Economic, social, cultural and religion backgrounds of pirates’ activities”, meaning that those factors, especially religion, might play an important role in forming the pirates’ strategies in a region. But, the question is how strong is the religious background of the Somali pirates? Ong (2014, p. 268) said that there is “no strong evidence that Al-shabab in Somalia has a connection with piracy”, and he concluded that “piracy in Somalia is probably purely a financial crime”. However, Ong (2014) based his views on the findings of the Hamilton (2010) report that Somali piracy is mostly economic crime, which relied on the fact that there are more than 100 pirates being prosecuted in Kenya, but the Kenyan justice system is not a reliable source of information, as I will show later.

As we will see later in this research, motives behind piracy do not have a direct impact on the result of piracy. In the Arabian Gulf, some of the Iraqi and the Iranian pirates have political motives but the majority of them have financial ends, yet all the piracy attacks in the Arabian Gulf are carried out with a minimum level of violence. Conversely, some Somali pirates are motivated solely by financial motives whereas other are motivated by political motives, yet both groups use violent means of ransom capturing. This signifies that the consequences of piracy do not depend on pirate’s motives.

2.4.3 Causes of piracy

. In this section, the aim is to define the causes behind piracy in Somalia and the Arabian Gulf. There are six main causes of piracy identified in the literature:

2.4.3.1 Failed state

Several authors have alluded to state failure as a cause of Somali piracy. For instance, Gathii (2010, p. 108) reported “how Somalia became a failed state in 1990, and how piracy increased in the nation because of the importance of the region, the high value ships passing the Gulf of Aden, and the failure of Somalia to control crime because of its lack of power”. Liss (2010 chapter 2) claimed that “piracy may occur if there are lack of laws and regulations or if there is lack of control, and this argument can be applied to the Somali case where there is a failed state which cannot keep the sea safe or protect their fishing industry”. One reason for the success rate of Somali pirates, according to Sterio (2010, p. 1451), is that “Somalia is a failed state with a very weak and unstable government and a police force which allows pirates to operate from the coastal towns very easily”. Whitman (2012, p. 1) referred to four “political root causes: a. the existence of corruption within the state; b. the presence of armed groups; c. limited state capacity; and d. regional disputes”. Baniela (2010, p. 195) discussed the factors behind piracy in Somalia saying that “piracy is the result of economic crises and an inadequate legal security system, both of which clearly occurred since the regime of Siad Barre was overthrown in 1991... It is quite predictable that the crime rate would increase, including piracy, in the presence of a much failed state like Somalia”. State failure is undoubtedly a contributory cause of some forms of piracy, but it is by no means the sole cause, even in Somalia. Somalia was a failed state since 1990, but kidnap for ransom became significant in 2004. Also Iraq was a failed state between 2003 and 2007, but kidnap for ransom never occurred in the Arabian Gulf region. So at least one form of piracy – kidnap for ransom – is not caused solely by state failure.

2.4.3.2 Indifferent international community

Haywood and Spivak (2012, p. 1) stated that “the most crucial factor is lack of international law, treaties and regulations to deal with piracy”, and in relation to Somalia, they ascribed “the increase of piracy to the failed state firstly; to the lack of international organizations to deal with the problem; to the lack of law and regulations; and to the lack of international

seriousness, willingness and commitment to deal with the Somali case”. Sterio (2010, p. 1451) said that the international community is not interested in solving the problem for four reasons: (a) “Often there is no single state with responsibility. Pirates may attack a ship which has a flag of country A, but owned by country B, with crew members from countries C, D and E. So no single country is alone harmed from the attacks”; (b) “Most of the crews are from third-world countries, and major maritime powers such as USA and UK have no interest in paying out ransoms for such people if they became hostages”; (c) “The lack of global cooperation to enforce law and failure to prosecute captured pirates”; and (d) “The shipping companies have made the situation worst when they pay ransoms for pirates to release ships and crew”.

International indifference is undoubtedly one of the reasons for the increase of piracy in Somalia. Somalia was a failed state in 1991 and has remained failed, showing how the international community largely ignored the problem, Sterio’s points (a) and (d) are well taken, but his point (c) is inaccurate in that employees on board the US and the UK ships are under the employment law of their companies and most of the companies have their ships insured, so the payment of ransoms is often paid to the pirates.

2.4.3.3 Marine resource degradation

Liss (2010, chapter 2) suggested that “the increase of piracy in South East Asia may be related to an increase in environmental violations or decrease in fish stocks because of illegal fishing”. Again this is similar to the Somali case where the government could not protect the marine environment or fish stocks, because Somalia has not naval or coastguards to do so, allowing foreign companies to conduct illegal fishing and dump chemical waste in Somali waters which damaged marine life. These were important reasons for the increase of piracy in Somalia. Schneider and Winkler (2013, p. 187) said that “the Somali pirates use the illegal fishing and the toxic dump in the Somali waters as reasons to legalize piracy...and they called this legalization the Robin Hood narrative...illegal fishing and toxic waste cause poverty by declining the fish stock; and...by piracy they protect the Somali waters from the illegal fishing and the toxic waste... illegal fishing and the toxic waste in the Somali waters generated anger against the west, and this anger fuelled support for piracy”. One of the pirates interviewed in Al-Jazeera (2009), the pirate named Abdilrashid Muse, said that “the

American and the European naval ships in the Somali waters are protecting their fishing vessels which are doing the illegal fishing in the Somali waters”. Schneider and Winkler (2013, p. 187) said that “there is some credible evidences that after the failure of Somalia in 1991 the illegal fishing started in the Somali EEZ, and even in the Somali territorial waters, carried out by some foreign nations without the permission of Somalia”. Baniela (2010, p. 195) explained “how the first phase of piracy began in Somalia, when trawlers from other countries took advantage of the absence of Somalian maritime security and coastguard and started to fish in Somali waters jeopardizing the livelihood of local Somali fishermen and leading to violent disputes...It is hardly surprising that people will do whatever it takes to find some other ways of obtaining income to survive”. Link-TV (2009) conducted a telephone interview with Mohammed Bashir Waldo who said that “there are many physical evidences of the illegal fishing and the toxic waste in the Somali waters done by some foreign companies who want to get rid of their chemical materials in the Somali waters because...they can’t get rid of those materials in their own countries because of the strict rules in their countries” Waldo also said that one day before his interview, “the Somali community captured a huge container in the Gulf of Aden which was dumping a massive amount of toxic waste in the Somali waters” (Link-TV, 2009), Moreira (2013) interviewed Franco Oliva, a former financial controller who said that “the Italian government and the Italian companies are getting involved in some development projects in Somali which used to cover the toxic dump in the Somali waters”, and he provided evidence with pictures to support his claims. These pictures were shown during the interview were taken from the coast of Somalia after the Tsunami 2004 which showed all the tanks of the toxics waste which been dragged from the sea to the coast covering a huge area. Diaz and Dubner (2010, p. 4) claimed that “the illegal fishing and the toxic waste in the Somali waters started since the Somali failure in 1991 which caused an extreme decline in the fishery sector”. Diaz and Dubner (2010, p. 5) also asserted that “the U.N., NATO forces, the European Union, Russia, Japan, India, Egypt and Yemen are in the Somali waters to protect their own merchant ships and also to protect them while they are doing the illegal fishing”. There is little doubt, therefore that illegal fishing and toxic waste dumping by western vessels has been taking place in Somali seas, and that this has caused anger among Somali fishers whose livelihoods have been undermined.

2.4.3.4 Poverty and lucrative targets

Whitman (2012, p. 1) referred to three “economic root causes: a. the relatively high chances of substantial income; b. the relatively low costs of counter- attack; and c. the relatively low opportunity costs and economic risks”. Liss (2010, chapter 2) suggested that in SE Asia “the increase of the recreational fishing industry may encourage and increase piracy”, which may be the case also in the Arabian Gulf where there are rich countries such as Kuwait with very expensive and luxury yachts fishing in front of very poor fishers from high crime rate countries (Iraq and Iran). This situation is clear in Somalia, where Somali citizens with extremely low personal incomes, which was \$128.1 per annum? in 2012 according to (UN Data, 2015) look out at very valuable shipping passing in front of them without protection, and this has led them to use piracy as an alternative income, my assumption was based on the nature of societies when the absence of security comes in the time of poverty which would increase the crime in general including piracy. According to Sterio (2010, p 1451), “piracy is a very rewarding business: the average earning for ransom for a single merchant ship is \$150,000 whereas the average yearly earning in Somalia is \$600” which is much higher than the amount stated by the (UN Data, 2015), but according to Appendix I which shows the monthly income for the Somalis imprisoned in Kenya I can assume that the \$600 mentioned by (Sterio, 2010) is more reliable. Nelson and Goossens (2011, p. 2) said that “the extreme increase of piracy in Somalia was because of the huge reward of piracy ransoms compared with the very low level of household income in Somalia and the low risks of capture and punishments”. They reported that “in 2010 the earning from piracy was \$238 million and the average ransom \$5 million”. They also said that “piracy has increased because of the willingness of many companies to pay ransoms to pirates for the release of their crews and cargos, as a result of which ransoms been raised from \$150,000 in 2005 to \$5.4 million in 2010”.

2.4.3.5 Social circumstances

Whitman (2012, p. 1) referred to four “social root causes: a. Maritime capacity and tradition in a region; b. the ability to gain social status through piracy; c. the existence of grievance, for example, capturing Somalis with no solid evidence and accusing them of piracy, and illegal fishing and chemical dumping which destroyed the fish stock in Somalia and left Somali fishermen with no income and no government to protect the waters or to raise the issue to the international community; and d. the existence of community support for piracy”. All of these circumstances are relevant to Somali piracy.

2.4.3.6 Geographical situation

Sterio (2010, p. 1451) focused on geographical factors while explaining why Somali pirates have a very high success rate. He said that there are five such factors. The first factor is that Somali pirates are operating in the Gulf of Aden, which is a very major passageway with potential targets that are more numerous than anywhere else in the Middle East". According to Nelson and Goossens (2011, p. 3), "the Gulf of Aden has become the most important waterway with the highest rates of traffic in the world: more than 20,000 ships pass through it each year which is roughly 20 percent of the global total of commercial shipping", and they referred to "the estimation of the U.S. Department of Energy that 3.3 million barrels of oil which is about 4 percent of the daily global demand pass every day through the Gulf of Aden". The second of Sterio's (2010) geographical factors is that "Somali pirates use their geographical advantages very well: Somalia has the longest coast in Africa which is very hard to patrol; the coast is populated with towns in which pirates can easily blend in with other insurgent groups; and the Gulf of Aden is narrow which allows pirates to bring smaller ships to land very quickly, to secure them and wait for ransoms". According to Pham (2010, p. 330), "state failure is not necessarily the reason for increased piracy in Somali", because "Somali was a failed state since 1991, long before piracy began". The "reason for the piracy in Somali is primarily because of the geographical advantage of the long Somali coast which is on the Gulf of Aden". Pham (2010, p. 330) agreed with what Murphy (2009) said in his article that "piracy is suitable in places that offer a combination of rewarding hunting grounds and acceptable levels of risk (which is that at least they will not be killed) and approximate safe havens", and Pham (2010, p. 330) asserted that "Somali has got those two factors and this was the main reason for the rise of piracy". Baniela (2010, p. 198) said that "while Somalia is located near such an important sea pathway used by high value oil tankers and cargos which are easy to hijack, it is obvious that they will use the easy way to provide income and even find several ethical excuses to perpetrate piracy". All these geographical factors are well documented, but Baniela's (2010) assertion that piracy is an "easy way to provide income" is facile: piracy is highly risky and hazardous.

Ong (2014, p. 272), comparing pirates in Somali and Southeast Asia, noted that "Somali pirates operate in the high seas and kidnap for ransom, whereas pirates in Southeast Asia

operate near the coast and do not kidnap for ransom”. Ong (2014, p. 272) claimed this was because “of the geographical advantage of Somalia as Somali pirates have a huge area of operation all the way from the Red Sea to the Strait of Hormuz”. Ong’s (2014) contrast is equally applicable to the contrast between Somali pirates and Iranian and Iraqi pirates: the latter operate near the coast and do not kidnap for ransom, and this is connected to their small coastlines.

Summarising this theme of the causes of piracy, I conclude that although the causes of piracy vary from place to place, the cause most frequently mentioned in the literature is state failure. State failure in Somalia is the main cause of increased crime in general in the country (Gathii, 2010, p. 108; Baniela, 2010, p. 195; Sterio, 2010, p. 1451; Whitman, 2012, p. 1; Liss, 2010 chapter 2) including piracy, because state failure led to lack of law enforcement, corruption, weapon distribution, poverty, economic crisis and lack of education, while from the maritime perspective, lack of law enforcement resulted in illegal fishing and toxic dumping, as well as safe havens for pirates. State failure can be seen not only in Somalia but also in Iraq, which failed between 2003 and 2007, causing an increase of piracy, though with no kidnap-for-ransom strategy. However, state failure on its own does not cause piracy: it may be a necessary cause (especially of kidnap for ransom) but it is not a sufficient cause, and it needs to be combined with other causes to produce piracy. Such other causes include particularly geographical factors. The literature mentioned the geographical advantage that Somalia has for pirates with its long coastline, enabling pirates to kidnap hostages and hide them in the land of the failed state. By contrast, for Iraqi pirates, the coastline in the North is limited in length which makes it more difficult to avoid being tracked by the Kuwaiti coastguards and navy in the area. The Somali fishermen became more organized and used their seamanship skills to do piracy. State failure would increase crime in any region, and if the failed state is located in an area of marine geographical advantage to pirates (which include sufficient coast line and also located nearby an important shipping line), such as Somalia, then piracy would increase over a wider range in the region, but if the failed state has a limited coastline then the pirates would operate near the coast. In failed states, if the marine environment has been violated, then the fishermen are more likely to become pirates, but if kidnap-for-ransom is seen to be successful in any area, then other criminals would engage in piracy whether or not there is illegal fishing. Another complementary cause of piracy suggested in the literature - that illegal fishing and chemical waste is the cause behind the kidnap-for-ransom attacks

carried out by Somali pirates – only applies to the earliest or original pirates who are the fishermen, not to the later pirates who are the criminals attracted to piracy to gain the huge ransoms,

2.4.4 Manifestations of piracy

This section focuses on the manifestations of piracy in the literature. The way the literature portrays piracy is important to develop our understanding of how to combat it, because sometimes the characterisations are unclear or distorted and obscure important features of piracy, thereby impeding effective ways of dealing with it, which is the central concern of my thesis. In this section, the main factors analysed are areas of attack; amounts of ransom; pirates' clans, language; levels of violence employed and weapons used; pirate ships' recognition; target selection; and timings of attacks.

2.4.4.1 Areas of attack

Daxecker and Prins (2013, p. 943. 948) rightly pointed out that “piracy usually flourishes in areas poorly guarded by weak security ports [and that]...pirates usually prefer the areas close to major shipping lanes such as East Africa”. Following Daxecker and Prins (2013), we can see that the Gulf of Eden is a place where pirates prefer because its an important waterway through which a large number of ships pass daily and because the area is so huge, naval forces would be unable to guard the whole area effectively, because the Somali waters and the Gulf of Eden is huge compared to the capacity of the naval forces existence. Shortland and Varese (2014, p. 746) noted correctly that “in unstable political regimes the piracy activities increase only in areas which already rely on criminal revenues”, meaning that piracy would not increase in coastal areas where locals depend on decent businesses, so according to Shortland and Verese (2014) the Somali society already depended on crime for a living and piracy became an opportunity to the society when several factors occurred such as the availabilities of ships and the possibility of taking hostages. As Shortland and Varese (2014, p. 752) said, in Somalia the locations unsuitable for pirates include “coastal areas such as Berbera, Bosasso, Mogadishu and Kismayo and two minor natural harbours Merka and el Ma'an near Mogadishu are holding the major ports that the Somali use for trading, exporting and importing and those ports wouldn't provide shelters or anchorage areas for pirates”. Nelson and Goossens (2011, p. 1) claim that “there are 50 pirate bands along the

coast of Somalia containing 2,000 to 3,000 pirates and they are operating out of six known bases on the coast of Somalia”. Nelson and Goossens (2011, p. 1) reported that “the attacks in the Gulf of Aden and the Indian Ocean rose from 20 in 2006 to 219 in 2010, extending the pirate’s range to 1,300 nautical miles from the Somali coast”. Nelson and Goossens (2011, p. 2) said that “the Somali pirates shifted their activities to the Gulf of Aden in spring 2008 and by September 2008 the IMB reported that the attackers in the Gulf of Aden had increased by 60% since 2007”. This suggests that Somali pirates established bases and logistics outside Somalia because of the long distance from Somalia and the Gulf of Aden. There may be a parallel in this respect between piracy and Al Qaeda which also began in small groups based in Afghanistan and during the years they managed to establish bases, logistics and other mobile sources all over the world.

2.4.4.2 Amounts of ransom

Commentators differ markedly in their assessments of the amounts of ransom obtained by pirates. Schuberta and Lades (2013, p. 482, 485) claimed that “the average amount for ransom per vessel increased in Somalia from \$15,000 in 2005 to \$4.8 million in 2011...the typical amount of ransom that the Somali pirate gang in Eyl would get is \$1.8 million...the commander in chief received 900,000 USD in return for a typical investment of about 40,000 USD (financing the boat, outboard motors, weapons, fuel, and food...middle ranks, including an interpreter, an accountant, and a supplies logistics officer received between 30,000 and 60,000 USD...and the attackers were paid 41,000 USD”. Nelson and Goossens (2011, p. 1) claimed that “the average ransom rose from \$150,000 in 2005 to \$5.4 million in 2010”. The amount of ransom is unlikely to reflect the motive of the pirates, but more likely to be related to the type of the gang involved. Some gangs operated virtually as businesses in which the leaders calculate the amount of required ransom according to gang numbers, weapons used, number of boats, fuel and other expenses.

2.4.4.3 Pirates’ clan and language

The available literature is very thin on pirates’ clans, language, and how the pirates usually dress. This is partly because the IMO piracy reports do not routinely record piracy attacks in the Arabian Gulf. On clan membership among Somali pirates, Ibrahim (2010, p. 290) stated that “the relationship between pirates and Alshabab in Somalia is business, but there are some

clan factors as the pirates mostly come from the clan called Darod in the Central and Northern of Somalia, and Alshabab is made up of several clans, especially Hawiyeh who usually come from Maqadishio and the South”. So the clan factor may be one of the factors that connect pirates and terrorists, where relationships are not based on business only. However, Solomona (2014, p. 352) held that the clans who were engaged with Alshabab terrorist groups in Somalia were mainly the Digil and Rahanweyn clans, not the pirates’ clan of Darod, whose members came from different part of Somalia. Table 1 shows the origins of pirates in Somalia: the top row shows the main clan and each clan has its sub-clans in the rows below. Indeed, at least 70% of Alshabab groups come from different clans than pirates in Somalia, meaning that the clan factor between the two groups could be less than 30%:

Table 2-1 Major Somali clans and sub clans (Solomona, 2014, p. 352)

Main clan	Digil	Hawiyeh	Darod	Isaq	Dir	Rahanweyn
Sub Clans		Haber Gidir	Ogaden	Haber Yunis	Issa	
		Abgal	Majerteen	Awal	Gadabursi	
		Galjel	Marehan	Haber Jello	Bimal	
		Ugajen	Dulbahante	Ayub		
		Jugundhabe	Warsangali	Idagale		
		Hawadlle	Lelkase	Ibran		
		Murursade		Arab		
		Shekhal		Haber Toljelo		
		Biamal				

2.4.4.4 Levels of violence employed

Ibrahim (2010, p. 291) said that “the Somali pirates and Alshabab legitimised the use of violence within the Muslim tradition (self defence) against the illegal fishing”. Also Ibrahim (2010, p. 288) stated that “the failure of the U.S. and international policies towards Somalia

have generated a motive to target the American and Western units by the Somalis and Alshabab”, and he described several policy failures as examples. The UK Parliament Foreign Affairs Committee (2012, p. 15) reported that violence was routinely used by Somali pirates: “the Somali pirates usually use one single skiff or small vessels or sometimes two skiffs to attack the target; also they usually use small arms, guns ranging from AK47s to Rocket Propelled Grenade RPGs...and usually manoeuvre one of the skiffs alongside and throw a hook and then climb on-board to hijack the ship and if they have been detected while they do the climbing the pirates usually fire on the bridge to force the master to clear them the way and then they will proceed directly to the bridge to take over the ship”. However, the use of violence should not be exaggerated, in the absence of reliable evidence.

2.4.4.5 Pirates’ ships recognition

The aim of this section theme is to find out whether the literature provides a guide to differentiate between the ships or boats that pirates use and the boats of other seafarers in the maritime scene such as fishing boats. The difficulty of differentiating has caused lots of mistakes by the task forces in Somalia resulting sometimes in harm to innocent fishermen, or failure to pursue real pirates at sea because of fears of making such mistakes. Unfortunately, because the IMO piracy reports do not record piracy attacks in the Arabian Gulf region, we cannot discover the types of attacking boats of the pirates from the IMO reports. However, in the Somali region (IMO, 2003; 2004; 2005; 2006; 2007; 2008; 2009; 2010; 2011; 2012; 2013; 2014; 2015) I can analyse all the attacks, and as we shall see in Chapter five, the reported Somali pirates boats or ships are identified as mother ships, dhows, skiffs or speed boats, and no more information is required to differentiate between the pirates attacking ships and any other boats used by Somali fishermen. In my view, this is a more satisfactory situation that in the Arabian Gulf, though errors of miss-identification can still be (and are) made as usually the pirates in the Arabian Gulf use similar ships that fishermen use such as dhows or fishing boats because most of the pirates are actually fishermen.

2.4.4.6 Target selection

In this section, we seek to find out from the literature how pirates decide to attack specific targets. Is it due to the easiness of the targets? Or the likely price for its capture? Or its flag?

Or the nationalities of the crew? Or the location? Shortland and Vothknecht (2011, p. 3) stated that “the Somali pirates or terrorists prefer the targets with lower self-protection or far away from naval protection and they prefer the private sector targets as they are willing to cooperate and pay the ransoms”. This issue was raised in the conferences I have attended during my research (BTM Group, 2013), as some participants “complained that some private companies paid ransoms to pirates without the knowledge of the task forces in the area, which encouraged more pirates to take hostages” (BTM, Group, 2013). In Chapter five, I analyse all the piracy attacks in Somalia to see which targets are more valuable for the pirates to attack. Reuchlin (2012, p. 49) claimed that “pirates prefer cargo ships and fishing vessels... cargo vessels are the most important shipping industry for the west because they transport 75% of the goods to Europe, which is another reason why pirates select them”. Fishing vessels are usually slower than other vessels and their manoeuvres are restricted to their fishing apparatus. Ong (2014, p. 270) stated that “the pirates in the South East Asia prefer small and mid-size vessels” because they need to steal engine parts, cash and some other items”. By contrast, “the Somali pirates prefer to operate in the high seas and they attack a wide range of ships such as large cargos, containers and luxury private crafts” (Ong 2014, p. 270). The reason for this difference in the target selections between the pirates in the Southeast Asia and in Somalia is their different needs and skill sets: the SE Asia pirates are interested in the ship itself, and this is why they seek ships that are easy to board and easy to steal smaller engines than big engines, while the Somali pirates, who are more skilled at kidnapping, seek big ships as they have more possible hostages on board, and Somali pirates are interested more in the number of crew than the ship itself.

2.4.4.7 Timings of attacks

What has the literature to tell us about the timing of piracy attacks? Liwång *et al.* (2013, p. 105) said that “the best time for the Somali pirates to attack the targets is at daytime with a calm sea as the visibility would be much better for the pirates”. However, Baniela (2010, p. 194) said that “the Somali pirates usually attack at night, from sunset to sunrise, so they can use the advantage of the low visibility”. In Chapter five, making use of the piracy attacks reports provided by the IMO, I analyse all the piracy attacks reported from 2010 to the end of 2013 to find out what time is mostly preferred by the Somali pirates to attack, but my naval experience suggests that the pirates’ preference for the time of their attack will be based on

the types of targets they seek and their geographical location. For example, when the targets are at anchor, the pirates would prefer to attack them at night for two reasons: they can easily locate them by knowing the anchorage areas in advance, so they don't need good visibility to locate targets; and they can use the cover of darkness so they can approach, attack and run fast. But if targets are moving ships, the pirates would prefer to attack during daylight for two reasons; they need good visibility to locate the targets; and they need good visibility to find out if the targets are armed or not or if a naval protection is near. From this I assume that Iranian and Iraqi pirates prefer night time attacks, because they normally attack ships at anchor, but Somali pirates prefer daytime attacks because they usually attack ongoing ships which they need visibility to locate in order to check for guards and whether there is a naval ship protecting the target.

2.4.5 Consequences of piracy

Mejia *et al.* (2009) published a statistical analysis of all the reported piracy attempts and attacks in the world from the IMB's official reports in the period between 1996 and 2005, and produced two data bases: "the first one comprising the attacks or attempted attacks on ships reported by IMB between 1996 to 2005 (the total number is 3,164); and the second data base comprising the total merchant shipping reported from the Institute of Shipping and Logistics of Bremen (ISL) between 1996 to 2005 (the total number is 350,376 vessels)". From this study, we can see how huge the number of the attacked ships was. Mejia *et al.* (2009) estimated that the number of the Somali pirates was approximately 4,000.

The literature on the consequences of piracy is quite extensive on its economic and human impacts. On the economic impact of piracy, most writers focus on the cost of Somali piracy. For example, Reuchlin (2012, p. 52, 53) explained that on cargo transport, "Somali pirates received US\$ 160 million from cargo vessel ransoms in 2011". In addition, "the cost of negotiations, logistics of the ransom payments and damages to the hijacked vessels cost the cargo industry an additional US\$ 160 million, so the total cost for the attacks in the North Western area of the Indian Ocean on the cargo industry in 2011 was \$ 320 million... [And] 50% of those losses were paid by the insurance companies". On the impacts of piracy on the fishery industry, Reuchlin (2012, p. 12) said that "there are no accurate figures of the losses,

but all the reports say that fisheries are suffering the most from piracy in all regions of the world, especially in the Indian Ocean and Somalia. Pirates often use fishers as human shields to cover and camouflage them during their attacks”. Martínez-Zarzoso and Bensassi (2013, p. 400) said “that the effect of the increase of modern piracy on the costs of maritime transport is significant, and that the main affected route is between Europe and Asia because the route contain several failed states”. Martínez-Zarzoso and Bensassi (2013, p. 411) predicted “that the higher transport costs between Europe and Asia would decrease...European investment into the Asian market which will harm European trade in the Asian expanding market”. Sterio (2010, p. 1456) described “the Somali problem and how it is harming international security and the economic system...The economic harm includes the shipping industry’s expenses regarding security, such as insurance”. Sterio (2010, p. 1456) said that “in the past the average voyage cost for ship was \$500 per voyage, but now the average cost for a ship in a piracy-infected area is \$20,000 per voyage”, and she claimed that the “increased voyage cost began when Somalia became a failed state in 1991”. Nelson and Goossens (2011, p. 1) stated that “piracy in the Arabian Sea represents the major threat to the GCC maritime trade which their economies depend on...this piracy threat is not merely theoretical but real”. HH Sheikh Abdullah bin Zayed al Nahayan, UAE Minister of Foreign Affairs said, “Piracy is the most threatening challenges of the 21st century” – a statement he made after several attacks had been committed against GCC ships, including, in March 2011, the Kuwaiti oil tanker MV Zirku worth \$100 million. Nelson and Goossens (2011, p. 3) referred to “the GCC’s economic dependence on crude oil production”, saying that “90 percent of the GCC oil exports transit in tankers which travel through the Arabian Gulf to the Strait of Hormuz which forms 40 percent of the world traded supply, and nearly 1,800 billion cubic feet of liquefied natural gas also pass through the Strait to the world...[Also] 90 percent of the GCC trade depends on maritime transport and the import of large quantities of other goods such as grain, iron, sugar, and that these trades pass through the dangerous piracy areas and come through the Strait of Hormuz to the major ports in the GCC”. Nelson and Goossens (2011, p. 3) noted that “on February 4, 2011 nine ships were hijacked by pirates and those ships were owned by the UAE”.

Hallwood and Thomas (2013, p. 345), pointing out that “the Somali pirates aimed to hijack ships and ask for ransoms where other pirates in other parts of the world aim for robbery

only”, Hallwood and Thomas (2013, p. 345) claimed that “the annual costs of maritime piracy in Somalia were between \$1 billion - \$16 billion, made up as follows:

- a. Extra 20 days per trip for rerouting via the Cape of Good Hope
- b. Increased insurance costs which may exceed \$20,000 per trip, owing to the designation by insurance agents to Lloyd’s of London of the Gulf of Aden as a war risk zone
- c. Increased charter rates
- d. Reduced tanker availabilities and more costs for cargoes
- e. Ransoms paid by ship owners between \$500,000 - \$5.5 million.
- f. Decrease in the international trade and 11% decrease in exports between Europe and Asia”

However, according to Madsen *et al.* (2014, p. 7), “the cost of Somali piracy to international shipping was down by 50% in 2013 comparing to 2012 as the cost in 2013 was \$3 billion whereas it was \$6 billion in 2012”. Madsen, et al. (2014, p. 7) stated that “the cost of piracy reduced because of several factors such as the speed reducing as the cost of fuel consumption reduced (the ships don’t have to travel with a high speed to avoid pirates anymore), less re-routing, lower insurance costs and other elements”. Madsen, et al. (2014, p. 9) also reported a fall in military expenditure: “the cost of the military to counter piracy in Somalia was as follows; \$1.7 billion in 2011, \$1.09 billion in 2012 and \$0.999 billion in 2013”. However, although the total amount paid in ransom money also fell, the average ransom went up: Madsen, et al. (2014, p. 10) stated that “the ransoms paid in 2012 were \$31 million to release 8 ships and 316 hostages where the ransoms paid in 2013 were \$21 million to release 3 ships and 567 hostages...the average ransom was \$3.9 million in 2012 and increased to \$7.2 million in 2013”.

On the human cost of piracy, Nikolic and Missoni (2013, p. 316) said that “the level of harm on the crew depends on the aim of the piracy attack...if the aim of the attack is to kidnap the ship only then the result may be to kill the whole crew but, if the crew were cooperative the pirates might let them just abandon the ship, but if the aim of the pirates is to take hostages for ransoms then this will mean that the crew will be held for a long time”. Nikolic and Missoni (2013, p. 316) said that “in 2012 the Somali pirates held 8 vessels and 104 hostages and in 2011 the Somali pirates held 1,206 hostages, 26 of them being held for more than 2 years”. Nikolic and Missoni (2013, p. 316) said that “the increased time of holding hostages

cause an increase of violence against the hostages and also an increased risk of disease and malnutrition”. According to Hurlburt and Selye (2013, p. 3), “in 2010 the hostages taken were 1,090 and in 2011 the hostages were 555 and in in 2012 the hostages taken were 349 and the reports states that the average time for the hostages remain is 11 months”. Hurlburt and Selye (2013, p. 4) claimed that “the hostages suffer from several types of abuse such as physical and psychological,” and that some “hostages have been killed between 2009 and 2012, and 2011 was the year in which most hostages faced death as more than 35 hostages were killed”. According to (Madsen *et al.*, 2014, p. 2) “in 2013, 486 ships were attacked by the Somali pirates and 60 vessels were boarded by the pirates though only 60 hostages were taken by the Somali pirates”. The number of hostages kidnapped by Somali pirates dropped in 2013, and the reasons for this decrease will be discussed in section 4.7 below.

The conclusion of this section is that the consequences of Somali piracy are twofold: economic consequences and human consequences. Since 2013, both economic and human consequences have diminished, but the reasons for this decline have not been fully studied. Gaps in current information are addressed and discussed in Chapter five.

2.4.6 Responses to piracy

In the literature, there is much that has been written about political, legal and military responses to piracy. In this section, we consider what authors have said about past and present responses to piracy conducted by military, governmental and private organization. In what follows, I will consider the six most frequently discussed responses that have been made to counter the threat of piracy: (1) political will; (2) naval patrols using force; (3) arming commercial vessels; (4) re-routing commercial vessels; (5) establishing safe corridors; and (6) restoring Somalia to a healthy state. In the final section, I will consider writers’ recommendations on how to respond more effectively to piracy.

2.4.6.1 Political will

Campanelli (2012, p. 75) said that lack of political will was undermining current efforts to curb piracy: “piracy will be a non-problem if the states have the willingness to fight it...the

problem in the current situation is not piracy but, the willingness to solve it... [E.g.] the legal shortcoming is not the cause of piracy but a consequence of the absence of willingness to solve piracy by the states". One measure of political will is the establishment of organisations with anti-piracy responsibilities, and many such organisations have been established in recent years, as Haywood and Spivak (2012, p. 46) noted, listing the maritime governance organizations which have roles in combating piracy: Contact Group on Piracy off the Coast of Somalia (CGPCS); Djibouti Code of Conduct; ESA-IO Regional Strategy and Regional Plan of Action; EU; International Maritime Bureau Piracy Reporting Centre (IMB PRC); International Maritime Organization (IMO); INTERPOL; Kampala Process; League of Arab States; Malacca Strait Patrols; Maritime Organization of West and Central Africa (MOWCA); NATO; New York Declaration; Out of Area Nations; Port and Coastal Nations; Regional Agreement on Countering Piracy and Armed Robbery against Ships in Asia (ReCAAP); Shared Awareness and Deconfliction (SHADE); African Union; UK Maritime Trade Operations (UKMTO); UN Security Council, General Assembly and Secretary General; UN Development Programme (UNDP); UN Office on Drugs and Crime (UNODC); US; Combined Maritime Forces (CMF); and World Maritime Day 2011 – "Piracy: Orchestrating the Response".

However, not all these organizations have taken their anti-piracy responsibilities sufficiently seriously. For instance, Hodgson (2012, p. 6) evaluated the role of the IMO in combatting maritime piracy, and concluded that "the IMO has been guided by the UNCLOS's definition of piracy which has some shortcomings in addressing piracy". The following is the IMO mission statement (Hodgson, 2012, p. 6):

"The mission of the International Maritime Organization (IMO) as a United Nations specialized agency is to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation. This will be accomplished by adopting the highest practicable standards of maritime safety and security, efficiency of navigation and prevention and control of pollution from ships, as well as through consideration of the related legal matters and effective implementation of IMO's instruments with a view to their universal and uniform application."

Hodgson (2012, pp. 5, 6) said that “after 9/11, the IMO adopted the International Ship and Port Security Code (ISPS Code) to strengthen the port and ship facilities to counter and prevent piracy... [and in] the IMO’s strategic plan between 2010-2015 for countering piracy...most of the recommendations were to enhance and develop the practical measures and security facilities in ships and ports and also to enhance the military cooperation to counter piracy”. However, the IMO has focused exclusively on combating piracy at sea, whereas most writers believe that piracy must be countered through its roots which are inside Somalia and on land.

Liwång *et al.* (2013, p. 101) said that “all piracy incidents must be reported to the International chamber of Commerce ICC and to the International Maritime Bureau IMB”. However, he said that “there are two problems with the reporting process: (1) there is over-reporting by the commercial ships in the Somali basin and the Gulf of Aden as they report everything at sea which makes the maritime scene inaccurate by reporting all the skiffs and ships in the areas as suspects of piracy; and (2) some of the commercial ships don’t report any of the suspected attacks because they fear the legal consequences of the reporting which also makes the maritime scene inaccurate” (Liwång *et al.*, 2013, p. 101). Hastings (2009, p. 217) said that “reporting the piracy attacks increased the ships’ insurance premiums”, and he said that “many companies don’t report the piracy attacks when there are no human losses and they deal with kidnapers and ransoms without reporting them”. Hastings (2009, p. 217) said that “almost 50% of the piracy attacks are not reported to the IMO”. This may be an optimistic estimate since my research found that none of the attacks reported by Kuwaiti and Qatari coastguards was mentioned in the IMP piracy reports. It may be that legal obligations must be placed on commercial ships to report all piracy attacks or attempted attacks to the IMO office so the maritime statistics would be more accurate. Also, it may be that the shipping/and or insurance private companies must not be allowed to deal with pirates directly.

Naval patrols using military force

Many authors have discussed the deployment of naval forces in areas where piracy is most prevalent. For example, Joseph (2010, p. 1293) referred to “international efforts to enforce law on piracy, noting that the UN has called on states, regional and international organization

to cooperate to fight Somali pirates... [And that the UN] “Gave rights to forces to pursue pirates in contiguous zones or the EEZs of the coastal states, but this right of pursuit ends as soon as a chase enters the territorial waters of a third state, and this is including Somalia”. This limitation which forbids naval forces from chasing pirates into territorial waters - i.e. within 12 miles of its coast - would not be helpful in the case of failed states such as Somalia because when the pirates enter Somali territorial waters they are immune to pursuit, and the only solution after this will be paying ransoms to avoid the death of hostages. Nelson and Goossens (2011, p. 1) said that “the GCC had adopted a coordinated strategy of counter-piracy to protect the Arabian Peninsula from the threat of piracy which was a recognition that the first thing the GCC must do to not lose the case is to address the problem of piracy”. Nelson and Goossens (2011, p. 4, 5) pointed out that the “CTF-152...is a multitask force consisting of all the navies of GCC under the supervision of the U.S. fifth fleet in Bahrain”, but noted that “this task force doesn't participate directly in anti-piracy moves...since Saudi Arabia is the only Gulf State which contributes to marine security beyond its territorial waters. Although all the GCC states are enhancing their naval capabilities, apart from Saudi Arabia the others have a limited naval role, which is to defend their own territory's waters”. I think that despite the naval capabilities and technology that GCC have, they lack the necessary manpower, which makes countering piracy difficult for them. In Kuwait, for example, the total number of patrol naval vessels is 12, which makes the navy too weak to defend even its own territorial waters. This weakness is due to Kuwait's political strategy which prioritises developing its armed forces less than education, health and other domestic sectors, because the politician's view is that Kuwait is under the protection of the U.S. so it is less concerned to provide for its own security.

Haywood and Spivak (2012, p. 1) asked “how it is possible in the age of aircraft carriers, missiles, frigates and powerful naval forces that small skiffs can cause a significant maritime threat to the world?” They answered by saying that “piracy is usually conducted outside the state's jurisdiction waters and that although the world has been globalized, international law and treaties are still built on the state as the fundamental source of legal actions”. They said that “piracy is a global challenge which requires the creation of a new legal structure to tackle the problem”. They explained the increase of piracy in the world was because of the “lack of an effective legal system that can be acted on by governments outside their jurisdiction

waters”. In other words, it is a gap in the law governing international waters that has led to little apprehending of pirates which has encouraged pirates to expand their activities.

According to Nelson and Goossens (2011, p. 3), “There are three military operations addressing piracy in Somalia. The first operation, Atlanta and EU deployment (EU-NAVFOR) is tasked with protecting the UN’s World Food Program shipments to Somalia. The second is operation Ocean Shield, which is a NATO force to protect other UN shipments to Somalia. The third is the combined task force 151 (CTF-151) led by the U.S. comprising 25 nations headquartered in Bahrain including all GCC nations, Russia, India, Japan, China and Iran which all conduct independent maritime security operations at sea”.

Bahadur (2011, chapter 9) also said that “in the late 2008 there were three multinational task forces, CTF 150, US fifth fleet and the NATO forces, deployed in the Somali waters to counter piracy, but piracy started to rise between 2008 to 2010 and it continued to rise till the publication of his book”. He said that “in 2009 also the UN deployed the CTF 151 and other navies engaged independently to protect their vessels in the area such as China, India, Iran, Russia and Malaysia”. Bahadur (2011, Chapter 9) said that “between 2008 and 2010 the naval units in the Somali area varied between 25 and 40 warships with an annual cost of \$1-\$1.5 billion”. Pristrom *et al.* (2013, p. 686) reported that “some other navies are working independently to counter piracy in the area such as China and Russia”, and that “the navies in the area operate with frigates, helicopters, maritime patrol aircraft (MPA), submarines, and unmanned aerial vehicles (UAVs)”. From my own experience working with CTF-151, this task force has a major problem in coordination between the units. The main problem is communication between units at sea (navies, coastguards, commercial ships, fishing vessels and seafarers) which requires knowing the operation areas in the open waters and distributing information between units, including suspect lists, suspected areas, targets information at sea and intelligence information about expected threats, all of which leads to confusion between the units at sea.

Sterio (2010, p. 1473) described another attempt to deal with these problems: “in 2008, after the extremely large increase of piracy in Somalia, the UN Security Council adopted five resolutions that addressed concerns about hijackings in the Somali waters (resolutions 1851, 1816, 1846, 1838 and 1844). The five resolutions together are designed to facilitate the task

of safeguarding the Gulf of Aden by extending patrolling nations' jurisdictional and legal enforcement reach into Somalia". However, Sterio (2010, p. 1473) said that "the five UN resolutions are limited in their scope because: (1) they only apply to Somalia; (2) they are not meant to establish any new rules of customary piracy law; (3) they require the consent of the Somali government for any action undertaken; (4) they require the patrolling nations to respect international humanitarian law; and (5) they pertain only to the current patrolling nations in the Gulf of Aden". On point (3), it could be argued that in order to make an effective impact on piracy, we must engage the Somali government because this will give experience which will make them better in dealing with piracy in their territorial waters and also will give the international task forces a better picture of piracy by exchanging information with the Somali government.

Bahadur (2011, Chapter 9) pointed out the limitations on using armed force: "those heavy armed warships equipped with the most recent technology couldn't stop half-starved pirates with aging rifles... since the Somali pirates operate in an area 3,000 km wide and 3,700 km from the coast of Oman to the Madagascar waters, and there are 2000 pirates operating in this area... the warships are playing a losing game with the pirates". Critics argue that the deployment of the naval forces in the Somali region will never be enough to defeat piracy, because the average time for the pirates to hijack a ship is between 15 to 40 minutes, and naval forces can rarely reach target ships in such a short space of time. Maybe some counter measures could be made by the targeted ships such as using their speed or water cannons to delay the pirates until the naval forces arrive, but this depends on the location of the attack and it increases safety risks.

Furthermore, as Martínez-Zarzoso and Bensassi (2013, p. 411) said, "while the deployment of the naval forces significantly decreased the number of hijackings, it did so at the expense of transferring costs from the shipping companies and consumers to the national governments and taxpayers". More importantly, they pointed out that "deploying the naval forces in the Gulf of Aden, and particularly the Operation of Atlanta by the European navies, didn't actually vanish piracy, but only made the pirates expand their area of operations outside the Gulf of Aden". Likewise, Leeson (2010, p. 1230) noted that "the international response to counter piracy in the Gulf of Aden (the actions of the naval task forces) has resulted in the pirates spreading their activities to impact other areas...[So] extreme enforcement of legal

changes may solve the problem in the short term, but in the long term, it might make pirates more aggressive or more dangerous”. Most of the maritime security experts, naval and coastguard officers interviewed during my two periods of fieldwork said that only using naval force against pirates will not solve the problem of piracy because violence will make pirates more armed and more violent. In any case, the use of force is impracticable, because the Indian Ocean is huge and no naval task force can ever cover the areas in which pirates operate. Using naval forces may be essential to show criminals the seriousness of the law and to impose consequences on pirates which would scare them away, but using only naval force is not the solution: the employment of naval force must be combined with other measures, including dealing with the main causes of piracy.

Finally, there are writers who argue that it is cheaper to pay ransoms than to use naval force against pirates. For example, Gathii (2010, p. 110) “criticized the response of U.S. President Jefferson in the 19th century when piracy increased and attacked American commercial ships. The US President thought that destroying pirates and using force was the best choice to take”, but Gathii (2010) said that it would have been “wiser to pay a ransom of £250,000 to release a ship and the crew rather than paying \$1 million expenses for using force and putting lives in danger”. However, other writers argue that paying ransoms is more expensive in the long run, because it encourages pirates to continue their attacks.

2.4.6.2 Arming commercial vessels

Pristrom *et al.* (2013, p. 687) considered the proposal for arming commercial vessels in order to ward off pirate attacks. They “reviewed several responses against piracy such as the Industry’s Best Management Practices (BMP) which was contributed by the ships’ owners associations, special ships types associations, passenger, dry cargos associations, maritime insurers and navies. The BMPs aim to avoid, delay or deter piracy attacks as the BMPs provide guidance to the ships’ master on-board to do so”. Pristrom *et al.* (2013, p. 687) said that “the armed responses on board of the merchant ships is adopted by the International Association of Ports and Harbours IAPH in 2010”, and noted that “in 2012, 16,500 out of 55,000 vessels were armed traveling through the Indian Ocean”. However Pristrom *et al.* (2013, p. 687) said that “the IAPH believes that armed guards on board merchant ships will increase the violence from the pirates and they suggested that the use of weapons must be

restricted to the military staff on internationally agreed missions”.. The question is whether it is worth deploying armed guards on all ships despite the inevitable increase of violence.

2.4.6.3 Re-routing commercial vessels

For the cargo industry, Reuchlin (2012, p. 4) said “that some companies avoid the piracy hotspots in the Indian ocean by re-routing to avoid the danger areas, but this strategy cost the industry US\$ 3.3 billion in 2011, while the installation of armed security cost the industry US\$ 1.1 billion in 2012”. Clearly, then, it is cheaper for the cargo industry to install armed security. However, armed security is no guarantee against hostage taking and demands for ransom, which could make armed security more expensive than re-routing. On maritime passenger transport, which includes cruisers and yachts, Reuchlin (2012, p. 4) said “that attacks on this sector are relatively few because they avoid piracy hotspots, and the cost for the one attack that has occurred was only US\$15,000”. The question why pirates do not favour this type of target, because there are many passengers on board who are more valuable for ransoms, is answered by the facts that passenger not only ships avoid hotspots, but they are relatively fast, and the passengers are not insured by ransom companies so it would take a longer time for the pirates to receive money because the ransom will be provided by their families. For example, in the case of the Chandlers, the British couple who were kidnapped in 2009 and were held by pirates for 388 days (Aitkenhead, 2011). Martínez-Zarzoso and Bensassi (2013, p. 411) said “that some shipping companies decided to use the Arctic route to travel from Europe to Asia using the Russian coast because this route is safer and also the ships can avoid the expensive costs of traveling through the Suez Canal”.

2.4.6.4 Establishing safe corridors

Vaněk *et al.* (2014, p. 3) said that “the naval forces in the area established an International Recommended Transit Corridor (IRTC) for the ships traveling into the Gulf of Aden. The IRTC is a two lane corridor for the ships of which the East lane entry A course is °072 and the West lane entry B course is °252”. Figure 2.1 is presented from Vaněk *et al.* (2014, p. 3) showing the IRTC:



Figure 2.1 International Recommended Transit Corridor IRTC (From Vaněk et al., 2014)

Vaněk *et al.* (2014, p. 3) said that “the most dangerous area of the IRTC is in the middle of the corridor which is recommended to travel during the dark night time”. Vaněk *et al.* (2014, p. 3) said that “in 2010 the naval task forces recommended the GTS the Group Transit Schedule for the ships using the IRTC to reduce the piracy attacks and this would make the naval ships more effective in protecting merchant ships traveling via the IRTC”. Table 2.2 details the Group Transits in the Gulf of Aden GTS as presented by (Vaněk *et al.*, 2014):

Table 2-2 Group Transit Schedule in the Gulf of Aden (Vaněk et al., 2014)

Speed level	Entry time for EP A	Entry time for EP B
10 Kn	04:00	18:00
12 Kn	08:30	00:01
14 Kn	11:30	04:00
16 Kn	14:00	08:30
18 Kn	16:00	10:00

However Vaněk *et al.* (2014, p. 11) said that “using GTS into the IRTC in the Gulf of Aden could cause delays in shipping which can cause an increase of shipping costs”. Moreover, the IRTC is an effective strategy only for ships within the Gulf of Eden, but Somali pirates travel all the way to the Strait of Hormuz. Furthermore, the IRTC only protects ships which transport oil and other bulk products, thereby safeguarding the global economy, but it does not protect other vessels from the risk of ransom attacks.

A statistical study of the effectiveness of some of these anti-piracy measures was undertaken by Bryant *et al.* (2013, p. 76), who examined “the several combinations of the Best Management Practice (BMP) to find out which combinations of the anti-piracy measures could lead to unsuccessful piracy attacks...investigating 452 piracy attacks between 2010 and 2011, using six variables of the BMP to evaluate the effectiveness of each variable to prevent successful piracy attacks”. Table 2.3 displays the results of their study:

Table 2-3 Descriptive Statistics for variables (N= 452 pirate attacks) (From Bryant et al., 2013)

Variable	Frequencies (%)
<i>Attack Outcome</i>	
Unsuccessful	342 (76 %)
Successful	110 (24 %)
<i>Watch Keeping & Enhanced Vigilance</i>	327 (72 %)
Present	125 (27 %)
Absent	
<i>Alarms</i>	159 (35 %)
Present	

Absent	448 (64 %)
<i>Evasive Manoeuvring</i>	
Present	186 (41 %)
Absent	266 (58 %)
<i>Presence of Guards</i>	
Present	99 (22 %)
Absent	353 (78 %)
<i>Increased Ship Speed</i>	
Present	150 (33 %)
Absent	302 (66 %)
<i>Water Spray and Foam Monitors</i>	
Present	9 (2 %)
Absent	443 (98 %)
<i>Physical Barriers</i>	
	15 (3 %)

Present	437 (97 %)
Absent	
<i>(Unspecified) Anti-Piracy Measures</i>	109 (24 %)
Present	343 (75 %)
Absent	

From Table 2.3, we can see that 76% of the attacks were unsuccessful; that the most effective measure was Watch Keeping and Enhanced Vigilance which was present in 72% of the attacks; the second most effective measure was Evasive Manoeuvring which was present in 41% of the attacks; the third most effective measure was Alarms which were present in 35% of the attacks; the fourth most effective measure was increasing ship speed which was present in 33% of the attacks; the fifth most effective measure was implementation of unspecified anti-piracy measure which was present in 24% of the attacks; and the sixth most effective measure was the presence of guards which was present in 22% of the attacks. Bryant *et al.*, (2013) have produced a useful set of guidelines for stopping piracy, but they omit to link any of the measures up with each other, and this omission is important because, for example, while watch keeping is very important, it is not enough to keep pirates away unless it is accompanied by another measure such as speeding or manoeuvring. Also, they should have indicated what are the ‘Unspecified anti-piracy measures’.

2.4.6.5 Restoring Somalia to a healthy state

Sterio (2010, p. 1452) examined “the practical responses to counter piracy”, and stated that “combating piracy in Somalia failed in the early stages of the problem because the cooperation was weak between the neighbourhood countries in the region”. Cooperation is essential within the region to deal with piracy, and the most important form of cooperation in the region is to empower the government in the failed state. Several authors argue that the

best way to respond to piracy is to tackle it at source, not to deal with its manifestations. In other words, prevention is better than cure. In the case of Somali piracy, this means restoring Somalia to a healthy state. The difficult question is how to achieve this restoration – a question which we address below in section 2.4.8.

2.4.7 Violation of international law and human rights

The literature has more to say about pirates' violations of international law and human rights than about the violation of international law and human rights committed by anti-piracy bodies. However, some authors do touch on the latter subject. For example, Sloan and Griffiths (2012, p. 80) mentioned 'the catch and release system' which some naval forces used as a strategy in Somali waters. This strategy was employed because of most states' unwillingness to bring pirates to trial because of the risk of asylum applications by pirates in the captive nation, and the difficulty of proving guilt in piracy cases because of lack of hard evidence to present to the courts. Sloan and Griffiths (2012, p. 80) said that "the naval ships in the Indian Ocean if they capture pirates they would destroy their equipment and weapons and they would leave them with little food, water and fuel and then they will send them free". Such treatment is a breach of international law, whether the captured persons are pirates or not. If the captured persons are innocent, damaging their equipment and holding them for a long time in custody is a violation of their human rights. If they are guilty of piracy, releasing them is a violation of international law and threatens the safety of future seafarers as they may well attack ships later. Joseph (2010, p. 1275) discussed these issues as "the obstacles when dealing with third world countries...it is a big challenge to deal with third world or failed state countries because they do not have a reliable court system". He gave several examples; for instance, "when a Danish navy captures pirates, they cannot transfer pirates to Denmark because according to the Danish law they only deal with crimes within Denmark's jurisdiction. Since Somali law is not reliable, the Danish navy released the pirates". Joseph (2010, p. 1276) explained that "some other countries such as Kenya have agreed to take captured pirates, but Kenya itself has a very weak court system which cannot be relied on". Joseph (2010, p. 1277) pointed out that "Puntland (an unofficial region in Somalia which is trying to become independent from Somalia) has a better court system than Somalia (though still weak), and they agreed to trial pirates". But as he said, "most of the pirates who are in

Puntland prisons get away after a while: either they run away or they bribe authorities to release them due to the corrupted government in Somalia and Puntland”.

Osiro (2011, p. 14) reported on Kenyan processes of prosecuting suspected Somali pirates, claiming that “the Somali pirates are not treated with an adequate justice system as they usually take a long time to transfer and trial the Somali pirates in Somalia”. Also Osiro (2011, p. 14, 12) said that “the Somali pirates in Kenya are not legally advised or provided with lawyers...a presumption of pirates’ guilt has been the norm in the Kenyan justice system... many Somali pirates experienced torture and physical abuses in the Kenyan prisons...[and] Somali pirates inside the Kenyan prisons don’t receive sufficient medical treatment”. Similarly, Etzioni (2011, p. 14) said “that the Human Rights Watch mentioned that the Kenyan courts can’t assure fair trials for the Somali piracy suspects...[and that] the Kenyan prisons have poor conditions and the Somali piracy suspects face long detention periods without conviction”.

Likewise, Gathii (2010, p. 112) claimed that “using force today raises important human rights issues because of reports of torturing and killing pirates in Kenya. Kenya is in line to becoming the venue for the International Piracy Court”. Gathii (2010, p. 136, p. 120, p. 126) was worried that

“suspected pirates may not get a fair trial in Kenya: (1) because they may not be allocated lawyers; and (2) because of the long length of time taken to get them transferred to Kenya... the law in Kenya states that the suspect must be charged within 24 hours after their arrest, but the Somali pirates are captured on the high seas which are thousands of miles away, and the procedures to hand pirates over between the navies and the Kenyan police can take up to 30 days long, so in such a case the charge will have to be dropped; (3) because witnesses must be brought to the court, but the attendance of a witness may take a long time to arrange, and so the trial for the pirates may take years; (4) because of human rights abuses in Kenyan jails. Although Kenya has signed an agreement with the UN to treat pirates with respect for their human rights and to provide fair trials... several incidents of violations and torturing... have been proved to be used against Somali suspected pirates by the Kenyan authorities; and (5) because they may not be the most heinous pirates”.

My interviews with Somali pirates in Kenyan prisons corroborated some of these allegations of violations of their human rights.

2.4.8 Recommendations for dealing with piracy

Section 2.4.6 discussed how authors evaluated past and present methods of responding to piracy. In this section, we discuss authors' recommendations for improving those methods in order to deal more effectively with the problem of piracy. Their recommendations fall into three categories: restoring Somalia to viable statehood; creating a fair legal system for trying suspected pirates; and more investment in, and coordination of, counter-piracy efforts at sea.

Restoring Somalia to viable statehood

Haywood and Spivak (2012, p. 109) have suggested a long-term plan to solve the Somali piracy problem: "starting with the economy, developing the ports facilities, reinvigoration of animal agriculture, and exploitation of natural resources including mineral and fishing". Sterio (2010, p. 1475) "identified the four most effective solutions that decreased piracy in Southeast Asia in the late 90s and early 2000s, and suggested those four solutions in the Somali case". The four solutions were: "(1) a serious commitment by the affected state to fight pirates; (2) regional cooperation between the affected state and its neighbours; (3) law enforcement and diplomatic efforts to combat piracy; and (4) building the capacity of the affected state by the most powerful maritime nations". Bruton (2010, Conclusion Chapter) said that:

"the best way to end Somali piracy is to reduce the country's internal conflicts and to improve its economy, law and stability... governmental stability could improve the Somali situation with surprising speed ... the United States must be careful and realistic in assessing and combatting terror and focus on the Somali reconstruction rather than using force... the Somalis want peace which means that they will use any opportunity in development and improvement and the efforts on peace making will gain its results if they are made in the proper way".

Ong (2014, p. 290) stated that in order to deal with piracy effectively in Somalia we must “strengthen the capacities of the Somali law enforcement authorities, supports from the IMO to establish regional anti-piracy arrangements and strengthen the Puntland coastguards...to avoid making Puntland to become a piracy state we must establish a coastal investment in the region” . He stated that the coastal investment must include the following; “1. Developing the fishing industry; 2. Building up the local infrastructure in Somalia coastal communities through the creation of labour intensive jobs; 3. Vocational training for unemployed youth; 4. Support to youth groups; 5. Engagement with Somali diaspora for greater socio-economic benefits of Somalia; 6. Supports to pastoralists in Puntland” (Koutrakos and Skordas, 2014, p. 290”. All of these proposals are sensible elements of a strategy to restore Somalia to statehood. But in addition, means must be found to prevent illegal fishing in Somali waters, end chemical dumping, designate safe fishing areas, and persuade fishers to remain within those areas by protecting the Somali fishermen from the attacks of the Somali pirates or other criminals. If they do so, the fishers will not have to carry weapons because they are protected and the navies’ task of distinguishing between innocent fishers and pirates at sea will be made easier.

2.4.8.1 Creating a fair legal system for trying suspected pirates

Nelson and Goossens (2011, p. 6) suggested that “the GCC improves the effectiveness of the legal mechanism to charge pirates - for example by designating special courts to act in cooperation with international legal bodies”. However, this is an unnecessary impractical proposal because the GCC does not need to establish special courts since piracy in the Arabian Gulf is minimal. A more important proposal comes from Ong (2014, p. 290) who recommended that Somalia “develop and upgrade the Somali prison facilities, incorporating piracy offences into Somali penal law and strengthen the general legal system in Somalia”.

2.4.8.2 More investment in, and coordination of, counter-piracy efforts at sea

While waiting for peace and security to return to Somalia, more effective efforts to combat piracy at sea must be taken. Nelson and Goossens (2011, p. 6, 3) suggested a stronger role for the GCC:

- (i) “the GCC need to address piracy directly, and shift the role of counter piracy from a secondary to a primary basis by starting their operations in the Gulf of Aden...GCC have small patrol vessels which are more suitable to operate in narrow waterways which make them perfectly effective to operate near the Gulf of Aden or near the Strait of Hormuz, but not further offshore”; (ii) “to deal with offshore piracy, GCC must increase their roles in the CTF-151 and these roles must be more strategically in command and operations, and that for a long-term process the GCC must increase their investment in training for VBSS operations and expand their naval capabilities to more coastal vessels and helicopters”; (iii) “the GCC fully coordinates with U.S. to gain experience and quality and to coordinate with international organizations who have succeeded in countering piracy such as the Association of Southeast Asian Nations ASEAN which reduced piracy around the Strait of Malacca; (iv) “GCC can't make any progress if they don't have any political commitment and they need to make piracy a top priority of their maritime security agenda otherwise the problem will keep growing till it becomes a disaster which will be a major threat to the GCC economy”.

Gathii (2010, p. 106), who took a harder line, said that “the high seas belongs to all nations because it is still not divided between nations, and so no one has the right to prohibit any human or nation to pass or trade in the high seas...[and] this right to trade and commerce at high seas could be defended through war”. Gathii (2010, p. 107) said that “it is not necessary to declare war against pirates because they do not form into any part of state, but any nation can combat piracy if the pirate interferes with their commerce in the high seas”. However, although military action is essential to deal with pirates during the short-term, it is not effective on its own as a long-term solution. In this respect, piracy is like terrestrial terrorism: many states have waged wars against terrorism such as in Afghanistan, but the result of eliminating terrorism in one place has been to force the terrorists to move and establish themselves somewhere else such as Iraq (ISIS) and Somalia (Alshabab). Similarly, using only

force against pirates might decrease piracy in one place but simply cause the pirates to move somewhere else.

2.4.8.3 Stop companies negotiating with pirates

Another step that the international community could take is to forbid companies to deal with pirates directly: the negotiations and dealings with pirates must be officially directed by governmental and official organizations like navies and coastguards, because one of the main causes of the increase of piracy in Somalia is that ransoms are being paid by the companies.

2.5 Conclusion

In conclusion, Fanning *et al.* (2012, p. 1) rightly asserted that “the anti-piracy responses have failed to define the roots of piracy by focusing only on countering piracy at sea”. The goal of Fanning *et al.* (2012)’s report was to “undertake an integrated and interdisciplinary approach to assessing and addressing the problem of contemporary piracy and its impact on the shipping and coastal communities” Fanning *et al.* (2012). Fanning *et al.* (2012, p. 1) set out the following objectives to meet this task:

- “A comprehensive examination of contemporary piracy to determine the true socio-economic costs and effects that piracy has on seafarers, coastal states and those communities;
- An integrated assessment of cross-cutting policy alternatives for dealing with the problem in a comprehensive manner;
- A review of the consequences associated with implementing the identified policy options;
- An identification of the strategic directions that need to be adopted to implement corrective measures; and,
- The development of a preliminary generalized model for predicting the emergence of piracy”.

Fanning *et al.* (2012, p. 1) said that “the aim of the project is to provide an anti-piracy policy to governments, the private sector, agencies of the United Nations and civil society, including

NGOs”. This is very similar to my research’s aim presented herein. One difference, however, between my approach and that of Fanning *et al.* (2012), is that my project eschews generalized strategies and instead focuses on customized and context-specific prescriptions, tailor-made for each situation separately to try and improve effectiveness of the management measures introduced.

Chapter Three: Analysis of Interview Data.

3.1 Introduction

In this chapter, I apply thematic analysis to identify key trends in the qualitative interview data I gathered during the two periods of fieldwork conducted for this thesis. Field work one was carried out to determine the breadth of issues surrounding piracy in the Arabian Gulf and in Somalia. Field work two was carried out to investigate and collect more detailed data of the key drivers underpinning maritime piracy.

The first field work was conducted in Kuwait, Qatar, Bahrain, Dubai and Abu Dhabi in August 2012 to collect the basic fundamental information about piracy in the Gulf and Somalia and to understand the general issues around piracy and how best to obtain more detailed information during the second phase of field work. All the semi-structured interviews were conducted face to face. Field work two was conducted one year after the field work one (August 2013) in Kenya, as I knew from the first fieldwork round that detailed information could be gained from this location because key informants were available in Nairobi, such as the UN Office and the imprisoned pirates, with whom interviews could be conducted face to face.

After collecting the interview data and transcribing them, the transcripts were coded into the Nvivo (Wong, 2008) software, and the following seven themes emerged from the interviews: motives; causes; manifestations; consequences; responses; violations of international law; and solutions. The themes chosen to focus on were the most mentioned topics in the data, which corresponded with the data most mentioned in the literature. Some other information appeared in the data that was not mentioned in the literature, including personal stories from the pirates, which I will touch on in this chapter.

Appendix E is a list of all the interviewees who have been interviewed face to face during field work one and two. The interviews 1 to 16 were designed to scope the breadth of the issues to be investigated and to test the survey instruments and the questionnaire usage, while the interviews 17 to 43 were designed to obtain detailed information about the specific issues

of maritime piracy, including its causes. Although the first field work was conducted in the Arabian Gulf region and the second field work was conducted in the Eastern African region, this does not mean that the first field work is about Iraqi and Iranian pirates only, and that the second field work is about Somali pirates only. On the contrary, both sets of field work are about understanding how pirates react and form their strategies under specific sets of environments and circumstances.

3.2 The motives of maritime piracy

The first theme discussed in the literature review chapter is motive. During the first field work, I tried to understand how the pirates in the Arabian Gulf and in Somalia behave due to their motives and how much motive affects the strategy of the pirates. There is a difference between two kinds of maritime piracy, based on two different motivations for the crime: 1) financial piracy, where piracy is motivated by the need or desire for money; and 2) terror piracy, where piracy is motivated by political, radical, ideological or religious motives. This distinction largely maps on to our two areas of study: the Arabian Gulf, where financial piracy prevails, and Somalia, where terror piracy prevails when Al-Shabab is a stakeholder.

3.2.1 Motivations in the Arabian Gulf

During the first period of field work, six interviewees claimed that piracy in the northern and the central areas of the Arabian Gulf is motivated by financial aims only:

I believe that all the Iraqi or the Iranian pirates in the North of the Arabian Gulf or the Central of the Arabian Gulf are motivated by financial motives only (Interviewees 2, 3, 4, 5, 6 and 7)

Only one interviewee claimed that Iraqi and Iranian pirates are sent by their government to disturb seafarers in the Arabian Gulf, because of the political conflicts between Iran, Iraq and the Arabian Gulf countries, and this claim is contested interviewee 1:

The rate of attacks by Iraqi pirates rose between 2003 and 2007 after the fall of Saddam Hussain's regime as a result of state failure - crime rates normally raise as a result of the

lack of security, crisis in the economy crisis and increased levels of poverty. After the liberation of Iraq, Iran has supported most of the Iraqi political parties who are ruling Iraq at the moment, and piracy in the northern Arabian Gulf decreased after 2007. This undermines the claim that Iran supports the pirates (interviewee 1)

As stated above, six interviewees suggested that the Iranian and Iraqi pirates are motivated by financial motives, but one interviewee (interviewee 1) stated that they are politically motivated. During the interviews, I asked all seven interviewees to provide evidence to prove their claims, but interviewee 1 based his claim about political motives purely on supposition, since he produced no evidence to support it. By contrast, the six other did produce evidence to support their claims of financial motives – such as descriptions of the property they had stolen from victims of their piracy attacks. Accordingly, I have accepted the claims stated by the interviewees 2, 3, 4, 5, 6, and 7 that they viewed the piracy in the Arabian Gulf as a pure financial crime.

3.2.2 Motivations in Somalia

During the first period of field work, five interviewees (*interviewee 1, 9, 10, 11 and 16*) claimed that the motivation of pirates in Somalia is financial:

The majority of Somali pirates are motivated by money only because the poverty is huge in Somalia (Interviewee 14)

But three stated there are some political or ideological motivations besides the financial motivations:

I think there is some link in the matter of business between Al-Shabab and the Somali pirates (Interviewee 12)

I don't think that the Somali pirates have direct relation to terrorism but, the people behind the Somali pirates are (Interviewee 15)

Some of the information gathered is that the illegal fishing has generated anger in the Somali society against the West:

I believe that the first piracy attack was just to show anger against the Italian and Spanish fishing vessels in the Somali waters (Interviewee 13)

I am sure that the illegal fishing and toxic waste in the Somali waters made the Somali fishermen aggressive against the international ships in the Somali region (Interviewee 12)

Some of the interviewees claimed that the Somali pirates are motivated by financial reasons because Somalia is a failed state and unable to protect its waters from illegal fishing and chemical waste dumping committed by foreign nations, and piracy is the only way left of making a living. But three interviewees claimed that there is an element of hate and anger which adds a revenge motivation to the financial needs. So the main initial finding from these key informant interviews used to scope the breadth of issues surrounding the research question is that Somali pirates are motivated by both money and hatred for foreign exploiters, and the question is which motivation is more influential: is it financial or revenge?

From the official Somali perspective, the view was expressed by the Somali Ambassador that the violation of Somali waters has legitimized piracy as a means of protecting the Somali waters:

The illegal fishing and the chemical waste in the Somali waters by the foreign companies..... The Somali fishermen had taken a stand against this violation. Also money is a motivation, but I think that revenge and protecting the Somali waters by piracy is the main motive for the Somali pirates (Interviewee 16)

This statement by interviewee 16 implies that piracy is a natural retaliatory reaction to the violations conducted in Somalia that in some way legitimized piracy. But a different interpretation came from the Yemeni Liaison Officer in Bahrain:

I believe that piracy in Somalia started as a reaction against illegal fishing and chemical waste but after a while it transformed itself into a business. So the Somali pirates now are just looking for the wealth gained from piracy's ransoms (Interviewee 13)

This interpretation was confirmed by three interviewees, interviewee 18, 21 and 43, who said that the motives of the Somali pirates are now solely for money. Interviewee 21 differentiated between the earlier and the later types of Somali pirates:

There are two types of Somali pirates: the first type are the original pirates who are the fishermen who are doing piracy to protect Somalia waters from illegal fishing and chemical waste; the second type are the pirates who joined the pirates' groups later... those later pirates are not fishermen, but people who engaged in the civil war between the Somali clans and learned how to use weapons (Interviewee 21)

Interviewee 19 linked the Somali civil war and the illegal fishing to the later form of piracy in Somalia

Those people became criminals and when the civil war finished they joined other criminal activities including piracy. the later pirates' motivation is just money, and that when the illegal fishing and the chemical waste stops in Somalia, the original pirates (the fishermen) will stop doing piracy but the later pirates (the ex-civil war pirates) will continue doing piracy (Interviewee 19)

The perceptions of imprisoned pirates in Kenya also confirmed this division between earlier and later Somali pirates. In Shemola Tower prison in Kenya, I interviewed 21 pirates in August 2013. There were over 100 Somalis pirates accused or suspected of committing piracy, and I approached them all, but only 21 pirates agreed for the interviews to be published and used in the research – the others were worried that the interview might be used against them in the court. I went to the prison library to interview the pirates while one of the translators was available to help if any of the pirates did not speak English or Arabic. During my visit to the prison and during my interviews I noticed that most of the pirates have a hatred against the west because they believe that the Americans and the Europeans are the causes for the failure of Somalia, and that the Americans and the Europeans are committing illegal fishing and chemical waste dumping in the Somali waters which destroyed the fish

stocks and the marine environment in Somalia. Seven pirates out of 21 expressed the hate motive - interviewees 23, 25, 26, 28, 37, 38 and 39. One of the pirates said that his motive was only to get ransom from hostages but later in the interview he said:

I would not attack any Arab or Muslim ship, because the people who pushed me into piracy are the people who do the illegal fishing and the chemical waste dumping in Somali waters. I feel that I am defending my country by doing piracy, and I am ready to be killed because all Somali pirates are ready to be caught, die or become winners when they get ransom (Interviewee 23)

This pirate was happy to answer my questions and he was more open than other pirates in the prison: *I will answer all of your questions because I know you are Arabic Muslim brother but I would not answer you if you were white or American (Interviewee 23)*

I could feel the amount of hate that this pirate harbours against the Americans and white people because he believes that they engage in illegal fishing and chemical waste dumping. Other pirates were more sectarian in their hatred. For example, Interviewee 25 said that he was innocent of piracy and he was just a fisherman. He claimed the Kenyan government had no evidence against him, but they believed anything the white people say to them. The interviewee said that the Danish navy captured them, and that the Danish naval ship was actually engaged in illegal fishing in Somalia, hence his hatred against Denmark. Interviewees 26, 37 and 38 believed that they have been accused of piracy because they are Muslims and the people who are accusing them are Christians. Interviewee 26 said that he is innocent but he was caught by Christians who hate Muslims. Interviewee 37 claimed that the French navy captured him and that the Kenyan judge is Christian who will support and believe his French Christian brother. He also said that because he is a Muslim, Christians always look at him as a criminal. Interviewee 37 claimed that if he was a Christian his captors would treat him better and provide him with a fair trial. Interviewee 38 made similar comments. Interviewee 39 expressed hatred against Americans, Germans and the French, claiming that the Americans, Germans and the French will take the real pirates to their home countries to sue them, but they will bring the innocent fishermen to Kenya to accuse them of piracy because they know that the Kenyan government is corrupt and will believe anything said by white accusers. Interviewee 28 said that he is willing only to attack American, British

and western ships out of revenge against the illegal fishing and the chemical waste dumping. He also said that he would not attack any Kuwaiti, Arab or Muslim ship.

When evaluating the claims made by interviewees on the motivations behind piracy in Somalia, we note the variations of the claims as some interviewees stated that the pirates' motivations are financial, whereas other interviewees stated that their motivations are political, while yet other interviewees stated that their motivations were anger-generated out of the illegal fishing and chemical waste in Somali waters. In estimating the reliability of those claims, I believe that the interviewees' claims were based on their position, background, and experience of the type of the pirates they have dealt with. For example, the interviewees 1, 9, 10, 11, 14 and 16, who all claimed that the pirates in Somalia are motivated only by financial motives, are either naval or coastguard officers or private maritime security companies who deal with piracy as a pure crime and do not have further information about motivations and are not aware that Somali piracy is complex. By contrast, interviewees 12 and 15, who stated that some of the Somali pirates have political motives and are linked to Alshabab, both had access to intelligence information, because interviewee 12 is an Intelligence officer who works in CTF150 who has more awareness and more evidences of the Somali case, while interviewee 15 stated that his claim was based on some intelligence reports his company been provided with. Furthermore, interviewees who claimed that illegal fishing and hate is behind the piracy in Somalia included interviewee 13, who is a Yemeni coastguards officer who worked directly on Somali piracy, as Somali and Yemen share the same region. Interviewees 18, 21, 19 and 43, who all claimed that the Somali pirates are different groups with different motives, are very close to the Somali piracy cases. For my own part, when looking at my Somali pirates' interviews which I carried out in prison, I note that most of them claimed that they are motivated by either financial or illegal fishing hate, which I can explain by the fact that they are aware that any political claims would be used against them in court. My conclusion is that while most Somali pirates were financially motivated, some (especially the earliest ones) were motivated by anger against hate illegal fishing and chemical waste dumping.

3.3 The causes of maritime piracy

The two types of maritime crime, financial piracy and terror piracy, are dependent on causes which may sometimes overlap, and sometimes differ. From analyses of the transcribed interviews, as we shall see, the perceptions of the causes of piracy in the Arabian Gulf and Somalia, respectively, were as follows:

3.3.1 Perceptions of the causes of piracy in the Arabian Gulf

In the Arabian Gulf, two case study areas were selected for this research, the Northern Arabian Gulf and the Central Arabian Gulf. During my first round of fieldwork in 2012 to validate the research questions and survey design, I interviewed people in Kuwait, Qatar and Bahrain to understand the causes of maritime piracy in both areas. Five interviewees commented on this issue: two thought that the main causes of piracy in the Gulf was the economic crisis; two thought it was the state failure of Iraq during 2003-2007; and one thought it was lack of security.

The Qatari coastguard officer held that piracy in the Central Arabian Gulf arose because the Iranian fishermen are very poor:

The evidence that the Iranian pirates are into piracy because they are poor is that they only steal cash, goods, food and water, to satisfy their needs as poor people (Interviewee 6)

The Kuwaiti Liaison officer in Bahrain held that the causes of piracy in the Northern Arabian Gulf are state failure and the lack of security in Iraq:

I think that piracy in Kuwait was at its maximum level between 2003-2007 when Iraq became a failed state, and this state failure caused the lack of security which drove up the rate of piracy. The motives behind the Iraqi pirates are purely financial (Interviewee 8)

When analysing piracy in the North of the Arabian Gulf we can notice that piracy only started in 2003 when Iraq was a failed state, and it decreased when Iraq became more stable and this

supports the claim that the main cause is state failure which leads to the lack of security. And when analysing piracy in the Central area of the Arabian Gulf we can see that the Iranian pirates travel all the way from Iran (more effective naval and coastguard forces) to Qatar (less effective naval and coastguard capabilities than Iran) to operate, and piracy decreased when Qatar enhanced their coastguard capabilities, which supports the claim that the lack of security is the main cause behind piracy in the Central area of the Arabian Gulf.

3.3.2 Perceptions of the causes of piracy in Somalia

During the first field-work, I interviewed persons knowledgeable about Somali piracy cases in Kuwait, Bahrain, Dubai and Abu-Dhabi (Interviewee 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15 and 16) (see Appendix E). The causes they mentioned are mixed between state failure and lack of security. Most of the interviewees thought that there is more than one cause behind piracy in Somalia. Eleven interviewees referred to lack of security, environmental violation (illegal fishing and chemical waste dumping) and state failure as the most important causes, followed by government support, international ignorance, lack of information, government corruption, the weak economy in Somalia, and lack of law enforcement.

Lack of security, the most important cause according to the first field-work interviews, has three dimensions: lack of the security within the Somali government; lack of security on board commercial ships; and lack of security from naval units in the area. Four of the interviewees, interviewees 17, 19, 21 and 22, believed that the lack of security units in Somalia is one of the causes of the increase of piracy and when considering Somali piracy as a purely financial crime, I believe that the lack of security is one of the most important causes of this type of crime. All of the interviewees said that after the state failure in Somalia, the Somali government became unable to protect the waters against illegal fishing and chemical waste dumping in Somali waters, which pushed the Somali fishermen to protect their waters by using piracy. Interviewees 28 and 37 (the pirates) stated that the lack of security and the weakness of the Somali coastguards and the Somali navy is what led them to commit piracy:

The Somali government was unable to control the Somali Sea which made the foreign vessels invade Somali waters and practise illegal fishing and chemical waste dumping, decimating the fish stock and leaving nothing for the Somali fishermen to catch (Interviewee 28)

The lack of security at sea made me change my career from fisherman to pirate. The Somali government is unable to defend me, so as a fisherman there is a big chance that I go to sea and never comes back to my family because there are chances that I would be captured as a suspect of piracy or he would be attacked by pirates. This is what turned me towards piracy (Interviewee 37)

The claims made by interviewees 28 and 37 would apply to the original fishermen pirates as they are directly affected by the fish stock decline, but I do not think that illegal fishing or chemical waste would be an important cause for other types of pirates.

Most of the interviewees claimed that piracy decreased in 2012 because of the deployment of armed security on commercial ships. Many said that Somalia is unable to control the waters and unable to combat inland gangs, pirates and Alshabab, which made crime rates increase, including maritime piracy. But a few interviewees thought that the main reason for the decrease in piracy in 2012 was the increase in naval units in the area. There is not enough governmental security to control the land, and the commercial ships are not well protected which make them attractive for pirates in a huge area in which the increase of naval forces will never be enough to protect all ships. Comparing the Somali case to the Arabian Gulf case, the Arabian Gulf countries, Kuwait and Qatar, are relatively small in the coast line and the population meaning that the number of ships at sea is less compared to Somalia so protecting the coasts in the Arabian Gulf is much easier than protecting the Gulf in Somalia. Security units in Somalia are required to do far more than those in Kuwait or Qatar, yet Somalia is much poorer and less able to fund them than the Gulf countries, which are among the richest countries in the world.

The illegal fishing and the chemical waste violations were the second most claimed cause of piracy according to the interviewees in the first period of fieldwork. The interviewees claimed that illegal fishing and chemical waste dumping in Somali waters committed by foreign vessels have destroyed the fish-stock in Somalia and left Somali fishermen with little choice other than piracy to make a living: because fishermen are experts in navigation and seamanship, committing crime at sea was an expected reaction to loss of fishing

opportunities. The Yemeni Liaison Officer in Bahrain has mentioned the problem of the chemical waste in the Somali waters:

I can assure that the chemical wastes have been dumped by EU vessels since the 1990s, especially by Spanish and Italian companies (Interviewee 13)

Interviewee 13 is a Yemeni coastguard officer who worked closely with the Somali piracy case since the start of the problem. I agree that the start of the problem was because of the illegal fishing which affected the Somali fishermen only, but later the piracy became a business which different type of pirates joined, so the main cause (illegal fishing) is not the main cause for all of types of piracy.

The Somali ambassador in Abu-Dhabi also mentioned the illegal fishing in Somalia and its effect on the increase of piracy:

I believe that the illegal fishing by foreign nations like Japan, India, Thailand, Pakistan, Korea, and some European nations resulted in a decline in the fish-stock which increased piracy in Somalia (Interviewee 16)

Here the Somali ambassador named the nations who he claimed are involved in illegal fishing in Somalia. I believe that it is unlikely that an Ambassador would accuse named states of illegal fishing unless he possessed solid evidence. Moreover, the named states have been accused by other critics for illegal fishing.

Five interviewees, interviewees 17, 19, 21, 22 and 43, believed that the illegal fishing and the chemical waste dumping in Somali waters committed by foreign shipping companies are one of the causes of piracy in Somalia:

These illegal acts began in Somalia 20 years ago, and Somali officials have evidence from and eye witness accounts of this criminal activity. The Somali fishermen saw this criminal activity in their waters and that is why they began piratical attacks (Interviewee 17)

If the foreign ships stop their illegal fishing and chemical waste dumping, the fishermen pirates will stop piracy, but the ex-civil war criminals who joined the pirates' gangs after the original pirates, will continue piracy (Interviewee 19)

Eight of the pirates (interviewees 23, 25, 26, 27, 28, 30, 36 and 37) said that illegal fishing and chemical waste dumping in Somalia pushed them towards piracy (looking at Appendix I we can notice that all of these pirates are fishermen, except interviewee 28, which supports the claim that illegal fishing is the main cause behind the fishermen pirates):

I don't like piracy but I feel angry and seek to defend my country by piracy, even at the risk of imprisonment or even death (Interviewee 23)

The Danish navy vessel that captured me was itself conducting illegal fishing during the 38 days I was on board it (Interviewee 25)

The British Royal Naval ship that captured me and carried out illegal fishing in the Somali waters (Interviewee 26)

The French navy committed illegal fishing and sold what they caught to big boats in the area (Interviewee 27)

The Italian navy captured me and the vessel they had all kind of fish on board, caught by big nets engaged in illegal fishing (Interviewee 36)

I commit piracy because the Somali Sea is out of fish because illegal fishing and chemical waste dumping in the Somali waters have killed the fish stock. The illegal fishing and the chemical waste pushed me to get my revenge against American, British and other Western ships (Interviewee 28)

I was pushed into piracy because of the low income from fishing due to other people sharing my fishing income by illegal fishing (Interviewee 30)

The foreign fishing ships cut the nets of Somali fishermen because they want all the fish stock in Somali waters under their control. I have seen containers dump chemical waste in Somali waters which poisoned the fish stock. This pushed me to attack the American and the European ships to get money for my family (Interviewee 37)

Interviewee 43 (IMO Maritime Liaison Officer) said that illegal fishing and chemical waste dumping were the cause of the increase of piracy in Somalia, but he argued that this has now stopped. However, I told him there are reports that there is still illegal fishing and chemical waste dumping in Somalia, and I challenged him to access the marinetraffic.com/en/ web site which shows all the fishing ships in Somali waters. The interviewee refused to comment on this, but after a few days following the interview, marinetraffic.com/en/ blocked all the information about shipping in Somali waters from their website.

By contrast to the Somali case, in the Northern Arabian Gulf, there is fishery protection, so most of the Iraqi and the Iranian fishermen are engaged in fishing which made the Northern Gulf safer than Somalia from piracy threats.

The theme of Somalia state failure was often mentioned as one of the causes of piracy in Somalia. The Pakistani Intelligence officer who works in Bahrain with CTF 151 stated that the unstable state in Somalia is one of the causes of piracy:

Somalia has three different governments and the official one is with no real power in Somalia (Interviewee 12)

The Yemeni Liaison Officer in Bahrain linked the increase of piracy to the weakness of the Somali government to combat pirates in land:

In Somalia there are seven bases for pirates which the Somali government knows well but are unable to combat them because the government is weak (Interviewee 13)

Similar statements were made by many other interviewees about state failure as a cause of Somali piracy. For example,

The state failure of Somalia is one of the most important causes of piracy in Somalia. Since 1991 Somalia became a failed state, and this made the government unable to control the country's security (Interviewee 43)

The failed state created a civil war in Somalia between the clans which led to piracy later as a form of criminal activity (Interviewee 17)

The civil war in Somalia produced criminals who had learned how to use weapons and joined the piracy gangs when the civil war ended in Somalia and created a new type of pirate from the original pirates who were fishermen. So now in Somalia there are two different types of pirate: the fishermen, and the ex-civil war criminals that joined piracy to practice their criminal activities to gain money (Interviewee 19)

Likewise, interviewee 28 said that Somali is a failed state and that is why they cannot control the sea and why the Somali waters have been invaded by foreign companies for illegal fishing and chemical waste dumping, so state failure pushed him into piracy.

The theme of the governmental support for piracy raised several interesting issues related to the maritime piracy in the area. Five out of 16 interviewees mentioned governmental support provided for the Iranian and Somali pirates:

The Iranian government actively supported the Somalia pirates, and that the Omani navy gave passive support to Somali pirates by not pursuing them in Omani waters, where they are very active (Interviewee 1)

This claim of government support was put forward by the Pakistani intelligence officer in Bahrain, and it was supported by the Yemeni coastguard officer in Bahrain:

The Punteland region in Somalia is trying to gain independence from Somalia, and that is why they are sending pirates from their region to other regions to show the world that the Punteland region is secure because the Punteland authorities are capable of keeping the waters safe whereas the other regions in Somalia cannot (Interviewee 13)

The Yemeni Officer also claimed that Al-qaddafi of Libya had supported the Al-Shabab group in the past, and since Al-qaddafi's death in 2011, Iran might be supporting Al-Shabab and piracy in Somalia. The Yemeni officer asserted that Kenya and Ethiopia are keen to make Somalia a failed country because it is not in their interest for the Somalis to become a powerful state in the region for political, military and economic reasons, so he claimed that they might be supporting pirates in some ways. The Somali ambassador in Abudhabi added his voice to the claim about Ethiopian support for continued instability in Somalia:

Ethiopia is working on remaining Somalia as a failed country which also brings attention to this issue (Interviewee 16)

This claim made by interviewee 16 was not supported by any evidence. Moreover, apart from the Yemeni officer named above, the claim was not mentioned by any of the other interviewees and has never appeared in the literature, which makes it an unreliable claim.

As for international ignorance and indifference as a cause for the increase of piracy in Somali, four interviewees asserted this. For instance, the Yemeni Coastguard Officer in Bahrain and the manager director of a private maritime security company in Dubai both said that commercial shipping companies are not taking seriously the need for protection of their vessels:

There is some truth in this assertion, because ship owners prefer to insure their ships and pay ransoms to free the crews rather than deploy armed guards all the time which is more expensive. Indeed, some shipping companies paid ransom directly to pirates without reporting the incidents, meaning that the claim of the compensation money would be between the ships' owners, the pirates and the insurance company only (Interviewee 13)

I heard this claim when I attended a maritime piracy conference in London in January 2013 (BTM Group, 2013): an insurance company speaker stated they would pay ransoms very quickly to the pirates.

The Somali ambassador said that the UN does not care about the Somali problem:

Since 1991 the UN has not built a single clinic in Somalia - and that the only thing Somalia gets from the UN and the Arab League are promises but no action (Interviewee 16)

The Singaporean maritime security expert in Kuwait mentioned international ignorance as a cause of the increase of piracy:

International community, the EU, the Americans and the Chinese will not take piracy seriously until piracy severely impacts the price of oil (Interviewee 4)

In general, it seems that the international community turns a blind eye to the Somali case, in that the country has been a failed state since 1991 but few significant actions have been taken to restore it to a successful state.

Two interviewees (with backgrounds in naval experience and private maritime security) claimed that lack of control by the authorities over information about vessels vulnerable to piracy is a cause of increased piracy in Somalia. For example, Interviewee 43 (the IMO regional Officer in Mombasa) said that such information enables pirates to find out about ships' locations, destinations and types. Likewise, interviewee 15 said that

People in the ports and other insiders provide pirates with information about ships. Also the Automatic Identification System AIS is a very useful source for the pirates to get information about ships. Pirates have expanded the sources of getting information, and as a result, piracy has expanded geographically (Interviewee 15)

Other interviewees referred to other ways in which information fuelled piracy. For instance,

Hostage negotiators play a major role in supplying pirates with information (Interviewee 13)

Interviewee 17 (the Somali Ambassador in Nairobi) mentioned the false information posted in the media about the Somali piracy case:

The non-Somali pirates operate in Somali waters, but the media have focused exclusively on the Somalis, giving them the oxygen of publicity which stimulated recruitment, and led to increased levels of piracy in Somalia (Interviewee 17)

Four interviewees, interviewees 18, 19, 21 and 22, asserted that the economic crisis in Somalia was one of the causes of the increase in piracy in Somalia. However, most of them believed that Somalia's economic crisis was itself caused by other factors, such as illegal fishing, civil war and state failure.

Interviewee 22 claimed that governmental corruption is one of the reasons for the increase in piracy in Somalia.

3.4 Manifestations of the two different kinds of maritime piracy

This section identifies ten different ways in which financial piracy and terror piracy, respectively, manifest themselves in the Arabian Gulf and Somalia:

- Areas
- Timings
- Level of violence
- Amount of ransom
- Targets selection
- Ethnicity, religion, language and body type
- Type of weapons, ships and manoeuvres
- Pirate ships recognitions
- Other manifestations

3.4.1 Manifestations of financial piracy in the Arabian Gulf

For the interviews, the questionnaire was designed to obtain information on how pirates act in the Arabian Gulf and Somalia and identify what strategies are used by naval forces to detect pirates at sea, including how to distinguish pirates from other seafarers in the area.

- The areas:

Interviewee 5, who is a commanding officer of one of the Kuwaiti naval ships, said that Iraqi pirates are usually villagers who live near Shat-Alarab, while Iranian pirates usually come from a place called Khorom-Shahar which is in the west side of the Iranian coast. Interviewees 6 and 7, who are officers in the Qatari coastguards, said that the most dangerous

area is 50NM north of Qatar in the area between Qatar and Iran, but the rest of the areas are safe. Interviewee 8, who is the Kuwaiti liaison officer in Bahrain (CTF 152), said that the northern part of the Arabian Gulf is the most dangerous area of piracy because it is very close to Iran and has a high intensity of fishing dhows and commercial ships. All of those claims were supported by the official piracy reports and also written in the piracy case files stored in the Kuwaiti and Qatari coastguards' records.

- Timing of piracy attacks

The commanding officer in the Kuwaiti Navy said that day time is the most dangerous time for piracy in the north of the Gulf and with a wave height less than 3 metres (the 3 meter wave height is also a criteria for the Somali pirates attacks as will be illustrated in the next chapter when I analyse the piracy attacks in Somalia):

Day time is better for pirates to recognize ships and to know if the ships are protected or not. Also I think that the wave height limits the capabilities of boarding ships (Interviewee 5)

By contrast, in the Central Arabian Gulf, interviewees said that night time and the month of Ramadan were the most dangerous times for piracy:

The night time is the most dangerous time of day for piracy, while Ramadan is the most dangerous month for piracy because people are fasting and the Qatari coastguards reduce their manpower which the Iranian pirates use to their advantage to carry out piracy (Interviewee 6)

Interviewee 8 (The Kuwaiti coastguards Liaison officer in Bahrain) said that summer time is the most dangerous season for piracy because the wind is calm thus navigation conditions are good. However, winter in the Arabian Gulf is not much different from the summer in the matter of visibility or wind speed, so I don't think that the piracy increase in the summer is because of those factors. More significantly, according to interviewee 6, the most dangerous time for piracy is Ramadan, and Ramadan shifts 11 days earlier every year meaning that Ramadan might be in summer or winter. Also by looking at the piracy attacks in Kuwait I have noticed that the attacks occur at any time of the year, not just in summer.

- The level of violence associated with piracy attacks

Seven of the interviewees (Interviewee 1, 3, 4, 5, 6, 7 and 8) linked the level of violence by pirates to the strategy followed by the pirates:

The level of violence in the Arabian Gulf is minimal because the pirates are not kidnapping people for ransom; pirates are just after cash, goods and food (Interviewee 8)

The low level of violence committed by the Iranian and Iraqi pirates compared to the high level committed by Somali pirates in kidnapping for ransom, supports the claim that the motive for piracy in the Arabian Gulf is purely financial, however that does not mean that the Somali pirates who use violence are motivated by other motives than money.

- The amount of ransom

In the Arabian Gulf during the first field work, Interviewees 1, 3, 4, 5, 6, 7 and 8 said that there is no kidnap for ransom and those interviewed confirmed the pirates are after only cash, goods or food which means that this issue is not applicable in the Arabian Gulf.

- Selection criteria of targets

The maritime security officer in Kuwaiti Oil Company mentioned what targets the pirates usually attack in the Arabian Gulf:

The pirates in the north usually approach with two boats and attack ships at anchor (Interviewee 3)

The Qatari coastguard officers stated where the Iranian pirates attack the ships in the Central of the Arabian Gulf:

In Central Arabian Gulf who is interested in ships at anchor within the EZ usually tie the fishing ships and drag them away out of the EZ (Interviewee 7)

The liaison Kuwaiti officer in Bahrain indicated which ships the Iraqi pirates usually attack in the North of the Kuwaiti waters:

The Iraqi pirates are capable of boarding ships either at anchor or underway (Interviewee 8)

- Type of weapons, ships and manoeuvres

In the Northern Arabian Gulf, the liaison Kuwaiti coastguards' officer stated what type of boats the Iraqi pirates usually use:

The Iraqi pirates usually have small boats of 21 feet in length and speed of 30 to 35 knots (Interviewee 8)

But the Kuwaiti naval captain expressed a different view.

The Iraqi pirates usually have Sawari class boats, which are 33 feet in length and 30 knots speed (Interviewee 5)

On weapons, the maritime security officer in Kuwait Oil Company said

The Iraqi pirates use small callipers 7.62 mm, rocket propelled, grenades and RPGs (Interviewee 3)

- Ethnicity, religion, language and body type

The captain in the Kuwaiti navy and the liaison coastguard officer in Bahrain said that all the pirates in the Northern Arabian Gulf are Iraqis:

They have Arab ethnicity, Arabic is their native language, and they are Muslim Shiaas. Also the interviewees said that the pirates are very healthy slim (Interviewees 5)

The Qatari coastguards' officers said that the pirates in Central Arabian Gulf are Iranians.

They speak a broken Arabic language which is very easy to detect, they have Persian ethnicity which is similar to the Arabic ethnicity, but a darker skin than Arabs, and they are Muslim Shiaas. The Iranian pirates are very slim (Interviewees 7)

- Pirate ships recognitions

The commanding Officer in the Kuwaiti Navy said that the Kuwaiti navy train their officers to distinguish between pirates and fishermen in Northern Arabian Gulf by the location of their vessels.

So if a ship lies outside the fishing area, it would be regarded as a suspect ship until and unless travels to the fishing area and remains there ... Also the times of day and month are a way to know if it is a fishing ship or not: there are specific times for fishing according to sea tides and fish seasons... The regularity of the presence of Iraqi ships is another signifier, in that if they see a new ship in the area, they consider it as a suspect ship until it is observed regularly doing fishing (Interviewee 5)

The Kuwaiti Coastguards' officer in Bahrain said that the way Kuwaiti coastguards identify pirate ships depends on the direction, speed and manoeuvres of vessels:

A ship coming from outside the 12 NM with high speed, or is on a zigzag course or is moving randomly is categorised as a suspect ship (Interviewee 8)

In Central Arabian Gulf, the Qatari coastguards' officer said that they recognize Iranian pirate ships by their speed, direction and manoeuvres.

If a ship remains a long time in one location, it would be a fishing ship, but if the ship travels randomly from one location to another, it would be a suspect ship. Also if the Radar spots a small boat moving fast this would be a suspect, because fishing boats do not need to be fast. Also most pirates come from the north of Qatar; any ships coming from the north would be suspect (Interviewee 8)

- Other manifestations

In Northern Arabian Gulf, the Kuwaiti Commanding Naval Officer said that in Kuwait waters there are two types of pirates:

Pirates who are fishermen and pirates who are smugglers. Most of the fishermen pirates are Iraqis, but the smugglers are a mixture of Iraqi and Iranian pirates. The Iraqi smugglers usually smuggle alcohol, but Iranian smugglers usually smuggle drugs. Iraqi illegal immigrants who try to enter Kuwait sometimes attack ships in the area (Interviewee 5)

He also said that Kuwaiti naval officers are trained to recognize pirates in the area from the regularity of the presence of the ships:

New ship in the area is considered as suspect, but if it is seen again doing fishing it is considered as neutral (Interviewee 5)

In Central Arabian Gulf, the Qatari Coastguards' Officer said that the Iranian pirates in the area numbered 40 in total and formed one gang:

They use a mother ship to support them with food and fuel and shelter during the rough sea and windy conditions. Also some of the Iranian ships raised the Qatari flag to fish in the Qatari waters or to undertake piracy (Interviewee 7)

3.4.2 Manifestation of financial piracy in Somalia

During the first round fieldwork; I tried to understand the distinctions between Somali pirates and Somali maritime terrorists. But it is a very difficult issue, and the findings from the interviews showed that significant overlaps between the two groups exist.

- Areas

Five interviewees agreed that the Gulf of Aden is the most dangerous area infected with piracy (interviewees 10, 11, 13, 14, and 15). Interviewee 21 said that the most dangerous area in Somalia is the Gulf of Eden (from the Yemeni side) because of instability in Yemen. So dangerous it is, according to interviewee 21, that the Yemeni coastguards are not expected to combat piracy any more:

I think that the naval existence in the Somali coast made pirates to move away from the centre of the Gulf to the Yemeni side which made the Gulf of Eden more dangerous from the East side (Yemeni side). I also think that Punteland is the region from which most of the pirates originated, but they are now more organized and have built bases and camps all over Somalia (Interviewee 21)

Interviewee 43 said that every location in the Somali basin is now dangerous, but pirates have moved to the North, which has made the Arabian Sea the most dangerous area infected with piracy.

However, US Naval Officer in CTF 152 in Bahrain held that the Somali basin was even more dangerous than the Gulf of Eden:

I think that the least dangerous area in Somalia is the Gulf of Eden because it is well protected by the navies, and the most dangerous area is the Somali basin in the Indian Ocean because it is huge and very difficult to be covered by the coalition forces (Interviewee 9)

Three interviewees (9, 11 and 12) mentioned the land piracy bases which the Somali pirates use as logistic camps and where they keep hostages. (See Appendix F for the map of these bases: Eldannan, Haraadhere, Garacad, Hobyo and Ceel-Hur). The Somali Ambassador in Abu-Dhabi explained where the pirates in Somalia live:

The living areas of the Somali pirates range from Hobyo, which is in the centre of Somalia, to the Punteland region, which is outside the control of the Somali government authorities (Interviewee 16)

Appendix G illustrates the areas from which the pirates originated, and the areas where the pirates have been captured. In Appendix G, we can see that most of the pirates came from

Puntland (4 pirates) and Maqadisheo (4 pirates). Three pirates came from Bosaso; and one each from the Somali desert, Somaliland, Adaley, Hafoon, and Galkaeyo. Also from the table we can see that three of the pirates were caught near Maqadisheo, three were caught near the Somali coast, two were caught in the Gulf of Eden, one was caught 60 nm from the Somali coast, one was caught in Puntland, one in Alhoor, one in Baraw, and one near Yemen.

- Timings of piracy attacks

Interviewee 23 said that 20 minutes is enough to capture a ship. Interviewees 28, 31 and 37 said that they have been captured during the day time which means that pirates are more likely to attack ships during the day. Interviewee 28 confirmed that the day time is the best time to attack ships. Some interviewees explained that daytime makes it easier for pirates to recognize ships and know whether they have armed guards on board (Interviewees 2, 9, 10, 11, 12, 13, 14 and 15). Interviewee 4 said that

Somali pirates do not have technology such as night vision goggles or radar, and that is why they prefer to attack during day time (Interviewee 4)

Eight interviewees (2, 9, 10, 11, 12, 13, 14 and 15) linked the increase of piracy to the monsoon season:

Piracy would increase in Somali during monsoon time which is from May to September (Interviewee 15)

Three of these interviewees said that during the monsoon season, Somali pirates move their activity to the Arabian Sea and Indian Ocean:

I think that the Somali pirates will move to the Strait of Hormuz (Interviewee 14)

I think that the Somali pirates will move towards the Strait of Bab-Almandab, the Strait of Hormuz, the Seychelles islands and Madagascar (Interviewee 15)

Most of the claims made by interviewees match with the statistical analyses of the piracy attacks in Somalia in the next chapter, as the Somali pirates prefer day-time to night-time.

Also the weather state, wind speed and wave heights effect the success of operations of Somali piracy in the region.

- Level of violence

The Yemeni liaison officer in Bahrain said that at first, Somali pirates used to sell fish to the ships in the area, and when the ships stopped to buy the fish, the pirates boarded them to steal money, cell phones and other goods, but later they became more violent:

The ships did not report those incidents because they were not supposed to stop in the first place. However, later Somali pirates changed their strategy to kidnapping for ransom, and they became more violent (Interviewee 13)

The regional officer CTF152 in Bahrain also said that the Somali pirates are now more dangerous:

They are dangerous because they have become more organized, powerful and increased in numbers (Interviewee 9)

Interviewee 21 said that the Somali pirates now use more violence against hostages because they have become habituated to criminality, and have started to show their strengths against victims.

I think that the Somali pirates lived in a criminal environment for a long time which made them more violent and more disrespectful to humanity (Interviewee 21)

However, interviewees 23 and 28 said that they would not use any violence against hostages, and they had never abused or killed anyone. Interviewee 28 also denied he had committed any harm against a hostage who had not engaged in illegal fishing or chemical waste dumping, which implies that he was willing to use violence and to harm crews of ships who engaged in illegal fishing and chemical waste dumping.

Interviewee 15, the manager of Envoy 360 maritime security company, said that Somali pirates are the only pirates who use the strategy of kidnap for ransom: all other pirates in the world only commit robbery, which was true in the times during this interview but, other pirates in Africa such as some of the pirates in Nigeria now are following the ransom strategy.

- Amount of ransom

This theme was not mentioned in relation to the Arabian Gulf, but it figured highly in relation to Somali pirates. For example, interviewee 21 said that:

In 2004 the Somali pirates were asking for small amount of ransoms, but now they demand much more ransom for the victims (Interviewee 21)

Interviewee 23 said that the amount of ransom depended on the nationalities and the type of jobs of the crews.

If they are fishermen they would ask for less ransom, but if the target ships were from the west, the pirates will ask for more ransom, while if the attacked ship had engaged in illegal fishing or chemical waste then they would ask for a huge ransom...I was one of a group of seven pirates, and that the ransom money was shared between us with and some pirates taking \$2 or \$3 million (Interviewee 23)

Interviewee 28 said that he would get \$25,000 to \$30,000 from the ransom money and his bosses were going to take \$10 million.

- Targets selection

Interviewee 43 said that Somali pirates are not interested in a specific target:

They travel at sea to seek for easy and available targets to attack. So they are random in selecting targets to attack (Interviewee 43)

But the US naval Officer in Bahrain explained how Somali pirates select their targets to attack:

The Somali pirates travel randomly in the ocean and seek for easy targets to attack, which means that they do not plan their attacks in advance on land. However, they are selective in that they usually look for bigger targets such as tankers, cargos and big ships or anything bigger than 300 feet freeboard (Interviewee 9)

Interviewee 23 said that he would look for available and easy targets to attack, but only if they engage in illegal fishing and chemical waste dumping, since he has no issues with other ships:

I was caught because I tried to attack a large American ship (Interviewee 23)

Interviewee 28 said that he was only interested in attacking American, British and Western ships and he would not attack any Kuwaiti, Arabic, Iranian or Muslim ships:

I can differentiate between ships according to their flags (Interviewee 28)

To conclude the claims made by interviewees I have noticed some differences between the claims and other sources of information. By looking at the data in the next chapter of the piracy attacks analysis we can see that Somali pirates attacks ships based on the type of the ships, not the flag, according to the easiness of the target.

- Type of weapons, ships and manoeuvres

Several interviewees (Interviewees 1, 2, 3 and 4) revealed that the Somali pirates carried deadly weapons:

The Somali pirates use RPGs Kalashnikovs and grenades to attack ships (Interviewee 3)

Appendix H shows the types of weapons and technologies used by pirates, from which we can see that five pirates admitted they were carrying guns at the time they were captured by the navies, three of them acknowledging the guns were AK47s. One pirate said that he was carrying a big knife at the time he was captured.

Four pirates said that they were using GPS at the day they were captured but 10 pirates (50%) said that they did not need to use GPS because they were familiar with the area. Some pirates said they use GPS only when they go to the deep sea. One pirate said they used cell phones for communications.

Interviewees also explained the boats used by Somali pirates:

The Somali pirates use dhows as mother ships - the dhows used are the Jalboot type which is a Yemeni wooden style dhow (Interviewee 15)

Also the skiffs and hijacked ships used for mother ships were mentioned.

The Somali pirates use hijacked large ships as mother ships (Interviewee 4)

The Somali pirates use skiffs to attack (Interviewee 12)

Interviewee 21 said that Somali pirates use skiffs to attack targets and sometimes they use mother ships for command purposes. Interviewee 43 said that Somali pirates sometimes use one skiff to attack and at other times three or four. Interviewee 21 said that Somali pirates are more advanced now (in 2012 than in 2004) in tracking target ships and also more capable of hiding hostages.

On the methods of attack, interviewee 11 said that pirates usually attack with two skiffs: one from port and one from starboard, and they will use a ladder to board the victim's ship. Interviewee 12 said that pirates may use one or two skiffs and they would approach from the stern and use the ladder to board the victim's ship. Interviewee 13 said that pirates usually approach from the stern, but if the ship has a security team on-board then the pirates will use several skiffs to distract the team and then one skiff will board the victim's ship from any

part. Interviewees 4 and 14 said that pirates use the skiffs to attack from the side because it is easier for them to deploy the ladder and climb the ship. Interviewee 13 said that sometimes ships report that skiffs are approaching them, but when the navy arrives at the scene they discover that they are just fishing boats, which shows that the approaches of the pirates and the fishermen are very similar and can be easily mistaken for one another.

On the speed of the mother ships (dhows) used by the Somali pirates, interviewees varied in their calculations:

I believe that it was about 10 knots (Interviewee 11)

I believe that the skiffs' speeds vary between 20 and 35 knots (Interviewees 13)

On the technologies used by Somali pirates, interviewees again varied in their answers:

I believe that Somali pirates use GPS on the mother ships and the skiffs (Interviewee 3)

I think they only use GPS on the mother ships (Interviewee 12)

I believe they use radar on the mother ships (Interviewee 14)

I believe they use AIS on the mother ships (Interviewee 15)

I believe they use cell phones as a communication method (Interviewee 11)

I believe they use satellite communications on the skiffs and mother ships and radio communication on the mother ships (Interviewee 3)

- Ethnicity, religion, language and body type

Several interviewees (Interviewee 1, 2, 9, 10, 11, 12, 13, 14 and 15) were agreed that all pirates in the Somali area were Somalis:

I believe that all of the pirates in the Somali region come from Somalia (Interviewee 10)

However, interviewee 14 said that there are also Iranian pirates in the Arabian Sea and Yemeni pirates in the Somali basin:

The Somali pirates are black-skinned and Muslims, but the other pirates, the Yemenis and the Iranians, have Arabic ethnicity. The Somali and Yemeni pirates are Sunni Muslims but the Iranian pirates are Shia Muslims (Interviewee 14)

Interviewee 43 said that most of the Somali pirates are black Somalis who originated from fishermen. Appendix I shows that all of the pirates are Muslim Sunnis, black and Somalis. Interviewee 35 admitted that he was from the Al-Shabab organization so I have removed him from the financial piracy list and added him to the terrorism piracy list. Appendix I shows that the average age of pirates is 31 years old: one pirate is 19 years old; five pirates are in their twenties; nine are in their thirties years old, and four are in their forties. All of the pirates speak the Somali language: three of them also speak English (one fluently); two speak Arabic; one speaks Awahili; and another speaks the Habashi Language. Sixteen pirates work as fishermen, one of whom transports people from Somalia to Yemen, and another transports people from Maqadisheo to Yemen, using their boats. Two other fishermen have extra jobs as drivers, while one pirate has no other job than piracy. On educational background, eight pirates (can only read and write in Somali language; three can also read in Arabic; five are illiterate; four have primary school education; and two have secondary school education.

On marital status, 13 pirates are married with children; the number of children they have varies from 1 child to 9 children, and the average number is 4.4 children per pirate. One pirate is married with two wives; four are single; and two are divorced, one of whom has 2 children and the other has no children. On income, four pirates said that they make \$100 to \$200 monthly, and eight said their income from fishing is enough to make a good living in Somalia, but one said his income from fishing is not enough to live. One pirate said he can make \$30,000 as a reward from one piracy operation. A pirate who works transferring people from Somalia to Yemen said that he can make \$8,000 per transfer and he said that sometimes

he makes two transfers in a month, earning \$16,000. One driver said that he makes enough income to live from driving.

On the ages of the Somali pirates, interviewees 10, 11, and 12 believe that the Somali pirates are aged between 12 and 50 years old, where the younger pirates are the attackers and the older pirates are the seniors who give the orders:

Each group of pirates there would be one older person and the others would be about 12 or 13 years old (Interviewee 11)

Most pirates are less than 30 years old, but the seniors who give orders are more than 40 years old (Interviewee 13)

The ages are between 16 and 40 (Interviewee 14)

Interviewee 2 said that the attackers are between 18 and 25 years but the warlords are older. Interviewees 1, 2, 9, 10, 11, 12, 13, 14 and 15 said that some Somali pirates hold Yemeni Somali nationality:

There is a new tactics for Somali pirates to hold Yemeni nationality because most of the Yemeni fishermen are allowed to carry guns for protection and this will help the Somali pirates to carry guns too (Interviewee 11)

Interviewees 11, 12, 13, 14 and 2 said that Somali pirates speak both Somali and Arabic, but interviewee 9 said that they speak only the Somali language. Interviewee 14 said that the Iranian pirates in the Arabian Sea speak Persian and the Yemeni pirates in the Gulf of Eden speak Arabic.

Interviewees 10, 11, 13 and 14 said that the Somali pirates are very thin but interviewee 9 said that most of them have a good athletic body shape.

- Pirate ships recognitions

Appendix J demonstrates how to recognise pirates' boats by an analysis of the pirates' ships' type, size, speed, colour, and crew numbers. From Appendix J we see that nine pirates used only skiffs at the time they were captured; one pirate said they were using three skiffs; another said they were using 2 skiffs; three said they were using big ships and skiffs together at the time they were captured two of whom were using one big ship and two skiffs and the other was using one big ship and 1 skiff; three said that they were using big ships only; two said that they were using fiberglass boats one of whom said they were using two fiberglass boats at the same time; and one said that he was using a speedboat.

On the sizes of the ships, the skiff sizes varied from five to 35 meters in length, the average size being 10 meters. One pirate said that his big ship is 15 meters in length and another one said that the capacity for the big ship is 10 tonnes of fish. One pirate said that he used a fiberglass boat length of 35 meters, and another said that his speedboat length is 10 meters.

On the engines used for the pirate boats, the engines' sizes for the skiffs vary from one 40 to 100 horse power. On the engines for the big ships, one pirate said they used a car engine for their big ship, and another said their big ship has a Yamaha 4 pistons engine. One pirate said he used a fiberglass boat with 2 engines with 40 horse power each.

On the colours of the ships, seven pirates said that they have white skiffs; two pirates said they have blue skiffs, and one pirate has a red skiff. Three pirates said that they have white big ships and one pirate said that he had a green big ship. One pirate said that he had a white fiberglass boat and another said that he had a blue one. One pirate said that he had a white speedboat.

On crew numbers, skiff crews varied from 3 to 11, with an average of 7.5. On big ships, the number of crew members varied from 9 to 28, averaging 18. On fiberglass boats the crew varied from 5 to 9, averaging 7. One pirate said that the number of pirates on his speed boat was nine.

Interviewees reported that:

Seeing two skiffs or more nearby a Dhow (mother ship) is a sign of piracy activity (Interviewee 3)

Interviewees 11, 13, 14, 15 and 3 said that the number of crew on the skiffs is a good sign to detect piracy activity: the normal number is two or three.

So if a skiff has more than four people on it, it will be suspected of piracy (Interviewee 11)

Interviewee 43 asserted that the crew number on each pirate skiff is six to eight people. Interviewee 21 said that if you see a skiff 100 nm away from the coast then it would be a suspect. Also he said that you can sometimes intercept radio signals of skiffs far away from the coast. However, Interviewee 21 admitted that it is very difficult to distinguish between pirates and fishermen at sea, and that many mistakes were made by the navies in the area.

Interviewees 3, 9, 11 and 14 said that when a skiff approaches a ship at high speed and/or comes up close to it or follows it, then it will be considered as suspicious. Interviewees 14 and 15 said that they would suspect a skiff if it does not have fishing nets on board. Interviewee 14 said that carrying guns is another sign for pirates, but interviewee 15 said that most fishermen in the Somali area carry guns for protection, though seeing an RPG would be a definite sign of piracy. Interviewee 1 said that detecting radar on dhows, visually or electronically, is a suspicion of piracy. Interviewees 11, 14, 15 and 3 said that seeing a ladder on a skiff is a sign of piracy, while interviewees 3, 13, 14, 15 and 21 said that seeing a large fuel tank or an extra fuel tank on skiffs is another sign of piracy. Finally, interviewee 13 said that a skiff far away from the fishing area and close to the commercial ship lane would be a sign of piracy activity.

3.4.3 Manifestations of terror piracy in the Arabian Gulf

During the first fieldwork in August 2012, only interviewee 1 claimed that piracy in the Northern Arabian Gulf is motivated by political drivers.

The Iraqi and Iranian pirates in the north are motivated by their governments to attack Kuwaiti ships. Piracy increased in the north between 2003 and 2007 but after 2007 it vanished because the conflict between Iraq and Kuwait has ended (Interviewee 1)

Interviewee 1 said that the northern Kuwaiti sea was the most dangerous area because it is close to Iraq and most of the pirates are Iraqis. He said that the most dangerous time in the North Kuwaiti Sea is between August to October which is the fishing season when the density of the victims is at its highest:

The wind is calm; the visibility is clear; and the wave height is low, so pirates find it easy to attack ships (Interviewee 1)

Interviewee 1 reported that pirates in the North do not use the strategy of kidnap for ransom. He said that in the north, the pirates are Iraqis and Iranians who have Arabic ethnicity, and are all Muslim Shiaa. The Iraqi pirates speak Arabic and the Iranians speak Persian and sometimes broken Arabic. Interviewee 1 said that in the north the Kuwaiti coastguards distinguish between fishermen and seafarers who are suspected of being pirates by applying the following criteria:

- a. The location and the type of ships: in the fishing seasons, most of the fishing ships will remain within the fishing zones.
- b. For ships using long nets they normally lay the nets during the day and at night will be at anchor and the crew will not be seen at night because they go to bed till the morning and the crew of this type must be 12. So if the ship is not at anchor at night or the crew is only five or six, then the ship will be suspect.
- c. For the trolling fishing ships, they must navigate in a straight track and the crew must be four or five, so if the ship is traveling in an irregular course or the crew is more than 8, then the ship will be considered as suspect.
- d. Iraqi and Iranian vessels are less luxurious than Kuwaiti vessels because Kuwaiti citizens have more income than the Iraqis and the Iranians. .
- e. Speed: any ship doing more than 20 knots or having two engines is suspected of piracy or smuggling.
- f. Radar: Interviewee 1 said that any ship in the north, except the Kuwaiti luxury ships, which have got radar, is a pirate suspect, because radar is expensive and fishermen do not need it.

Interviewee 1 said that after 2007, Kuwait was more concerned that pirates might come from Iran rather than Iraq, because Kuwait has political conflicts with Iran but not with Iraq any more. I asked interviewee 1 for evidence to support this claim such as piracy attacks reports, but he did not provide any evidence. I visited the court's library in Kuwait to look for piracy attacks by Iranian pirates after 2007, but there was no record of them, meaning that this claim is unreliable.

3.4.4 Manifestations of terror piracy in Somalia

Interviewee 13 (Yemeni Coastguard Liaison Officer in the Coalition Forces (Bahrain)) and interviewee 16 (Somali Ambassador in Abu Dhabi (UAE)) believed that Somali pirates were linked to the Al-Shabab group and that Iran is supporting the activities of Somali pirates in the area. Interviewee 13 said that Somali pirates have seven bases in Somalia (See Appendix F):

Al-shabab are controlling the militias which are more powerful than the Federal Government... After the war on Afghanistan in 2001, Al-Qaeda members moved to Iraq and after the war on Iraq in 2003, they have moved to Somalia and that is why piracy increased there since 2004 (Interviewee 13)

Interviewee 16 said that he received a report saying that there are links between Al-shabab and pirates in Somalia.

Al-shabab needs money to fund their activities and power, while pirates need information, weapons, port facilities, land camps and men. I can assure that Al-shabab in Somalia are controlling sea ports, markets and telecommunication companies which all pirates need, which is another reason why they are working together. The fact piracy decreased in 2011 because of the death of Al-Qaddafi who was supporting Al-shabab with funds, confirms that Al-shabab are a major stakeholder in piracy (Interviewee 16)

Interviewees (Interviewee 17, 18, 19, 20, 21 and 43) claimed there are links between Al-shabab and the Somali pirates:

There are two groups of pirates in Somalia - the fishermen pirates and the ex-civil war criminals - Alshabab has links with the latter if not with the former pirates (Interviewee 19)

Al-shabab controls huge areas of land and ports, and pirates needed access to those protected ports and land, for which they paid Al-shabab (Interviewee 19)

The closest link between Al-shabab and pirates is in the business of trading and buying hostages (Interviewee 20)

Piracy and terrorism in Somalia is a combined business, and terrorists are exploiting piracy for the money it generates (Interviewee 43)

Interviewee 35 admitted at the beginning of the interview that he was a member of Al-shabab group, but he denied this later in the interview.

Interviewee 35 is from the Kismayo area in Somalia. He said that they caught him in the land in a place called Ras Kambooni. The Figure 3.1 Shows Ras Kambooni in the south of the Somali coast, very close to the Kenyan boarder.

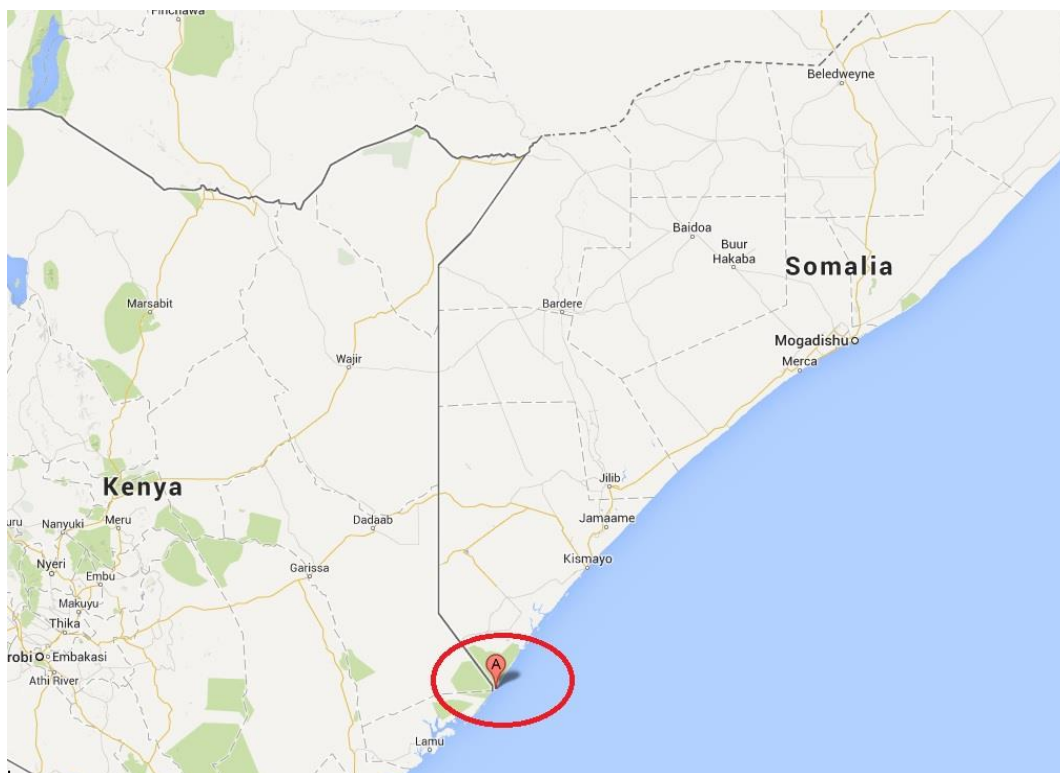


Figure 3.1 Ras Kambooni map, Somalia

Interviewee 35 said that they accused him of illegal immigration to Kenya, and of piracy. The interviewee also mentioned the word ‘Da’awa’ to the translator, which means Islam breaching in Arabic. Interviewee 42 was also accused of terrorism at the beginning because he was caught with other Yemenis on the ship, but then of piracy. He is from Bosaso and they caught him 15 km away from Bosaso. Appendix K describes these two pirates who were accused of terrorism and then piracy by the Kenyan government; they are both black Somali pirates.

Interviewee 35 said that they caught him on land while he was walking across the Kenyan border. At first in the interview he admitted they caught him transferring weapons from Kenya to Somalia, but he denied this later in the interview. Interviewee 42 said that when they caught them they did not find any weapons or any sort of technology. Interviewee 42 said that they had a big ship with a 10 ton capacity to carry fish:

We use skiffs attached to the big ship and the crew number was 18, mixed Somalis and Yemenis (Interviewee 42)

The claim of interviewee 42 that the crew number was 18 supports the tactic adopted by the pirate’s ships recognition section, that the crew number is an effective way to recognise the pirate’s ships.

3.5 Consequences of the two different kinds of maritime piracy

This theme will rehearse respondents’ perceptions of the differences in the consequences of financial piracy and terror piracy in the Arabian Gulf and Somalia. The perceptions are explained in the following categories:

- Financial losses (ransoms, insurances, security)
- Losses of human life
- Injuries
- Losses of units [ships] and goods

3.5.1 Consequences of piracy in the Arabian Gulf

- Financial losses

Interviewee 3 said that the economic situation in Iraq does not push Iraqis into piracy, but if they have decided to commit piracy, they would only attack fishing boats to steal cash. Interviewees 6 and 7 said that the Iranian pirates in Central Arabian Gulf only steal cash, mobile phones, food and water, which are not really dangerous attacks, and the financial consequences are not serious.

- Human lives lost

Interviewee 3 said that Iraqi pirates in the North are harmless - they have never killed or kidnapped fishermen, so they are less dangerous than other pirates. Interviewees 6 and 7 said that in Central Arabian Gulf, Iranian pirates are harmless to people because they are unlikely to use violence. Interviewee 1 provided me with the below table 3.1 of a published report containing all the piracy incidents between 2003 and 2008 in Kuwaiti waters:

Table 3-1 Piracy attacks in Kuwait 2003-2007 (Source: The Kuwaiti Coastguards)

year	2003	2004	2005	2006	2007	2008	total
Piracy attacks	1	31	24	6	5	0	67
Piracy attempts		4					4
Piracy with murder		1					1
Captured pirates		1					1

As we see from table 3.1 only one person was killed during this period - by Iraqi pirates in 2004. When I went to Qatar to interview Qatari coast guards officers', interviewee 7 provided me with the table in Appendix L of all the piracy attacks that occurred in Qatari waters carried out by Iranian pirates in the Central Arabian Gulf. This shows that 37 attacks occurred in Qatari waters between 2008 and 2012, which is the peak of the attacks that have ever taken place in Qatari waters, according to interviewee 7. However, none of these attacks

has been recorded in the IMO's official records of piracy attack reports, and when I asked interviewee 7 why they are not reported, he replied that the Qatari government do not publicise piracy attacks for two reasons: first, because the attacks are not serious and their consequences are minimal ; and second, because publicising the attacks would lead to an increase in vessel insurance rates and voyage wages in the Arabian Gulf, and this would reduce the level of international investment in the area.

- Injuries

Interviewee 8 said that although pirates in the Northern Arabian Gulf do not kidnap, they do board ships and harm sailors.

- Losses of goods

Several interviewees described the theft of goods by pirates in the Arabian Gulf:

Pirates in Northern Arabian Gulf are looking for electronics and cash and personal belongings to steal (Interviewee 3)

Interviewees 5, 6, and 7 agreed, saying that pirates in the North are only looking to steal electronics, food, water and cash.

3.5.2 Consequences of piracy in Somalia

- Financial losses (ransoms, insurances, security)

Interviewee 1 said that ransoms in Somalia increased in 2012 which means that pirates are more selective about targets now.

The pirates prefer to do one attack worth \$15 million than attack 10 targets each worth \$2 million (Interviewee 1)

Interviewee 15 said that people think that piracy has decreased but the ransom amount has increased and the duration of capture for ships has increased, so the danger and consequences of piracy have risen in Somalia. Interviewee 4 claimed that the amount of ransom asked by the Somali pirates is affecting the global economy. Whether or not this is true, Interviewee 17 said that piracy adversely affects Somalia in that pirates attack ships carrying goods, food and products to Somalia, and this increases the prices of those products in Somalia. Interviewee 16 said the security situation inside Somalia has not improved during the last 20 years and the economy is declining – evidence that the UN and the international organizations are not helping Somalia to overcome their failed state condition.

Interviewee 22 said that piracy in Somalia affects Kenyan tourism because tourists come to Kenya via the Red Sea to the Gulf of Eden and then to Kenya, and pirates in the Gulf of Eden and in the Somali waters block this tourism route.

Other countries had also been affected, including Tanzania, Uganda, Congo, Ethiopia and Nigeria. Piracy, terrorism and the civil war in Somalia resulted in one million refugees fleeing from Somalia into Kenya, which has seriously affected the Kenyan economy (Interviewee 22)

Interviewee 21 said that Somali piracy money has been invested in the construction sector in Kenya, and laundered through the money exchange market in Kenya, which has distorted the financial markets in Kenya.

- Loss of human life

Interviewee 15 said that the number of attacks has decreased but the level of violence has increased, so the situation in 2012 was more dangerous than in the previous year. Interviewee 4 said that the Somali pirates are using more heavy weapons than in the past which means that they are capable of killing more people.

- Injuries

Interviewee 15 said that pirates are more willing and capable of harming victims than in the past, although the number of attacks decreased in 2012. On the other side, Appendix M shows the number of pirates killed or injured during piracy attacks, according to the pirates I interviewed in Shemola Tower prison in Kenya: 12 pirates were killed during combat operations against them. So out of 20 operations, 12 pirates were killed - meaning the pirates had a 60% chance of being killed in the piracy combat operations.

- Loss of ships and goods

Interviewee 17 said that Somali businessmen suffered because the pirates stole their ships, goods, food and money. Interviewee 3 said that pirates in Somalia kidnap the ships and then negotiate for ransom. Interviewee 15 said that the average time for the pirates to hold the victim ships is 90- 120 days.

3.6 Different responses to counter the two different kinds of maritime piracy

This theme will describe the interviewees' perceptions of the responses that have been made so far to counter 1) financial piracy; and 2) terror piracy, in the Arabian Gulf and Somalia. The perceived responses will be reviewed under two categories: political responses; and military responses.

3.6.1 Political responses in the Arabian Gulf

Both Interviewee 1 and Interviewee 8 said that piracy decreased in Northern Arabian Gulf after 2007 because there was close cooperation between the Iraqi and the Kuwaiti coastguards after Iraq was settled politically from inside, and because the settled Iraqi government decreased crime rates in general. Interviewees 5, 6, 7, and 8 referred to Kuwait's efficient legal system and robust approach to ransom demands as the reasons for this decrease:

Piracy is not a huge threat in Kuwait because Kuwait has a very good court system to which all the captured pirates would be transferred officially by the coastguards and the court with all recordings (Interviewee 5)

The Kuwaiti policy is to use force against kidnappers and not to pay ransoms (Interviewee 8)

3.6.2 Political responses in Somalia

According to interviewees, there is a wide variety of political responses to Somali piracy. For example, interviewee 4 said that there are many policies and treaties to deal with piracy in Somalia, but the problem was limited international commitments and the lack of funds to implement them.

In Maqadishuio, private shipping companies now took responsibility for their own protection by deploying lookouts, water cannons and armed guards (Interviewee 4)

Interviewee 10 said that when dealing with kidnappers the decision will be made by the nation of the captured ship whether to pay ransom or use force.

If a British RN ship capture pirates they will set them free because in the UK there is no court to deal with international pirates and the court in Somalia is not capable of doing so (Interviewee 10)

Interviewees 11 and 12 said that the Korean and Pakistani strategy is to use force against kidnappers and not to pay ransom. By contrast, interviewee 14 said that in dealing with kidnappers, companies will negotiate to reach suitable solutions with kidnappers in paying ransom. Interviewee 15 said that if the ship is insured, the average time before paying the ransom is between 90 and 120 days. Some interviewees referred to the UN's response to Somali piracy. For instance, interviewee 13 said that in 2008, the IMO and UN established the IRTC International Recommended Transfer Corridor which is 5 nm north of the Yemeni territorial waters. He said that 70% of commercial ships are using this lane which is protected

by several navies, and has been successful in reducing piracy in the area. Interviewee 16, the Somali ambassador, said that the UN had forbidden Somalia from using or buying weapons for its army, navy and coastguards, which meant that pirates, gangs, militias and war lords became more powerful than the government.

Somalia tried to prove to the UN that it was capable of countering piracy by re-establishing its navy through recruiting 900 seamen and asking the UN to fund this establishment, but the UN refused, on grounds that the Somali Government was corrupt, and as a result the government abandoned the project because it was unable to pay the seamen's salaries (Interviewee 16)

Many interviewees were critical of the response of international organizations such as the UN in combatting Somali piracy:

The Somali government appealed to the UN against illegal fishing and chemical waste dumping in Somali waters, providing medical reports of children who had been affected by the chemical waste (Interviewee 17)

The UN said that they would investigate the matter, but no action was taken (Interviewee 22)

The UN efforts in Somalia are not very effective, partly because international organizations are afraid to enter Somalia because of the lack of security, partly because it suffers from lack of capacity to solve the piracy issue, and partly because the Somali government and the civil society in Somalia are very corrupt, which slows the process of implementing development in Somalia (Interviewee 21)

The UN policy is below standard and they pay the salaries for the next seven years for the security units in Somalia, arm the new federal government and fund the Somali investments (Interviewee 22)

Interviewee 18 said that there were many deficiencies in the UN Convention on the Law of the Sea (UNCLOS): (1) it restricts the actions and procedures so much for the navies when they capture the pirates that they sometimes release them; (2) its definition of piracy is very wide and unclear; and (3) it requires naval officers to apply the civil and criminal law of their own state to captured pirates, which is often inappropriate.

On the other hand, other interviewees defended the UN's efforts. For instance, interviewee 17 said that the UN had now started to empower the Somali government and this is the reason why piracy decreased in 2013, because the Somali government now is more stable:

Piracy would increase again if the UN stopped its efforts on empowerment (Interviewee 17)

Interviewee 19 said that the UN office in Kenya is only able to provide advice to the nations close to the piracy area like Somalia and Kenya, because the UN does not have sufficient resources to provide funds for Somalia. The UN's work is to organize conferences and coordinate with international organizations such as the United Nations International Children's Emergency Fund UNICEF and the World Bank. The UN is also dealing with Somali refugees, providing them with help, and it now has a plan to organize and manage funds for the Somali government to make it more stable, and to help it with several construction projects. Interviewee 20 said that the United Nations Office on Drugs and Crimes (UNODC) started in 2009. She said that because the navies in the area refused to take captured pirates to their home lands or to Somalia to prosecute them, the UNODC partnered with Kenya, Seychelles and Mauritius to transfer the captured pirates to them and to prosecute them there. She said that UNODC supports these nations to make sure they have minimum international justice standards and that the pirates are given fair trials and investigative processes, and that the pirates' imprisonments meet minimum international standards. Interviewee 20 said that UNODC pays fees for the lawyers, costs of transportations for the witnesses and the prosecutors; provides training on the law of the sea and Somali culture; gives infrastructure support to those nations to improve their prisons and police stations; and has built additional courts in those countries. She said that the UNODC program is also expanding prisons in Somalia and Puntland so they can transfer the Somali convicted pirates to Somali from Kenya, Seychelles and Mauritius. Interviewee 20 said that the trial process in the three countries is currently very slow because of the low capacities they have - in Kenya the average time for a trial is more than one year – but UNODC is helping those countries to speed up the trial processes for the pirates. She said that Kenya, Seychelles and Mauritius are very cooperative and helpful because the UNODC is providing them with funding to build their own prisons and courts. She provided the three tables in Appendix N showing the numbers of the Somali pirates captured and transferred to Kenya, Seychelles and Mauritius. Interviewee 20 also said that the UNODC is aware of the illegal fishing and the chemical waste dumping in Somali waters, and the office is working now to

resolve this issue. She said UNODC sent an engineer to Somalia to teach the security forces how to maintain and fix their coastguard boats, though this process is very slow at the moment.

Interviewee 21 is the Training Coordinator Djibouti Code of Conduct Project Implementation Unit in the UN office in Kenya. The Djibouti Code of Conduct is a program set up to support countries in the West Indian Ocean and the Gulf of Eden affected by piracy to build a proper counter piracy response. He said that since 2011, they have three regional information sharing centres, one of which is in Mombasa, so reports of any piracy attack will be sent to one of these information centres and will be distributed to all seafarers in the area, including commercial ships and the navies so they can be aware of the situation. The interviewee's role is coordinating training activities for naval officers, coastguards, maritime lawyers and enforcement officers to teach the best ways to combat piracy. Interviewee 43, IMO's Maritime Liaison Coordination Officer in the security regional marine rescue coordination Centre (Mombasa, Kenya), commented on the work of the IMO in combatting Somali piracy. He said that the IMO office in Kenya shared information about Somali piracy incidents with the whole world via the Mercury system which is a data link connecting all the warships with the centres in the region. He explained that if they get a report about a piracy incident, they input this into the system so that all naval ships will know about the location and type of the ship that has been attacked, its name and all other relevant information. This will enable the naval operation centre to determine within less than one minute which warship is closest to the reported location, and to instruct it to proceed to that location. Interviewee 43 said that there are 10 people working in the centre, which is not enough: the required number is more than 20 people.

Some interviewees commented on the political response of Kenya to Somali piracy. For instance, interviewee 22 explained how Kenya is dealing with one million Somali refugees, including many officials and governors, by housing, feeding and organizing charities provided for them by the UN, Arab League and from Kuwait.

Kenya encouraged Somali investors who are willing to invest in Kenya, referring to a place called Eslee in Kenya where many Somali investors have established their investment and banking businesses. He said that Kenya also hosted the Somali peace process in Nairobi (Interviewee 22)

Interviewee 43 said that Kenya is one of the countries who signed up with the UN to trial the Somali pirates. He said that when a naval ship captures pirates it will take less than 24 hours to be transferred to Kenya. When I said that some navies held pirates in their custody for over two months before transferring them to Kenya, he denied this claim and said that sometimes the media fake those reports. I said to him that most of the pirates stay in Kenyan prisons for years without being convicted, but he also denied this and said that the maximum period for conviction is 2 months.

3.6.3 Military responses in the Arabian Gulf

Interviewee 3 said that piracy is an international crime and the responses must be international not national or individual. Interviewee 9, a US officer in CTF 152 (Bahrain), whose role is to maintain maritime security against piracy and terrorism in the Arabian Gulf, said that there are 15 people working under his command in the office, and that CTF 152 has access to destroyer classes from the US and the British Navy, and patrol classes from the US and French frigates, whose average speed varies from 25 to 35 knots. However, Interviewee 3 claimed that such international initiatives were inadequate:

Although many forces are participating in collective efforts to combat piracy (such as CTF 150, 151, 152 and NATO), those efforts suffer from a lack of commitment (Interviewee 3)

Other interviewees commented on the military responses of individual states, especially Kuwait and Qatar. On Kuwait, interviewee 1 said that since 2007 there has been close cooperation between the Kuwaiti and the Iraqi coastguards. Kuwaiti coastguards validated the radar system which enabled Kuwait to monitor the sea and report any suspicious action to Iraqi and Iranian coastguards and to the CTF 152 in Bahrain. Interviewees 5 and 8 said the intelligence maritime cell in the Kuwaiti naval base gets information about pirates from sources in Iran and Iraq. The Kuwaiti navy liaises well with coalition forces such as CTF 150, CTF58 (specialized in the Northern Arabian Gulf), CTF 151, CTF152, U.S. Navy, and all the GCC Navies and intelligence, and it receives information from the sea units (naval and coastguard) who are physically in the area all the time and monitor the sea by both radar and visual means and sends information and reports all the time. Interviewee 1 explained that

Kuwaiti coastguards have two sources from which to obtain information about pirates: (1) the media, especially the BBC regional office in Abu Dhabi which provides the GCC with up-to-date information about danger zones and threats; and (2) information and intelligence reports shared daily between the six GCC countries, supplemented by a report every three months on all maritime and piracy incidents.

Interviewee 8 listed the following ships under the Kuwaiti coastguards command:

- Cougar class, 41 feet length, 50 knots speed, armed with two 50 Cal, RADAR, GPS, Echo sounder, HF and VHF (?? Boats)
- Fabio class, 41 feet, 60 knots speed, armed with two 50 Cal, RADAR, GPS, Echo sounder, HF and VHF (6 boats)
- Concept class, 38 feet, 45 knots speed, one 50 cal gun, RADAR, GPS, Echo sounder, HF and VHF. (25 boats).
- The Gulf Master class, 43 feet, 50 knots, speed, M16 and personnel weapons. (3 boats).

Interviewees 1 and 8 said that in addition to the above ships, the Kuwaiti coastguards have 12 patrol boats (Sabahi class) with a speed of 30 knots and a crew of ten including two officers, attached to which are French Cougar intercepting boats used for intercepting and boarding. Interviewee 8 said that the Kuwaiti coastguards have one patrolling ship and 4 speed boats in the north 24/7. He said that the average time to arrive at the location of an attack is 10 minutes because the area is small in Kuwait, as the coastguards only operate within the 12nm area. The ships have navigation radars, GPS, and AIS both on the ships and in the operations centre. Interviewee 1 and 8 said that the allowed armaments for the coastguards are 50 calliper, m16 and 9mm Pretta gun. The Kuwaiti coastguards have two bases (one in the south and one in Warbah islands in the North), from which vessels respond to any distress message within the 12nm territorial waters of the country, and are at sea within 10 minutes of receiving such messages.

Interviewee 2 said that oil tankers are given a briefing about security and piracy before leaving the Kuwaiti harbour. Information in this briefing comes from the government's security agencies in Kuwait (the Armed Forces Intelligence Service and the Ministry of the Interior). The Kuwaiti coastguards monitor data provided in international organizations' reports such as IMO's notice to mariners, and they follow all the broadcasts of international organizations. Interviewee 5 said that the Kuwaiti navy have navy SEALS who can deal with kidnappers. Interviewer 8 said that Kuwait had never faced a kidnap situation, but if it did,

it's very qualified SWAT team in the coastguards and SEALS in the Kuwaiti navy would deal with kidnapper without paying ransoms. They have several different types of ships from small boats to patrol and missile ships; 50 caliber guns and m16s; navigation and surveillance radar, GPS and NAJAIR systems; and night vision cameras. Interviewee 8 said the naval presence depended on the danger level: at the moment, when it is very safe, the Kuwaiti navy has one ship at sea. The Kuwaiti navy is not large, and the average time to reach a distress location is one hour, but in emergency, the navy can contact the Air Force for helicopter support. However, Interviewee 8 said that Kuwait coastguards suffer from a lack of manpower because the military is not attractive to people to join anymore because of the hard work in the military.

In Qatar, I noticed there were many people working in the Qatari coastguards division: the operations department alone contained about 450 staff under the command of interviewee 6. Interview 7 said that when piracy increased in 2008 to 2011, the Qatari government made piracy one of its priorities and increased the coastguards' manpower and arms. Interviewee 6 said that Qatari coastguards are at sea on full alert 24/7; they get data about pirates from the dhows and oil ships at sea that provide up-to-date and reliable information; and they share information about pirates with GCC coastguards. Interviewees 6 and 7 said that the Qatari coastguards have a SWAT team that is responsible for dealing with kidnappers and they are very reliable and highly qualified. The interviewees added that Qatari policy is to use force against kidnappers and not to pay ransom. Interviewee 6 said that piracy decreased in Qatar because the Qatari coastguards increased their manpower and started an education campaign to inform seafarers at ports and jetties about the threats and how to prevent and report pirates at sea. Moreover, all seafarers, before leaving the jetties, must fill in a form about the time of their return, and their destination at sea, so the coastguards can track them and understand the maritime scene more fully. Interviewee 7 said that the reason for the decrease in piracy is that Qatar established a new unit called the Duties department containing 40 intercepting boats (33 feet) with 70 knots speed, and had validated a new radar system which has 18 people working to analyse the maritime scene 24/7. Interviewees 6 and 7 said that the Qatar coastguards have 150 powerful speedboats, 33 feet in length, with a speed of 75 knots from three outboard engines, equipped with radar and GPS. They also have seven patrol ships, 20 meters in length, with a speed of 25 knots, which can stay at sea for two days, and seven Cougar type boats whose speed is 45 knots, used to escort the patrol ships on every

patrolling, mission, and they have also four Tug boats. Interviewees 6 and 7 said that the permitted weapons for use against pirates are the m16, 9mm gun and GBMG machine gun, and that all of the Qatari coastguard boats have GPS, navigation radars, electronic charts on the patrol ships, and Navtex (the weather forecast System) and AIS on the patrol ships. Interviewee 7 reported that the Qatari coastguards had two patrol ships in Qatari waters and 17 speed boats in the North working 24/7. Interviewee 7 said that the Qatari coastguards will respond immediately to any distress message and if the location is far they will send a helicopter to the location.

3.6.4 Military responses in Somalia

Interviewee 1 said that Omani international waters is the most dangerous area infected with Somali pirates and naval presence is very low in comparison to the huge area, because the Omanis are not deploying enough naval units.

So naval responses to distress messages are very slow (interviewee 1)

Nevertheless, Interviewee 17 believes that naval presence in the Somali waters is the main reason for the decrease of piracy in 2013. Interviewee 18 claimed that piracy decreased in 2013 because of the naval presence in the Gulf of Eden. The naval presence was extended because the Somali pirates were threatening the global economy in the Gulf of Eden. Interviewee 19 said that Western countries, India and Japan have all established naval forces in the Somali area to protect their interests against piracy. Interviewee 2 said that oil tankers facing piracy attacks near the strait of Hormuz successfully follow the anti-piracy procedures:

Commercial ships keep watch in high risk areas either by crew or dummies, and they also have water cannons and barbed wire on their sides to keep pirates off if they tried to attack. If they see a suspect (i.e. any boat within 3 nm) they directly report it to the naval ships in the area, and if the suspects come close they will try to communicate with them through loudspeakers to find out their intentions (Interviewee 2)

However, interviewee 4 pointed out that Somali waters are huge, and no matter how great the naval presence, it will never be enough:

The UN assigned to CTF 151 the responsibility for dealing with piracy in Somalia, and some countries like Spain and France have their own naval units in the area to protect their ships, and the US navy is working very hard because the fifth fleet is close to this area. But naval coverage is still very limited because of the huge area involved (Interviewee 4)

Interviewee 21 said that although there are many international naval units in the Somali area, including frigates, destroyers, patrol ships and aircraft, and his UN office in Nairobi shared all piracy information with units at sea via radio and internet communications, military responses to piracy are only a temporary solution which just stalls piracy for a while and displaces it to different areas.

Interview 19 said that deploying armed guards on commercial ships had reduced piracy, though he expressed his opposition to this measure for two reasons: first, it is contrary to international law; and second, it leads to some pirates becoming more heavily armed and the risk of serious confrontation at sea which could result in explosions of oil and consequent pollution of the sea.

Interviewee 9 explained the role of his ship, USS Bainbridge, in countering piracy in the Somali basin. He said that the crew of the ship numbered 250, and they received information about pirates from the US intelligence department, which has a very wide range of sources of such data, including other naval and commercial ships in the area, other forces' intelligence departments, the Somali government, fishermen, and international documents such as IMO piracy reports. Interviewee 9 said the most dangerous area of piracy is between the east of the Somali coast and the top north of the Seychelles Islands, and there are four naval ships deployed to protect that area, which he thinks is sufficient, because the ships respond immediately after receiving a distress message, or they would send a HELLO if the location is far away. He claimed that piracy had decreased because of the tactics used by the naval presence, including the following: the US navy negotiates with kidnappers, but not for ransoms, to secure the release of hostages; the US navy had not increased the number of units at sea, but instead concentrated on protecting a specific route through the Gulf of Eden and made the ships follow this route under US protection; the boarding team use m16, 9mm guns, M4 and assault rifles to deal with pirates, and the ship has 50 Calliper and a 762 machine gun to provide cover fire if needed, while the HELLO has a 762 machine gun; and . USS Bainbridge uses radar, GPS, and hand radios for the boarding team. However,

Interviewee 9 admitted that Somali pirates responded by travelling further into the Indian Ocean.

Interviewee 10 is a British RN officer in CTF 151 (Bahrain), whose role is to analyse piracy trends in the region, from the Suez Canal through the Somali Basin up to the Gulf of Oman, and then to report to the UK Maritime Component Command (UKMCC). He said that they collect information about pirates from the Combined Maritime Forces CMF reports, naval and commercial ships in the area, aircraft in the area, and distress messages. He explained that when they capture pirates they take away their weapons and transport them to their homeland (Somalia), because the UK does not have any procedure to trial pirates in UK courts, while the Somali Government has no capacity for keeping them in custody or put them on trial, so the only option is to set the pirates free. Interviewee 10 said that piracy had decreased in Somalia because of the armed guards on board the commercial ships, despite the fact that naval responses to distress messages may take hours or days, depending on the location of the attack.

Interviewee 43 said that Kenya is taking effective steps to deal with Somali pirates. For example, the Mercury system used in the security regional marine rescue coordination centre (Mombasa, Kenya) logs piracy incidents and informs warships in the area so that the closest naval ship will proceed to the location of the attack. The information provided in the Mercury system includes the coordinates of the suspected piracy location, the name of the pirate ship, and how many skiffs are involved. He claimed that

Both NATO ships and Kenyan naval ships are countering piracy in Somali waters...the Kenyan government sent the Kenyan navy into Somali waters without UN permission to protect Kenyan ships and kill Somali pirates who came very close to Kenyan waters (Interviewee 43)

Interviewee 43 held that this is the main reason for the decrease of piracy in 2013, though it may be that Somali pirates merely moved to the North of Somalia from the South. Interviewee 22 said that the Kenyan navy is successful at keeping Somali pirates out of Kenyan waters, and the Kenyan army has had some success on land against Al-Shabab:

The Kenyan navy protects Kenyan waters from Somali pirates. On land, however, Kenya has established the AMSON African Mission Forces which are Kenyan troops who entered

Somalia to counter Al-shabab militias. AMSON fought Al-shabab in Kismayo, freeing the Kismayo port in 2012 which AMSON forces now control and protect (Interviewee 22)

However, he acknowledged that the Kenyan navy cannot counteract piracy in Somali waters because that would require travelling more than 600 km to travel and the Kenyan navy does not have the capacity and resources to do this.

Another tactic employed by Kenya was reported by interviewee 43 - namely that Kenyan naval units in Somali waters now capture anyone with weapons and transfer them to Kenya, Seychelles or Mauritius for investigation and trial. He said that suspects must prove their innocence in carrying guns – i.e. prove they are fishermen not pirates – and if they failed to do so, they face up to 20 years in jail. The court will not even need witnesses to charge the captured pirates, because carrying weapons is enough evidence for charging them with piracy.

Interviewee 11, the CTF 151 Korean liaison officer said that they get information about pirates from Korean naval and commercial ships and aircraft in the area, and their policy is very hardline:

The Korean policy is not to negotiate with pirates but to use force to release hostages. Interviewee 11 said that the Korean navy has one destroyer in CTF 151 with HELO and a speed of 30 knots; that the Korean navy usually use sniper guns, personnel machine guns and 50 callipers against pirates; and that the Korean navy use IR cameras, navigation radar, surveillance radar and tracker radar. But the Korean destroyer is only allowed to help Korean ships, and to do that, one destroyer is enough. If it received a distress message while escorting a Korean ship, it would not respond to the message but continue escorting the Korean ship (Interviewee 11)

Interviewee 12 is a Pakistani intelligence officer who works in CTF 150, which specializes in counter maritime terrorism. He believes that piracy decreased in 2012 because of the deployment of armed guards on board commercial ships.

The CTF 150 uses the internet to get information about pirates, because the internet gives very good data. Pakistan has two destroyers in the area, one with CTF 151 that counters piracy, and one with CTF 150 that counters maritime terrorism, both with a speed of 35

knots. The two destroyers have radar and GPS, but they depend more on visual methods than radar, because they cannot distinguish between targets by radar (Interviewee 12)

Interviewee 13 is a Yemeni Coastguards Liaison officer in Bahrain. He said that the Yemenis get information about pirates from Yemenis in Somalia and from Somalis in Yemen.

There is a good relation between Somalis and the Yemenis because of their geographical closeness, social ties, and trade exchanges between the two countries (Interviewee 13)

Interviewee 13 explained that Yemeni fishermen are a very good source of information because they can detect any strangers in the area and report them to them. Indeed, he called them the front line for information; though he pointed out they have to trust us first in order to give us information. On dealing with kidnappers, he reported that the Yemeni strategy is to use extreme force against them, including killing them.

There was an incident in 2008 when a Yemeni ship – called Qanah – was kidnapped by Somali pirates 62 nm outside Yemeni waters, and the Yemeni coastguards received an order from the Yemeni president to use force, as result of which, two pirates were killed but all the crew was released (Interviewee 13)

The interviewee 13 said that the Yemeni coastguards have 10 patrolling ships, Australian made, 35 meters in length with a speed of 35 knots and a crew of 15; they use navigation radar, GPS, satellite communication, HF and VHF; the weapons they use are Russian, and they include a 30 mm gun, a 12.7 mm gun, Kalashnikovs and 9 mm guns for both officers and crew.

Interviewee 14 is manager director of a maritime security private company in Dubai. He said that his company gets information about pirates from UK intelligence reports, ships in the area, Navtex System and the internet. His company has one ship for escorting and protecting client ships: it is a 1959 mine sweeper with battle grey colours, a speed of 22 knots, and a crew of 12. The weapons used are a 7.62 gun, sniper rifles and semi-automatic rifles, and the technology they use includes radar, GPS, IR night vision, range finder and binoculars. The interviewee said that they turn the AIS off because pirates can track them from the pirates' mother ships. The interviewee said that because pirates normally attack from the sides, the counter-piracy procedure is increased speed, zigzag manoeuvres, water cannon and, finally, the armed guards. However, all these moves only serve to give them more time. Interviewee

15 talked about a real case he dealt with: at 1000 hrs, six skiffs attacked a ship from the stern and the victim ship fired flares at the pirates which caused three of the skiffs to go away, but the other three skiffs came closer – within 300 meters - so the victim ships fired warning shots which caused the remaining skiffs to go away. Interviewee 15, also an executive officer of one of the maritime security companies in Dubai, said they get information about pirates mainly from the UK maritime transport office and a number of open source websites. He explained that his company's main job is to protect oil tankers and the strategy is to deploy four armed guards on each ship, though he would prefer six. The weapons they use are 556 semi-automatic gun, AF 15 and water cannon, and the technology used includes navigation radar, IR, night vision equipment and binoculars. Interviewee 15 said the company uses the following procedure if the ship faces an attack:

- Report the case and try to avoid being boarded
- Increase to full speed
- Use zigzag manoeuvres to avoid attackers
- Shoot flares if they approach closer
- And then fire warning shots

Interviewee 15 said that most of the navies in the area are not capable of negotiating with pirates. They can use and deploy force but they are not capable of establishing and conducting negotiations.

Interviewee 43 said that piracy has decreased in Somalia because the Kenyan Defence Forces KDFs entered Somalia in October 2011 to clamp down on pirate camps. Interviewee 20 said that the UNODC office sent an engineer to teach Somali coastguards how to fix and maintain their boats; but she said that this initiative is ineffective because only one engineer is working on the project. As for the response of Somalia itself to Somalia piracy, Interviewee 16 said that the Somali government tried to re-establish the Somali navy in 2012, but the UN refused to arm the navy or fund it, claiming that the Somali government is still corrupt, which resulted in a failure of this initiative. Although the Somali government managed to recruit 900 people to work in the navy, they could not be paid because the UN refused to provide the necessary funding and the effectiveness of the Somali coastguards and the navy remained poor.

From Appendix O, we can see that the French and German navies have captured the most Somali pirates - each of them having captured four piracy groups in the Somali area. The

U.S., Danish and the British navies are next, having captured three groups of pirates; the Italian navy captured 2 groups; and the Kenyan army captured one pirate. Appendix O shows that the Danish navy kept three pirates for three months, two months, and 38 days, respectively, which means that the average time for the pirate to stay on board the Danish naval ships until he is transferred to Kenyan courts was 62 days. The average time for the Italian navy was 43.5 days; for the U.S. navy 30 days; the British Royal navy 16 days; the German navy 10 days; and the French navy six days.

3.7 Violations of international law perpetrated against pirates

Pirates may commit violations of international law, but they may also suffer from violations of international law committed against them. This theme will focus on the perceptions of interviewees of violations of international law perpetrated by naval and coastguard forces on pirates who have been interviewed in Mombasa. Such allegations of violations include the following: keeping pirates in prison for long periods before trial; failure to provide defence lawyers for accused prisoners; capturing pirates on land; and capturing pirates who are under 18 years of age. Less serious violations include not reporting piracy attacks to the authorities or the IMO, thereby concealing the full extent of piracy threats.

3.7.1 Violations of international law in the Arabian Gulf

Interviewee 7, Security and Safety Officer in the Qatari Coastguards, said that the reports which the Qatari coastguards possess about piracy are not very accurate. This is partly because cases where there is no serious harm are not considered worth recording; partly because cases that are outside Qatari's EEZ are ignored; and partly because the Qatari government advised the coastguards not to report any of the piracy incidents to the IMO for fear of scaring away foreign investments. Interviewee 7 provided me with a list of 37 piracy attacks in the Qatari waters between 2008 and 2012, none of which was mentioned in the annual IMO piracy reports for those years. Similarly, Kuwaiti authorities had records of 67 piracy attacks between 2003 and 2008, none of which appeared in the IMO piracy reports, making Kuwaiti and Qatari waters appear to be completely safe from piracy.

3.7.2 Violations of international law in Somalia

Interviewees 10, 11 and 12 said that when their navies capture the pirates they would take away their weapons and set them free. Interviewee 10 said this was because the UK law does not allow pirates caught abroad to be tried in UK courts. Interviewee 11 said that Korean jails do not have the facilities capabilities to try Somali pirates. Interviewee 12 said that the Pakistani navy releases pirates because Pakistani law does not define maritime piracy. Such release of pirates is, however, a breach of international law. Another breach is the failure of Yemeni fishers to report to their government kidnappings they suffer from Somali pirates: they make settlements with the pirates, including payments of ransoms for the release of crews without informing the Yemeni government.

A more serious breach is the allegation that the Indian navy uses violence against fishermen, stealing their phones and fish, and this is why Somali pirates say they use more violence against Indian hostages than against other country's hostages. It is also why Somali and Yemeni fishermen say they do not trust naval forces in the area, and give support to pirates, hiding information about them from the hated men in uniforms. Interviewee 13 suggested, somewhat conspiratorially, that the Indian navy uses violence against seafarers because India wants coalition forces to fail to protect the area so the UN will withdraw them from the area, and thus provide an opportunity for nations such as India, Iran and China to control the area. Interviewee 43 said that the naval forces in Somalia now arrest everyone carrying guns because it is impossible to distinguish between fishermen who carry guns and pirates:

After they arrest them, they will investigate their purposes in carrying the guns. These investigations take place in Kenyan courts and will last for only for two months at a maximum (Interviewee 43)

However, but when I visited the Shemola Tower prison in Mombasa, I read all the pirates' case files and interviewed a number of pirates and discovered that most of them were detained in the prison without any conviction for between four and five years. Interviewee 20 claimed that the trials in Kenya always take over one year because the court and justice system are very slow in Kenya. But one year is still much shorter than the four to five years experienced by the pirate suspects. Appendix P shows that 17 pirates stayed in Shemola

Tower prison without conviction for time periods varying between two and six years, the average time is four years. Thirteen pirates have been convicted, but the court did not take into account the time spent in prison before conviction. The prison sentences imposed varied from four to 20 years, with an average of almost 11 years. The total time (i.e. pre-sentence plus post-sentence) scheduled for Somali pirates to spend in Kenyan prisons varies from seven to 25 years – an average of 15.5 years. Interviewee 40 said that he was brought to the prison when he was 17 and stayed for five years without being convicted of any offence. Interviewee 35 is a 16-year old who was held in Shemola tower prison.

Interviewee 43 sought to defend Kenya's naval forces arrest of Somali fishermen simply for carrying guns on grounds that even if they are not pirates, carrying guns is against the law. In any case, he asserted, all the Somali fishermen who claim that they are not pirates are lying: in reality, all of them are pirates, and they would be given 20-year jail sentences unless they could prove they were fishermen by identifying the fishing company they work for or the ports they come from. He said the Kenyan court does not need a victim or witnesses to charge armed fishermen with piracy.

Interviewee 23 claimed that the U.S. navy used violence against him and his fellow pirates: they tortured them to get information, and they opened fire against them, killing and injuring some of them. Interviewee 28 asserted that the U.S. navy tortured him on board its vessel. Interviewee 31 said he had his leg severed by the Danish navy. Interviewee 38 claimed the German navy used violence against him and tortured him, while interviewee 39 said that the U.S. navy treated them with violence on board their ship, and forced him to admit that he was guilty of piracy. Interviewee 40 said that he was held on a French naval ship when he was 17 years old and was tortured on board the ship, while interviewee 42 claimed the British navy tortured him on board their ship. However, when I asked the interviewee for evidence of injuries caused by torture, such as marks or scars on his body, he claimed that those marks had healed as the torture was a long time ago.

Interviewee 28 stated that he did not have a lawyer in the court when his case was heard, while interviewee 24 said that the Kenyan court did not provide them with a lawyer but the Muslim community in Mombasa did, and paid the lawyer's charges. Interviewee 24 claimed that many Somalis in Shemola Tower prison died because they have not had sufficient

medical care in the prison – a claim emphatically endorsed by other prisoners, including the pirates who refused to be interviewed. Interviewee 26 asserted that in Kenya they were discriminated against because they are Muslims: for example, they are not allowed to have any visitors or make phone calls to their families. When I asked some of the Kenyan guards in the prison, they stated that it is true that some of the pirates died in the prison because of many reasons, some of which were medical, but I have not been provided with official reports from the prison authorities.

Several interviewees told of irregularities in their treatment. For instance, Interviewee 35 said that he was caught on land, accused firstly of illegal immigration but then convicted of piracy. Interviewee 34 said that he was released by the Kenyan court after being found innocent, but the Kenyan government appealed this decision, convicted him of piracy and sentenced him to five years in prison. Interviewee 32 said that the Italian navy did not understand their language, so they captured them and took them to Djibouti whose authorities refused to receive them, so they were taken to Oman whose authorities also refused to receive them, and eventually they were taken to Kenya.

3.8 Solutions

This theme will rehearse the solutions suggested by the interviewees for dealing with financial piracy and terror piracy more effectively.

3.8.1 Solutions for the Arabian Gulf

Interviewee 1 recommended increasing awareness of seafarers about the danger zones and the safety procedures, which could be accomplished via media and social networking.

I recommend giving more power to the coastguards to deal with pirates, because at present there are too many limitations on them – including limitations of their areas of operations; limitations in their rules of engagement; and limitations on their authority to get involved in international waters (Interviewee 1)

Interviewees 1, 2, 4, 5, 6 and 7 said that increasing naval forces in areas of intense pirate activity is very important. Interviewee 1 argued that GCC states were short-sighted in ignoring the need to increase the number of security units at sea because they judged that piracy had not yet impacted their national economies. Interviewee 5 suggested increasing the number of small fast boats with guns in the North of Kuwait, while interviewee 7 recommended deploying naval mother ships in the intense areas to work as stationary supply ships. On the other hand, Interviewee 2 claimed that in the Arabian Gulf the naval presence is sufficient, and instead he suggested increasing naval forces at the entrance of the Strait of Hormuz.

Interviewees 1, 5 and 6 suggested that increasing coordination, especially in exchanging information about pirates, in the GCC is very important to counter piracy, and interviewee 1 recommended having one central naval command in the GCC. Interviewee 6 suggested involving Iran in the GCC's efforts to combat piracy in the Arabian Gulf.

Interviewees 3 and 4 claimed that armed guards are the most effective way to combat piracy, and interviewee 3 recommended having a standard procedure for all the companies for the deployment of armed guards. Interviewee 4 suggested using USV (Unmanned Security Vessels). Interviewees 5, 6, 7 and 8 held that using force and not paying ransom is the best way to deal with kidnapers, because paying ransoms will simply encourage more pirates to kidnap for ransom. Interviewees 7 and 8 suggested negotiating first with pirates and then using force to release the hostages.

Interviewee 8 said that assigning a specific route for commercial ships to follow, monitored by naval forces and radar was the best solution to counter piracy, and it worked to protect ships in the Kuwaiti waters.

3.8.2 Solutions for Somalia

Eight interviewees (1, 2, 10, 12, 9, 17, 18, and 19) held that increasing the presence of international navies in Somali waters will help to decrease piracy. However, interviewees 17, 18 and 19 said that although the presence of international navies is good to deal with piracy

in Somalia, the roles of those international navies must change from protecting commercial ships to ridding Somali waters of illegal fishing and chemical waste dumping. For interviewee 9, having international naval forces in Somali waters would only help in the short term, while interviewee 14 held that having navies in Somali waters was a waste of time and money because the area was too large to protect it from piracy by military means.

Ten interviewees (1, 10, 11, 12, 13, 14, 15, 16, 2 and 9) suggested that developing Somalia from inside and rebuilding the country is the most important solution to deal with piracy and crime in general. For interviewee 15, developing Somalia starts with establishing a powerful government. Interviewee 43 recommended action to tackle piracy inside Somalia because the commanders and the war lords are the core of the piracy problem. Interviewees 18, 21 and 22 said that developing Somalia from inside is very important to stop Somali piracy at source. For instance, interviewee 21 said that developing Somali's infrastructure and providing it with maritime investment will help to reduce poverty and improve the Somali economy. Interviewee 22 recommended that the international community provides Somalia with funds to build its own infrastructure. Interviewee 21 recommended that the African Union (AU) participate and provide training for the Somali governmental forces and police. He said that this participation would increase discipline in Somali security units which will provide more security to the country and decrease the crime rate in Somalia including piracy. Interview 22 recommended action by the UN to reduce the levels of corruption in Somalia, which would improve the Somali economy, providing more job opportunities and thereby reduce piracy. For interviewee 16, the best way to develop Somalia and grow the economy is to start building the Bardair Water Dam project which will enable Somalia to increase agricultural production and increase jobs. For interviewee 16, developing Somalia also required arming the Somali navy and coastguards to safeguard the country's security. Interviewee 22 suggested that the international community should arm the Somali government and pay the salaries of the Somali police and army for at least seven years, because this would reduce crime rates in Somalia, including piracy. Interviewee 17 said that the presence of foreign navies is important, but Somalia needs its own navy and coastguards to protect its own waters, because, said interviewee 18, these will be permanently in the area. Interviewees 17, 18 and 21 said that arming and developing the Somali navy and coastguards will greatly help to solve the piracy problem in Somalia. Interviewee 28 recommended training the Somali coastguards and navy to deal with the problem of illegal fishing and chemical waste dumping

in Somali waters. He also suggested recruiting Somali fishermen into the navy and coastguards service because they know the area well and where the illegal fishing occurs, and they have seamanship and navigation skills. Interviewees 24 and 37 said that Somalia needs to provide schools for its children so when they grow up they can have decent jobs and do not have to practice piracy.

Another suggestion was deploying armed guards on ships (interviewees 4, 10, 11, 14 and 3). However, interviewees 18 and 19 rejected the idea of arming commercial ships, because arming ships will transform them from civil vessels to military vessels and push pirates into using more heavy weapons which will lead to more violence. Interviewee 19 added that because most commercial ships carry chemical products and oil, if pirates use heavier weapons against them, there will be a higher risk of sea pollution and fires or explosions on board.

Interviewees 1, 2, 3, and 15 suggested increased cooperation and exchange of intelligence data between organizations, including navies, ports, and shipping companies. Interviewee 20 recommended more partnerships from countries in the region to agree to prosecute pirates in their courts. She said that at the moment there are only three countries signed up to this partnership (Kenya, Seychelles and Mauritius), but if Tanzania and other nations signed up, this would significantly speed up the process of dealing judicially with suspected pirates. Interviewee 18 recommended that international navies in the Somali waters be obliged to exchange information about pirates with the Somali government to keep them up-to-date with information. He said that this will allow the Somali government to deal with pirates on land because, he said, the main problem of piracy is inside Somalia.

Interviewee 18 pointed out that the current law of the sea is not clear in defining piracy, and he recommended an improvement in the current definition to clarify which bodies can capture or prosecute pirates in order to end arbitrary arrests and curtail the length of time before prisoners are tried in court.

Interviewee 24 recommended that the Kenyan prison authorities provide educational services and workshops for Somali prisoners to train them in working skills so when they are set free they can obtain decent jobs. He also insisted that the Kenyan government provide better

medical care, because many people died in Kenyan prisons through lack of medical treatment. Interviewee 37 called for an end to Kenyan governmental corruption so the pirates and fishermen would get fair and fast trials in Kenya, claiming that because of the corrupt Kenyan justice system, most pirates are free and most fishermen are in the prisons.

Further suggestions included using force rather than paying ransom (interviewees 11, 12, 13 and 5); using USV (Unmanned Security Vessels) (interviewee 4); attacking and combatting the land bases of pirates - the six land bases are shown in Figure 1) (interviewee 11); and avoiding dangerous routes (interview 2).

3.9 Conclusion

The picture that emerges out of this qualitative data from interviewees' responses is that there is a significant difference between piracy in the northern and central Arabian Gulf, on the one hand, and piracy in Somalia, on the other hand. The most important fact which differentiates the two forms of piracy is kidnapping for ransom, which the Somali pirates do, but the Arabian Gulf pirates do not do. Kidnap for ransom satisfies two motives - the financial motive and the revenge motive which is generated from hatred against the west. It was obvious that some pirates expressed hatred against the west and white people when they said they had no intention to attack Arab or Muslims ships. From the interviews, it seems clear that this hatred was generated by the illegal fishing and the dumping of chemical waste in Somali waters by the western community, and this legitimized piracy in the eyes of pirates from Somalia. As we shall see, however, kidnapping exists where several factors coincide, including not only hatred, but also failed state and geographical advantage, both of which exist in Somalia. In appendix E, there is a list of all the interviewees who participated in the two periods of field work. In the next chapter, we analyse quantitative data from reports of piracy incidents to develop an understanding of how and where such incidents are likely to occur.

Chapter Four: Analysis of Official Records of Somali Piracy Data

4.1 Introduction

In Chapter three, I analysed qualitative interview data about stakeholders' perceptions of piracy in both the Arabian Gulf and Somalia to determine trends underpinning motives for piracy from empirical evidence. In this chapter, I analyse quantitative official data recorded in archives such as IMO files in order to better understand the nature of piracy in Somalia. There is very little official data available and accessible on piracy in the Arabian Gulf, partly because of poor (and in some cases, non-existent) reporting, and partly because piracy incidents are now rare in the Arabian Gulf. So this chapter focuses exclusively on Somali piracy data from the IMO official piracy reports. The method of study employed was to analyse all the individual piracy reports in official records to determine the characteristics of the Somali piracy type. A descriptive model was built on SPSS to determine the frequencies of each factor. In investigating the Somali piracy type characteristics in more detail, my analysis will facilitate the forecast of future threats, and recommend the selection of the most appropriate action to take to avoid future attacks in the area. The following variables were identified from the modelling in SPSS as the most relevant piracy factors:

1. Location
2. Victim's ship type
3. Pirate's ship type
4. Month
5. Day of the week
6. Daytime or night time
7. Time of day or night
8. Wave height
9. Wind speed
10. Success or failure

SPSS was used to record the above variables with input of all the piracy incidents in the Somali region which were officially reported by IMO during Jan 2010 to March 2015 (IMO, 2015). To find out the historical data for the wave heights and the wind speeds in the region, the www.buoyweather.com was used to input my data, which gives an accurate data based on locations. The IMO reports assume that all the attacks carried in the Somali region are by Somali pirates but, from the interviews I have made, it was discovered that some other

nationalities exist in the Somali region such as Yemeni and Iranian pirates. Nevertheless, to avoid over-complicating the picture, for the purpose of the analyses in this chapter I will assume that all the pirates in the Somali region are Somali.

4.1.1 The location variable

I have categorized the locations similar to the location s categories used by the IMO for comparative purposes. This variable is important for analysing the threat level in each location and also the quality of security units in each location:

- a. The Gulf of Aden
- b. International waters, Yemen
- c. Territorial waters, Yemen
- d. International waters, Oman
- e. Territorial waters, Oman
- f. International waters, Somalia
- g. Territorial waters, Somalia
- h. International waters, Kenya
- i. Territorial waters, Kenya
- j. International waters, Djibouti
- k. Territorial waters, Djibouti
- l. International waters, Seychelles Islands
- m. The Red Sea
- n. International waters, Iran
- o. Bab Elman dab Strait
- p. Strait of Hurmuz

4.1.2 The victim's ship type variable

I have categorized the variables in a similar way to the categories used in the piracy report by IMO, recording the type of the attacked ship as follows:

- a. Dhow
- b. Bulk carrier

- c. Tanker (oil and product tankers)
- d. Supply ship
- e. Chemical tanker
- f. Gas carrier
- g. Special purpose ship
- h. Cargo
- i. Auxiliary ship
- j. Container ship
- k. Fishing vessel
- l. Yacht
- m. Barge carrier
- n. LPG carrier
- o. Passenger ship
- p. Vehicle carrier
- q. Tug
- r. Heavy load carrier
- s. Research ship
- t. Cement carrier

4.1.3 The pirate's ship variable

I have categorized the pirate's ship types similar to the categories used by the IMO reports as follows:

- a. Skiff
- b. Mother ship
- c. Speed boat
- d. Skiff and mother ship together

4.1.4 Month; Day of the week; Daytime or night-time; and Time of day

These timing variables are recorded to understand the frequencies of attacks so we can understand the most favoured time for pirates to attack ships so linkages between other parameters can then be considered.

4.1.5 Wave height; and Wind speed and direction variables

These variables are important to help forecast threat types dependent on weather conditions.

4.1.6 Success or failure variable

This variable is important to understand the outcomes of different reactions from attacked ships regarding the pirates' ship type, wave, wind and location.

4.2 Similar studies

There are several studies that have analysed piracy attacks in Somalia. For example, Hansen (2012) analysed the types of ships attacked in Somalia, and how these types of targeted ships have changed over the years. Marchione *et al.* (2014, p. 3) published an interesting article which modelled piracy attacks in Somalia, claiming that “naval units radius area of action, naval units radius of influence, number of pirates, pirates radius of action, pirate inactivity time, number of zones in which pirates operate and pirates radius of influence are the parameters to simulate and forecast the piracy behaviours in Somalia”. Marchione *et al.* (2014, p. 6) provided a timescale table of the probability of pirates attacks around the Gulf of Aden for the period 1999–2009, showing that “the months that the Somali pirates are mostly active are November, March and April and the least month is July”. Also Marchione *et al.* (2014) provided a table on the density of the types of the ships passing through the Gulf of Aden every year, stating that bulk carriers, cargos, oil tankers and containerships are the most common ships that travel through it, and therefore the most vulnerable to pirates.

Madsen *et al.* (2014, p.2) analysed piracy attacks that occurred in Somalia in 2013, reporting that “486 seafarers were attacked by the Somali pirates in the region in 2013 where 60

commercial ships were boarded by the pirates. Around 111 hostages were taken from fishing and commercial vessels in 2013 and 54 hostages were still held in 2014". Madsen *et al.* (2014, p. 3) stated that "out of the piracy attacks in 2013 the most common vessels attacked are the tankers (8 attacks: 193 seafarers), cargos (3 attacks: 52 seafarers), containers (1 attack: 34 seafarers), bulk carriers (1 attack: 24 seafarers), fishing vessels (3 attacks: 54 seafarers) and dhows (2 attacks: 24 seafarers)".

Esher *et al.* (2010) produced a model which simulates the effects of the winds, waves and currents on the pirates' skiffs when they depart a mother ship or a land base. Esher *et al.* (2010, p. 1331) stated that "if the pirates forecast the weather [accurately] then their attack would be successful but if they don't then their attack would fail and they would return to the base or to the mothership because the wind and the current would drift them away from the target until they run out of supplies". Esher *et al.* (2010, p. 1334) presented the results of the model by concluding that "wind speed and waves are the most significant variables in the model as well as the number of the bases or mother ships around the skiff". Comparing this study with my findings herein, this issue is explored in more depth in my analysis, to find out specifically what is the threshold of the wave height and the wind speed that would determine the failure or the success of the piracy attack.

Tsilis (2011) completed a masters' thesis providing a model of regression to analyse how effective a group of warships is in protecting a convoy of commercial ships based on the variables of the warships' speeds, convoy's speed and the pirates' numbers and speeds. This study is important in finding out what are the best distances between the warships and the convoy in order to arrive in time at the attack location, however, there are more variables that play significant roles in determining the possible outcomes from these scenarios, as the next section shows.

4.3 Findings of descriptive data

From analysis of the official IMO data on Somali piracy and armed robbery against ships, 503 reports of incidents (including the successful and the failed attacks) between January 2010 and March 2015 committed by the pirates in the Somali region were identified. The following are all the terms shown in the tables and their meanings: "Valid = the numbers of non-missing variables, the Missing = the number of all missing cases which their information

were not provided” (IDRE, 2015, p. 1) for example by looking at all of the piracy attacks reports and when recording the locations of the attacks, if the location were provided of the attack then this would be consider as valid but, if the locations wasn’t provided then the number would be added to the missing part. The “Valid present = the sum of only the valid cases while the cumulative present row presents all the cases recoded including the valid and the missing cases” (IDRE, 2015, p. 1).

The following findings in Table 4.1 shows the frequency statistics tables and charts focusing on the ten variables in the introduction to this chapter identified from the IMO piracy attacks reports:

4.3.1 Location

Table 4-1 Locations of the piracy attacks by Somali pirates between 2010 to 2015

		Location			
Sea area of incident		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	International Waters, Oman	129	24.9	25.0	25.0
	International waters, Gulf of Aden	95	18.3	18.4	43.3
	International waters, Somalia	90	17.4	17.4	60.7
	International Waters, Yemen	67	12.9	13.0	73.7
	Red Sea	47	9.1	9.1	82.8
	Bab Almandab	43	8.3	8.3	91.1
	Strait of Hurmuz	11	2.1	2.1	93.2
	International Waters, Kenya	10	1.9	1.9	95.2
	International Waters, Seychelles	9	1.7	1.7	96.9

International waters, Iran	6	1.2	1.2	98.1
Territorial waters, Yemen	5	1.0	1.0	99.0
Territorial Waters, Kenya	2	.4	.4	99.4
Territorial Waters, Oman	1	.2	.2	99.6
Territorial Waters, Somalia	1	.2	.2	99.8
Territorial Waters, Djibouti	1	.2	.2	100.0
Total	517	99.8	100.0	
Missing System	1	.2		
Total	518	100.0		

From Table 4.1, we can see that the most dangerous locations of piracy between January 2010 to March 2015 are the following:

- a. Omani international waters, 129 attacks 24.9%
- b. Gulf of Eden, 95 attacks 18.3%
- c. Somali international waters, 90 attacks 17.4%
- d. Yemeni international waters, 67 attacks 12.9%
- e. Red Sea, 47 attacks 9.1%
- f. Strait of Bab Al-Mandab, 43 attacks 8.3%

Oman has one of the most advanced and effective navies in the region as Oman is wealthier than other countries in the region such as Yemen and Somalia, yet as Table 4.1 shows, the most dangerous areas for piracy were Omani international waters. Oman is not a member of CTF 150, 151 or 152, demonstrating a head-in-the-sand attitude to the problem of piracy in the region. This table reflects supports the claims made by some of the interviewees in the causes of piracy in Somalia section as they stated that international ignorance about piracy is one of the causes of its increase in certain areas.

4.3.2 Victim Ship types

Table 4-2 Victims' Ship Types by Somali pirates between 2010 to 2015

		type			
Type of ship		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	tanker	136	26.3	26.4	26.4
	bulk carrier	105	20.3	20.3	46.7
	chemical tanker	76	14.7	14.7	61.4
	container ship	63	12.2	12.2	73.6
	cargo	62	12.0	12.0	85.7
	fishing vessel	20	3.9	3.9	89.5
	dhow	11	2.1	2.1	91.7
	LPG tanker	8	1.5	1.6	93.2
	vehicle carrier	8	1.5	1.6	94.8
	yacht	5	1.0	1.0	95.7
	barge carrier	5	1.0	1.0	96.7
	gas carrier	3	.6	.6	97.3
	tug	3	.6	.6	97.9
	heavy load carrier	3	.6	.6	98.4
	supply ship	2	.4	.4	98.8
	special purpose	2	.4	.4	99.2
	auxiliary	1	.2	.2	99.4
	passenger ship	1	.2	.2	99.6
	research ship	1	.2	.2	99.8
	cement carrier	1	.2	.2	100.0
	Total	516	99.6	100.0	
Missing	System	2	.4		
Total		518	100.0		

From the table 4.2, we can see that the types of ships most attacked are the followings making other ships less desired by the Somali pirates:

- a. Tankers, attacked 136 times 26.3%
- b. Bulk carriers, attacked 105 times 20.3%
- c. Chemical tankers, attacked 76 times 14.7%
- d. Container ships, attacked 63 times 12.2%
- e. Cargo ships, attacked 62 times 12%

The most desired ships chased by the Somali pirates are categorised by type (not flag) as shown in Table 4.2, indicating that Somali pirates are motivated to attack the ships based on the easiness of the target, not the nationality of the flag. This table supports the claim that some of the Somali pirates (not all) are not motivated by political or radical motives, as they do not target specific nation’s vessels. However, in earlier chapters I have mentioned that some of the literature and the interviewees stated that there are already three types of pirates in Somalia the fishermen, Alshabab and ordinary criminals meaning that this table might reflect a type of pirate who seeks easy and valuable targets rather than targeting specific nations.

4.3.3 Pirates’ Ships

From table 4.3 we indicate the types of ship that pirates used to commit piracy. Each type of pirates’ vessel used in the attack is recorded within its frequencies.

Table 4-3 Pirates' ships types for the Somali pirates between 2010 to 2015

		Pirate ship types			
Type of ship		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	skiff	399	77.0	88.5	88.5
	mother ship	6	1.2	1.3	89.8
	speed boat	33	6.4	7.3	97.1

Dhow	3	.6	.7	97.8
skiff and mother ship	10	1.9	2.2	100.0
Total	451	87.1	100.0	
Missing System	67	12.9		
Total	518	100.0		

From table 4.3, we see that the skiffs and the speedboats are the most used by the Somali pirates when attacking ships. Comparing this table to the claims in the literature and the data from the interviews we can see that it supports those claims that the main ships used by the pirates are skiffs, speedboats and mother ships.

4.3.4 Month

The table 4.4 explains which months of the year were more dangerous for piracy between January 2010 and March 2015:

Table 4-4 Months of the attacks by the Somali pirates between 2010 to 2015

		month			
Month		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	March	76	14.7	14.7	14.7
	January	59	11.4	11.4	26.1
	April	52	10.0	10.1	36.2
	February	49	9.5	9.5	45.6
	May	48	9.3	9.3	54.9
	November	48	9.3	9.3	64.2
	June	41	7.9	7.9	72.1
	October	35	6.8	6.8	78.9
	August	30	5.8	5.8	84.7

July	25	4.8	4.8	89.6
December	21	4.1	4.1	93.6
September	18	3.5	3.5	97.1
Total	517	99.8	100.0	
Missing System	1	.2		
Total	518	100.0		

From table 4.4, we can see that the most common month for attacks committed by pirates is March, and the safest months are September, August, December and July.

One reason why piracy attacks are less frequent in August, September and July is because of the monsoon season from May to September. Another reason is Ramadan: the month of Ramadan is based on the Moon calendar which is a holy month for Muslims who fast during Ramadan from sunrise to sunset. The followings are the attacks during Ramadan:

- a. Ramadan 2010 was from 11 August to 10 September, during which there were 10 attacks, all of them during the day time, but nine of the attacks were in the early morning between 0400 to 0800 when the pirates can cope with piracy and fasting by avoiding the high temperatures in the afternoon.
- b. Ramadan 2011 was from 1 August to 1 September, during which there were 16 attacks, four of which were during night time. Six of the 12 day time attacks were in the early morning between 0600 and 0700 when the weather is not very hot and pirates can cope with piracy and fasting.
- c. Ramadan 2012 was from 20 July to 18 August, when there was only one attack, at 1200.
- d. Ramadan 2013 was from 9 July to 7 August, when there was also only one attack, at 1500.
- e. Ramadan 2014 was from 28 June to 28 July, when there were no attacks

Ramadan is one of the significant reasons which the Somali pirates decrease their activities during this month. Somali pirates fast during Ramadan, and they have no energy to be at sea all day and looking for targets.

4.3.5 Day of the week

Table 4.5 indicates which day of the week is the most dangerous day for piracy and which day is the safest day for target ships to travel:

Table 4-5 the numbers of the attacks occurred on each day of the week conducted by the Somali pirates between 2010 to 2015

		Day of week			
Day of week		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Wednesday	90	17.4	17.4	17.4
	Saturday	80	15.4	15.5	32.9
	Tuesday	77	14.9	14.9	47.8
	Thursday	69	13.3	13.3	61.1
	Sunday	68	13.1	13.2	74.3
	Monday	67	12.9	13.0	87.2
	Friday	66	12.7	12.8	100.0
	Total	517	99.8	100.0	
Missing	System	1	.2		
Total		518	100.0		

From Table 4.5 Wednesday is the most dangerous day of the week and Friday is the safest. It may be that there are marginally fewer attacks on Fridays compared to other days because Friday is the holy day for Muslims, and Somalis will be in their mosques at noon (Friday prayers are compulsory for Muslims to practice).

4.3.6 Day-time or night-time

Table 4.6 explains the number of attacks committed during daytime, and the number of attacks committed during night-time:

Table 4-6 Numbers of the attacks occurred based on the (Day or Night) which the Somali pirates operated between 2010 to 2015

Day / Night

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Day	390	75.3	78.2	78.2
Night	108	20.8	21.6	99.8
Total	499	96.3	100.0	
Missing System	19	3.7		
Total	518	100.0		

From the table and the figure above we can see that daytime is more dangerous than night-time for piracy attacks - 390 attacks being committed during day-time (75.3%) and 108 attacks being committed during night-time (20.8%). From the findings of field work interviews with Somali pirates in section (3.4.2 Manifestation of financial piracy in Somalia), I learned that pirates are more likely to operate during day time because it is easier to recognize ships in daylight, and Somali pirates do not usually use GPS or radar which make it difficult to operate during the night. Also from the interviews' finding with private ships companies, maritime security companies and naval officers, I learnt that the commercial ships' strategies were to switch off their navigation lights at nights when they travel through dangerous areas, which makes it harder for pirates to spot them.

4.3.7 Time of day or night

The Table 4.7 shows the times of the attacks and the peak times for the attacks during the day or night, indicating the most dangerous and safest times during the day and the most dangerous and safest times during the night. In table 4.7 which show the times of the day in the form 24 hours and the frequency of the attack during the specific time of the day.

Table 4-7 Time of the attacks conducted by the Somali pirates between 2010 to 2015 based on the time of the day

Time

Time of day/night	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 0100	5	1.0	1.0	1.0
0200	15	2.9	3.0	4.0

0300	31	6.0	6.2	10.2
0400	26	5.0	5.2	15.4
0500	36	6.9	7.2	22.6
0600	39	7.5	7.8	30.4
0700	32	6.2	6.4	36.8
0800	32	6.2	6.4	43.2
0900	34	6.6	6.8	50.0
1000	23	4.4	4.6	54.6
1100	31	6.0	6.2	60.8
1200	39	7.5	7.8	68.6
1300	32	6.2	6.4	75.0
1400	33	6.4	6.6	81.6
1500	23	4.4	4.6	86.2
1600	14	2.7	2.8	89.0
1700	13	2.5	2.6	91.6
1800	8	1.5	1.6	93.2
1900	7	1.4	1.4	94.6
2000	7	1.4	1.4	96.0
2100	6	1.2	1.2	97.2
2200	5	1.0	1.0	98.2
2300	5	1.0	1.0	99.2
2400	4	.8	.8	100.0
Total	500	96.5	100.0	
Missing System	18	3.5		
Total	518	100.0		

From table 4.7, we can see that the number of attacks starts to increase at 0300 and the peak time for the attacks is 0600 then the number of the attacks remains high from 0600 till 1500. After 1500 the number of the attacks decreases rapidly; after 1800 the piracy attacks remain very low till 0100, then the attacks start to rise again after 0200, but increase rapidly again

after 0300. So during the day the active piracy time is from 0500 to 1400, but during the night time the most dangerous times are between 0200 and 0500.

4.3.8 Wave Height

The following table and figure will show the wave heights when piracy attacks were committed, from which we can understand the effect of the sea's state on maritime piracy. The wave height column on the left shows the actual wave height in feet and next to each height the frequency of the numbers of the attacks been committed to that height. At the end we will be able to understand what is the maximum practical wave height for the pirates to be able to board the ship which cannot operate in higher wave heights:

Table 4-8 Wave heights which the Somali pirates conducted their attacks in between 2010 to 2015

Wave height in feet		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	.00	11	2.1	2.3	2.3
	.50	111	21.4	23.3	25.6
	1.00	25	4.8	5.3	30.9
	1.50	13	2.5	2.7	33.6
	2.00	50	9.7	10.5	44.1
	2.50	7	1.4	1.5	45.6
	3.00	140	27.0	29.4	75.0
	3.50	2	.4	.4	75.4
	4.00	46	8.9	9.7	85.1
	4.50	2	.4	.4	85.5
	5.00	40	7.7	8.4	93.9
	6.00	11	2.1	2.3	96.2
	6.50	1	.2	.2	96.4
	7.00	5	1.0	1.1	97.5
	8.00	2	.4	.4	97.9

	9.00	4	.8	.8	98.7
	10.00	2	.4	.4	99.2
	13.00	1	.2	.2	99.4
	15.00	3	.6	.6	100.0
	Total	476	91.9	100.0	
Missing System		42	8.1		
Total		518	100.0		

From the table 4.8 we can see that 357 (68.9%) piracy attacks were committed when the wave heights were 3 feet and below. At wave heights of between 3.5 and 6 feet, there were 101 piracy attacks (19.4%), and between 6.5 and 15 feet there were 18 piracy attacks (3.4%). The wave height factor is a very important issue that restricts the movement of the pirates. The pirates use relatively small skiffs to attack bigger ships in order to board them, and this technique needs experience and good seamanship skills. If the waves are high, this hinders pirates from making an approach, and makes it difficult for the pirates to deploy ladders to climb the ships.

4.3.9 Wind speed

Table 4.9 identifies wind speeds when the piracy attacks were committed.

Table 4-9 Wind speeds which the Somali pirates conducted their attacks in between 2010 to 2015

Wind speed

Wind speed in knots	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1.00	76	14.7	16.0	16.0
2.00	76	14.7	16.0	31.9
3.00	8	1.5	1.7	33.6
4.00	15	2.9	3.2	36.8
5.00	71	13.7	14.9	51.7
6.00	12	2.3	2.5	54.2

7.00	14	2.7	2.9	57.1
8.00	26	5.0	5.5	62.6
9.00	2	.4	.4	63.0
10.00	138	26.6	29.0	92.0
11.00	1	.2	.2	92.2
12.00	2	.4	.4	92.6
14.00	1	.2	.2	92.9
15.00	22	4.2	4.6	97.5
17.00	2	.4	.4	97.9
18.00	2	.4	.4	98.3
25.00	8	1.5	1.7	100.0
Total	476	91.9	100.0	
Missing System	42	8.1		
Total	518	100.0		

From the above table and figure, we can see that 438 attacks (84.5%) were committed when the wind speeds were between 0 to 10 knots, but only 38 attacks (7.3%) were committed when the wind speeds were between 10 and 25 knots. This means that the pirates are more effective and able to operate when the wind speeds are 10 knots and below, but they are much less able to operate if the wind speed is more than 10 knots. Again, this is related to boarding techniques.

4.3.10 Success or failure

Table 4.10 identifies the rates of success of the attacks, evaluated according to the boarding of the victims' ships. If the pirates managed to board the ship, this will signify a successful attack, but if they fail to board the ship, this will be considered a failed piracy attack.

Table 4-10 the number of the attacks which the Somali pirates failed or succeeded to board the ships between 2010 to 2015

Success/failure

Success or failure	Frequency	Percent	Valid Percent	Cumulative Percent
Valid yes	106	20.5	20.5	20.5
no	411	79.3	79.5	100.0
Total	517	99.8	100.0	
Missing System	1	.2		
Total	518	100.0		

From table 4.10, we can see that pirates failed to board the victim ships 411 times (79.6%), and they managed to board the victim ships 106 times (20.4%). The reasons for the failure of pirates' attacks are different in every case, depending on such factors as armed guards, naval ship proximity, wave heights, wind speeds and other variables. Later in this chapter I will analyse whether some of those variables are significant in relation to the failure of the attacks, specifically the wave height or wind speed factors.

4.4 Conclusion

From the analyses presented in this chapter, firstly, pirates are observed to be restricted by marine environment conditions such as high wave height and fast wind speeds as presented in section 4.3.8 and 4.3.9, so commercial ships can take advantage of this information when planning their routes or forming their security watches to minimise risk of attack. On a cautionary note, in practice it is difficult to prove a direct link between the decision-making of pirates of whether to attack or not and the prevailing weather conditions. However, the latter influences the implementation of approach and boarding a targeted vessel to be attacked. Secondly, Somali pirates prioritize tankers, bulk carriers, chemical tankers, containers, cargos, and then fishing vessels in terms of vessel type to attack. This suggests that Somali pirates select targets based on the type of vessel, not its flag (i.e. the nationality of its owner or crew). In other words, pirates are not motivated by ideological motives because if they were, they would attack specific flags. Therefore, this data suggests they are more opportunistic, which contradicts some of the data provided by pirates in chapter 3. Thirdly, we find that fishing vessels come in at sixth place, which suggests that illegal fishing is not

the most significant factor for piracy in Somalia. However, this assumes that fishing vessels have similar security to the other vessels, but some of the data provided by pirates in chapter three stated that most of the fishing vessels in the area are protected by the navies. To conclude, from this synthesis of data analysis, Somali pirates select targets which are slow, with low free board, little protection, and potentially provide high prices for successful ransom negotiations.

When analysing the different variables identified in Chapter 3 to highlight relationships from analyses performed in this chapter, the results show that Somali pirates appear to work at specific times which means that if ship owners take note of those times, they could avoid most of the attacks. Pirates prefer to operate in daytime because of the visibility advantage, which also can be an advantage for the naval units and armed guards to spot the pirates. This is in contrast to Iraqi and Iranian pirates in the Arabian Gulf who prefer to operate at night so they can avoid being detected by navies in the area. Ramadan also plays a significant role in Somali piracy activities: pirates being of Muslim religion operate less in Ramadan time because of the fasting time which is from sunrise to sunset for one month every year during which time they are too weak to mount pirate attacks. Ramadan affects only Somali pirates because they operate during the daytime: it does not affect Iranian pirates in the Arabian Gulf who operate during night-time which is not fasting time. Iranian pirates are more active than Somalis in Ramadan also because Qatari navies and coastguards reduce their patrols during Ramadan.

Somali pirates also work in specific locations: they are more active in Omani international waters, despite Oman having one of the strongest navies in the region. But, as we noted earlier, Oman is not yet a member of any of the Task Forces in the region to combat piracy such as CTF 150, 151 and 152.

Chapter Five: Thematic Discussion

5.1 Introduction to key themes categorising piracy behaviour

In this chapter, the nine themes that have emerged from the analyses presented in the previous two chapters arising from empirical and secondary data collected during fieldwork and extensive reviews of grey literature will be discussed. The purpose of this thematic analysis is to build the first categorisation of piracy behaviour to aid development of formulating future policy to tackle piracy. These themes are as follows:

1. Old and new piracy;
2. Definition of piracy;
3. Motivation of pirates;
4. Causes of piracy;
5. Manifestations of piracy;
6. Consequences of piracy;
7. Responses to piracy;
8. Violations of human rights of suspected pirates, and;
9. Proposed solutions to piracy problems.

These nine emergent themes help address the research questions proposed at the beginning of the research. The main research question for this thesis is “are the current anti-piracy policies and responses able to eradicate piracy?” This question was broken up into the following sub-questions:

- a. Do the current definitions of piracy define piracy in the best way? [Theme 2]
- b. What are the consequences of piracy on the economy, human rights and security in the two research areas? [Themes 6 and 8]
- c. What are the differences between the two types of piracy in the two research areas? [Themes 1 and 5]
- d. What are the motives of pirates to undertake acts of piracy in the two research areas? [Theme 3]

- e. What are the reasons for and causes of piracy in the two research areas? [Theme 4]
- f. What are the current responses and policies for countering piracy? Are they effective? [Theme 7]
- g. What are the links between pirates and terrorists, if any? [Theme 5]
- h. What are the effects of environmental variables such as sea state and weather conditions on the efficacy of piracy tactics? [Theme 7]
- i. What is the best way to mitigate piracy? [Theme 9]

The overall aim of this research is to answer these questions in order to suggest an effective maritime policy to deal with piracy in both the Arabian Gulf, where the pirates are Iranians and Iraqi, and in the Somali basin, where the pirates are Somalis and who have recently expanded their areas of operation far away from the Somali coast, near to the Strait of Hormuz.

5.2 Old and new piracy

Several authors (Mejia et al., 2009; Baniela, 2010 and Haywood & Spivak, 2012) seek to distinguish between old and new piracy. For instance, Mejia *et al.* (2009, p. 1) said that “piracy nowadays is much bloodier in terms of being more violent, as the Somali pirates for example kill use heavy weapons to attack, than the old form of piracy”. Findings from the research reported herein do not support this statement in relation to piracy in the Arabian Gulf, because during the first field work in Kuwait and Qatar, the interviewees stated that Iraqi pirates and Iranian pirates used minimal violence. For example, Qatari Coast guard officers said that Iranian pirates used a very low level of violence against seafarers because they were only looking for food, cash and mobile phones, and this suggests that piracy in the Arabian Gulf was less violent than Somali piracy. However, I agree that the statement of Mejia *et al.* (2009) is applicable to contemporary Somalia, because Somali pirates use heavier weapons than pirates in the past have used, which are capable of inflicting much more damage on the victims. Also naval forces in the Somali area are willing to use force to

detain pirates which means that pirates must act fast and effectively because capture might mean death for them. Most of the naval officers and private security company managers that were interviewed during the first period of field-work claimed that Somali pirates usually carry lethal weapons such as Kalashnikovs, grenades, and RPGs, which meant that they themselves were obliged to use heavier arms in order to successfully detain pirates. During the second period of fieldwork in Mombasa's prison, I observed injuries on pirates' bodies and saw several pirates with arms and legs amputated due to their combats with the naval units. Most of the pirates claimed that they had business partners who had been killed in combat with the naval units in the Somali area.

Baniela (2010, p. 192) compared the old form of piracy with the new form by saying "that piracy in the past was more as adventures in novels but nowadays it's a business which makes profits from merchant ships which have limited defence capabilities". I disagree with Baniela (2010), because piracy was always a business which sought profit from merchant ships. Also I disagree that piracy is a business benefiting from low defence capabilities of merchant ships, because Somali pirates are willing to attack all type of ships whether they are armed or not. Indeed, the reasons why the Somali pirates now are more armed and more brutal is because the merchant ships started to use armed guards on board, which influenced pirates to develop their weaponry capabilities to compete with merchant ships' increased defence capabilities.

Haywood & Spivak (2012, p. 7) offered a different historical perspective, saying that

"through history, states have three different views for pirates (allies, criminals or enemies) and each view will define the way to treat with pirates, if the state viewed pirates as criminals then they will deal with them similar to other kinds of criminals with formal courts and justice, but if the state viewed pirates as enemies then they will apply the rules of war on them and use lethal force against them and when they capture them they will be dealt as a prisoners of war without rules and requirements of evidence and judicial process... [In] this century the states generally view pirates as criminals and not enemies nor allies".

I agree with Haywood & Spivak (2012) that contemporary states do not regard pirates as allies because most of the states in the region are participating in countering piracy. Although interviewee one (the Kuwaiti Coastguard Officer) said that Iran might support Iranian pirates

in the Arabian Gulf for political reasons to disturb international shipping in the area, there is little evidence to support the idea that governments treat pirates as allies. It is true that some of the interviewees suggested that the Somali government supports piracy in some way, but I think that although there are some corrupt government members in Somali who might deal with pirates, I do not believe that the Somali government would benefit from treating Somali pirates as allies, because it would be seen as sponsoring state terrorism.

In my view, the history of piracy shows a divergence between traditional piracy which is financially motivated and modern piracy which may be either exclusively motivated by financial gain or partly motivated by financial gain and partly motivated by terrorism. The Iranian and Iraqi pirates in the Northern Arabian Gulf exemplify the former category, while the Somali pirates in the Southern Gulf area exemplify the latter category.

5.3 The definition of piracy

Defining maritime piracy is the first step to deal with it in an appropriate and effective way because all the responses (military and political) depend on the way it is understood, and by its definition we can understand and address the causes, motives and categorizations of pirates. Also from a legal point of view, without an agreed definition, especially internationally, it makes formal governance difficult to implement. In this section, we shall see how helpful the different definitions that have been offered are in answering the research question: “Do the current piracy definitions define piracy in the best way?” Haywood and Spivak (2012, p. 7) pointed out that the oldest piracy definition is from Plutarch (the Greek historian): “any attack on sea and coastal land without any authority”. Plutarch’s definition leaves the decision to the state to decide whether pirates are enemies or criminals so they can declare war against them (if they are deemed enemies) or not (if they are deemed criminals), so the definition of piracy was essential to determine the correct governmental response. Haywood and Spivak (2012, p. 10) themselves assert that “the definitions must differentiate between maritime piracy, maritime terrorism and maritime crime”: “(1) maritime piracy means an act or attempted act of boarding a vessel to obtain financial gain from objects on board, and/or from kidnapping hostages and/or seizing the vessel for ransom; (2) maritime terrorism means an act or attempted act of boarding a vessel to commit some offence which draws the world’s attention to a religious/ideological cause; (3) and maritime crime means any criminal act committed against any sea-going vessel”. However, Haywood and Spivak,

(2012, p. 10)'s analysis is based mainly on the motives behind the piracy in differentiating between the three types of attack on ships, and as shown next, motives are not a helpful means of defining piracy.

The most common contemporary piracy definitions are those issued by the IMB and UNCLOS. IMB (2009, p. 3) defines piracy as “the act of boarding any vessel with intent to commit theft or any other crime, and with an intent or capacity to use force in furtherance of the act”. The piracy definition provided by UNCLOS (1982, p. 60) is “(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or passengers of a private ship or private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such a 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 the above sub-paragraphs”. There are two critical factors here – location and motivation.

5.3.1 Location

According to the UNCLOS definition, “piracy can only take place on the high seas”, otherwise (i.e. if it takes place in a state's territorial waters) it is maritime crime. But the IMB's definition of piracy has no location limits. Ryan (2010, p. 3) has pointed out that this means we must interpret piracy in territorial waters as armed robbery when using the UNCLOS definition, but as a piracy crime, which is an international crime, when using the IMB definition. The UNCLOS definition has an unfortunate consequence in practice – that it makes the task of capturing pirates more difficult. For example, in Somalia there is no government, security, coastguards or navy, which means that Somali pirates sometimes attack ships in international waters and drag them into Somali territorial waters where under UNCLOS' definition, international warships would not be able to chase them. This situation leaves international naval ships with two options: either they violate international law by chasing the pirates inside Somali territorial waters; or they stop the chase operation. Both options may well result in setting the pirates free, for example some navies release pirates after they capture them in territorial waters because they know that the territorial nation's

court will set the pirates free because of the navies' violation of international law (see section 3.7.2). Conversely, Iranian pirates attack Qatari ships inside Qatari territorial waters and drag them outside the 12 nm territorial waters, where, under UNCLOS, Qatari coastguard ships cannot chase them and have to contact the Qatari navy which takes time, to the advantage of the pirates. Another practical disadvantage of using the UNCLOS definition is that it would allow states like Oman to escape their international obligations to combat piracy. Oman has the most organized and capable navy in the region yet Omani territorial waters are among the waters most frequented by Somali pirates, and the country could escape its obligation to combat piracy in its territorial waters by using the UNCLOS definition. Oman is the only GCC country which is not part of the Combined Task Forces to counter piracy either in the Arabian Gulf or the Somali region, despite it being the only country located in both the Arabian Gulf and the Indian Ocean (CMF, 2002).

The IMB definition is preferable to the UNLCOS definition because it gives more flexibility in the matter of location, at least in waters close to weak or failed states (weak like Iraq after the second Gulf War, and failed like Somalia), and to states that have limited naval capacity such as Qatar to allow them to act against pirates. However, unlike Hastings (2009), I would not dismiss the UNCLOS definition altogether. Hastings (2009, p. 217) argues that "distinctions between the exact same crimes by location have led to misunderstanding the real cause behind piracy in Somalia", and that "he prefers to use the IMB's piracy definition because it defines piracy as crime committed in both the territorial and the international waters". But in places like Kuwait and Qatar who have successful navies and coastguards they must be careful about allowing their officers to chase pirates into successful states' territorial waters as this would violate the territorial borders of those states. So it would be practical for international navies traveling into those regions to use the UNCLOS piracy definition and respect the location limitations of the definition by contacting the local authorities of these states in the case of piracy attack within their territorial waters or if the pirates escaped and entered the territorial waters of states such as Qatar or Kuwait. Thus an integrated approach to defining location that covers both territorial and international waters would allow greater flexibility by allowing both state and non-state forces to chase pirates and take action regardless of the location. This could also deter pirates who have previously relied on countering this loophole in current maritime law.

In other words, the issue of piracy location has to be interpreted according to circumstances: flexibility is a key issue to counter pirates taking advantage of current weaknesses in the legal system. Using the UNCLOS (1982) definition exclusively could release the obligation of the international task forces to combat piracy in the territorial waters of weak or failed states. But using the IMB definition exclusively could legalize international states invading others' local waters by using the excuse of combating piracy. The only way to resolve this conundrum is on a case-by-case basis, by assessing the relative risks of using the UNCLOS or the IMB definition in each situation.

Haywood and Spivak, (2012, p. 10) mention another issue with the location element of the UNCLOS piracy definition - that considering piracy as armed robbery or crime if it is committed in the territorial waters of any country might give an inaccurate picture of the piracy rate in that country. For example, if all the piracy attacks are committed in Somali territorial waters, then Somalia could claim officially that Somalia is clear of piracy as the attacks would be considered as armed robberies which are local crimes. This reporting issue was raised by Qatari coastguard officers as they reported that some governments in the Arabian Gulf countries recommend the coastguard authorities do not report some of the piracy attacks because the high rate of piracy crimes might scare off investors and raise insurance premiums which may impact the economies in some countries. A Kuwaiti coastguard officer provided me with a report of 67 piracy attacks committed in Kuwaiti waters between 2003 and 2007, and the Qatari coastguard officer provided me with a report of 37 piracy attacks committed in Qatari waters between 2008 and 2012, but none of these reports appeared in the subsequent official IMB's world piracy and armed robbery reports (IMO, 2003; 2004; 2005; 2006; 2007; 2008; 2009; 2010; 2011; 2012). The reason for these omissions, I understood from the interviewees in the Arabian Gulf, was that the local authorities did not report these piracy attacks because they thought they were not serious - i.e. not damaging the national economy or injuring the seafarer. It seems that defining and reporting attacks is left to local authorities, ships masters or the companies to decide whether or not to report all piracy attacks (see section 3.7.1) this is not a satisfactory state of affairs because these actions would provide a false trend of piracy in the Arabian Gulf region.

5.3.2 Motivation

The second issue raised by the UNCLOS piracy definition is piracy motivation, since UNCLOS states that piracy has to be motivated by private ends. However, Joseph (2010, p. 1283) rightly stated that “political and ideological motives (defending the waters from illegal fishery by doing piracy is one of the ideological piracy examples) can pose the same threats at sea as pirates with private financial motives”. The requirement of private ends motivation in the UNCLOS definition would distract security units and justice systems into looking for different motives behind exactly the same types of crimes with the same dangers and the same impacts on safety and economy. As Sterio (2010, p. 1485) pointed out, some of the Somali pirates’ ransom money goes to support terrorism activities in Somalia which means that pirates with financial motives are also supporting terrorism. Moreover, most of the Somali pirates motivated by money are also linked with political goals, so it is very difficult to distinguish between pirates and terrorists. Like Sterio (2010), I believe that pirates and terrorists have much of their goals in common (as they all seek for kidnap for ransom), and there is no point in trying to distinguish between their motives when defining piracy. From my second field work findings in Kenya with Somali pirates, it was clear that their hatred against the West for illegal fishing and dumping chemical waste was mixed up with their financial motives, thereby making piracy overlap with terrorism. Because of this overlap between Somali pirates and maritime terrorists in Somali I think that it is wise to remove the private ends element from the UNCLOS piracy definition when defining Somali piracy. The practical difficulty of distinguishing at sea between motives might leave the issue turning on the subjective estimation of motivations by the naval warships’ masters.

Young (2007, p. 11) correctly stated that the IMB piracy definition - “piracy is an act of boarding or attempting to board any ship with intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of the act” - is more reliable than the UNCLOS definition as it defines piracy purely according to its impact on victims, not upon its motivation. Moreover, if the naval units in the area use the UNCLOS definition which is based on motives, they can make wrong estimations which can lead to extreme violations of human rights, resulting in a worsening of the piracy problem.

5.4 The motivations behind piracy

Although the case is put forward based on evidence gathered for this research that the definition of piracy should not include motivation, this does not mean that pirates' motivations are unimportant to our understanding of piracy. On the contrary, it is essential to study pirates' motivations to grasp the nature of piracy. However, pirates' motivations are often complex. Many authors have suggested that the pirates in Somalia are driven by ideological (Whitman, 2012, p. 31) or political motives (Dillon, 2005, p. 161; Joseph, 2010, p. 1273; Sterio, 2010, p. 1459) and that the pirates' groups in Somalia are organized and cooperate with the Alshabab organization. However, these claims lack hard evidence, and other authors have suggested that the pirates in Somalia are motivated only by financial ends and that the pirates have no links with terrorist groups (Haywood and Spivak, 2012, p. 16; Gathii, 2010, p. 107; Leeson, 2010, p. 1220). For example, Ong (2014, p. 268) said "there is no strong evidence that Al-Shabab in Somalia has a connection with piracy". The truth is more complicated than either of these explanations suggests. Pirates in Somalia can be categorised into three different groups with different (and sometimes mixed) motivations: (1) the original pirates who were fishers, and engaged in piracy because their fishing opportunities areas were degraded by foreign vessels; (2) the later pirates who were ordinary criminals and joined piracy for the high ransoms; and (3) the latest pirates who belong to the Al-Shabab group and have some ideological motivations.

At first sight, the first group seems to have no political motives: the original pirates, the fishermen, were pushed into piracy because of illegal fishing and chemical waste dumping in Somali waters which decimated the fish-stock and left them with no other alternative way of living. However, their resentment against the foreign vessels which were responsible for this marine degradation added a political twist to their financial motives. Some pirates whom I interviewed claimed that they only attack Western ships because they think they are engaged in illegal fishing, and that they would not attack any Muslim or Arabic ships in the area. In the case of the second group - the later pirates who were ordinary criminals and joined piracy to cash in on the high ransoms - they were overwhelmingly motivated by financial profit and manifested no political motives. The third group, however, had both financial and ideological motives. Some of these pirates are related to organized criminal gangs such as Al-Shabab, who have some non-financial motives for their piracy. Others, even if they are not working

in a gang or with Al-Shabab, have some ideological or radical motivations in addition to their financial motivations.

In the Arabian Gulf, however, piracy is motivated by purely financial gain, even in the case of the Iraqi and the Iranian pirates; otherwise terrorism or ideological crimes would occur in places such as Kuwait or Qatar. Although some of the interviewees claimed that the Iranian pirates are motivated and supported by the Iranian government to attack the ships in the area of the interviewees, no solid evidence was collected during this research to support these assertions. On the contrary, evidence of the decline of piracy in the Arabian Gulf seems to show that pirates operated in the area only because of the financial crisis arising out of state failure.

Liss (2011, p. 157, 158) provides an interesting parallel between the first group of Somali pirates and piracy in SE Asia, discussing “the different motivations between pirates who have private, political or radical ends in the South Asian Region”. She explained the different drivers behind terrorist, guerrillas and other criminal organizations that use piracy, claiming “there are some links between Al Qaeda and piracy in the Southeast Asia and Bangladesh”, and explaining how “piracy in Southeast Asia and Bangladesh resulted from a variety of factors including the impact of ecological degradation and overfishing”. Evidently, the situation in Southeast Asia bears some similarity to the Somali case, in that violation of the marine environment as a cause of producing a motive for the pirates to cooperate with terrorists is common to both. This may be why both the Somali and the South Eastern Asian pirates are much more brutal than the Iranian and Iraqi pirates in the Arabian Gulf as the violation of the marine environment factor does not exist in the Arabian Gulf region because the Arabian Gulf states have a very powerful and effective fishery and marine environment protection sector which effectively eliminated such acts in the maritime sector (see section 3.3.2).

Sterio (2010, p. 1458), somewhat similarly, said that “modern pirates in general, not only in Somalia, resort to violence because of ideological and political aims”. She mentioned piracy in South Asia and said that “piracy there is carried out by terrorist organizations such as, the Jemaah Islamiya and the Mumpulan Mujahideen in Malaysia; the Moro National Liberation Front, the Moro Islamic Liberation Front, and Abu Sayyaf in the Philippines; and Laskar

Jihad in Indonesia”, and she gave examples of some of those groups hijacking ships and asking for ransoms. The author used the term “piratization of terrorism,” and applied it to Somalia. She said that “terrorism already has a foothold in Somalia” and she gave examples of “terrorism attacks by the Islamist rebel group: 23 people died from a terrorist attack in a medical school graduation ceremony in Maqadishuio, in December 2009”. Sterio (2010, p. 1455) stated that “pirates are linked to terrorist organizations, with whom they exchange weapons and finance”. She said that “Al-qaueda engaged in maritime attacks in USA and France (e.g. the attack on USS Cole in 2000), and that Osama Bin-laden had almost twenty fighters who are called the Alqaueda Navy”, showing how terrorists can mobilize at sea. Sterio (2010, p. 1460) gave an example when “Osama Bin-laden forced a merchant vessel to deliver explosives used to bomb the American Embassy in Kenya and Tanzania in 1998”. Sterio (2010, p. 1460) suggests that

“modern pirates in South Asia and Somalia are very similar to terrorists because they are very well organized; that they discriminate between targets according to their nationalities; that they prefer to take hostages from several states and demand ransoms from their countries because it gives them more than one chance to get ransoms; and that like terrorist operations, piracy operations are managed by war-lords who live in the land and the dirty work is conducted by youths who suffer from poverty”.

This is exactly the method of working adopted by Osama Bin-laden and the Al-qaueda organization. Furthermore, Sterio (2010, p. 1455) suggests that “piracy and terrorist organizations may be working together as allies, and thus piracy in general and in our research areas serves political ends either in a direct or indirect way”. I agree with much of Sterio’s argument. From my fieldwork findings, some of the interviewees claimed that Alshabab and pirates are working together and there is a high level of cooperation between the two groups.

Joseph (2010, p. 1273) focuses on the third group of Somali pirates, suggesting that “modern piracy is organized and structured”, and promotes terror and has “the same safety consequences on the international scene as terrorism”. Joseph (2010, p. 1283) stated the following claims to support the idea that piracy in Somalia has a political end: (1). “The ransom money used by pirates to advance their extremist political objectives”; (2). “Members

of the Somali region of Puntland administer piracy activities”. This claim also was mentioned by interviewee 13 in my first field work who said that the Puntland region supports piracy in some level to get its own independence from Somalia by showing the world that the Somali government is unable to stop piracy. Also from interviews with pirates, I found that most of the pirates are from Puntland; (3). “In one incident, when the US military fatally shot down three Somali pirates, the Somali pirates threatened to kill all the American sailors. This gives us a hint that there is a general hatred against a specific nationality” (CNN, 2009). I agree with this claim because from my interviews with the pirates in Mombasa I noted that most of the pirates expressed hate towards America and the West because they believe that they are behind the Somali state’s failure and behind the illegal fishing and the chemical waste dumping. One of the pirates said clearly that he would only attack American ships and would not attack Arab or Muslim ships. But again, not all of the Somali pirates are fishermen meaning that some of them would not be affected by the illegal fishing or the chemical waste, but still they engage in kidnap for ransom similar to those pirates who hate the West. This suggests a link between the first and third group of Somali pirates: both have elements of political or ideological resentment in their motivations.

In fact, Joseph (2010, p. 1267) goes farther than this, claiming that “piracy everywhere in the world is not rational or free choice, it is an organized crime and structured with political objectives”. Joseph (2010, p. 1283) suggests that “pirates everywhere are driven by political motives, even if only indirectly when money from ransoms is used to support political objectives”. If this implies that all pirates are politically or ideologically motivated, I do not agree with Joseph, since the second group of Somali pirates appears to have only financial motives, as do many of the Iranian and Iraqi pirates.

Other authors such as Young (2007) and Joseph (2010) have linked the third kind of Somali piracy to the international political economy, asserting that one of the motivations behind terrorism is to seek for targets which will most damage the global economy, especially in the west. These authors argue that evidence for this motivation comes from 9/11 when terrorists attacked the World Trade Centre in 2001 aiming to damage the most important economic organization in the world, and they say we should expect the same motive from terrorist piracy. Reuchlin (2012, p. 3) in ‘The Economic Impacts of Piracy on the Commercial Shipping Industry: A Regional Perspective’, explained “the impacts on the costs of vessels/

fleet management adjustments, the impacts on the cost of the security measures, the impacts on the cost of insurance, the impacts on the costs of uninsured ransoms and the impacts on the uninsured damages and losses”, and that “pirates prefer cargo ships and fishing vessels”. Reuchlin (2012) pointed out that “cargo vessels are the most important shipping industry for the west because they transport 75% of the goods to Europe, which is another reason why pirates select them”. However, my data suggests there are many other reasons for this: cargo boats are slow, with low freeboards (easy to board); fishing vessels are not protected, and pirates do have grudges against fishing vessels who violated the Somali waters and decimated the fish-stocks so the crime of piracy now in Somalia has become a hate crime. It is true that most ships attacked by Somali pirates are tankers (25% of attacks), second are the bulk carriers (20%), third cargo vessels (11%), and fourth fishing vessels (4%). However, it is not the case that Somali pirates target more valuable vessels to damage the international economy: they seek out ships which are easy to attack with low free board and relatively slow speed, rather than the most prestigious vessels with the greatest economic clout. Moreover, the fact that fishing vessels are so seldom attacked indicates that the hate motives against the West and protecting Somali waters against illegal fishing/dumping are not the main drivers.

In summary, the literature is divided over the issue of whether Somalis pirates are terrorists. Some authors have stated that pirates in Somalia are motivated by political (Dillon, 2005; Joseph, 2010; Sterio, 2010) and ideological (Whitman, 2012) objectives; others have stated that piracy in Somalia is motivated by money only (Gathii, 2010; Leeson, 2010); and yet others have stated that there is some sort of cooperation between pirates and Alshabab groups in Somalia indicating organized crime (Ong, 2014; Liss, 2011). Those who claimed that Somali pirates have cooperated with the Alshabab group evidenced their claim by saying that the piracy in Somalia became more organized and reached a huge area in the ocean and this could not have happened without extensive cooperation with other groups who are experts in crime such as Alshabab, since the original pirates do not have the skills and capabilities to reach this level of organization. Some authors like Liss (2011) claimed that Al Qaeda groups’ involvement in piracy in other parts of the world - for example, in South Asia, and in the attack on the USS Cole in Yemen in 2000 - is evidence that Al Qaeda has already showed some interest in attacking the West at sea. However, when I interviewed the pirates themselves in Mombasa I noticed a great hatred from the pirates against the West, especially the Americans, because of the illegal fishing and the chemical waste dumping in Somali

waters and also because all the pirates believe that the USA is the reason for Somalia's failed state. But although most of the pirates stated that they would only attack American or Western ships and not any Arab or Muslim ships, which is consistent with a terrorism strategy, the fact is that the targets attacked by the Somali pirates are from every flag and clearly selected randomly. So even if some of the pirates are driven partly by hatred, or religious, radical or political motivations, I believe they are engaging in piracy primarily for money not to satisfy their ideological motivations. The difference between financial piracy and terror piracy is not between the exclusively financial motivation of financial pirates and the exclusively terror motivation of terror pirates, but between the exclusively financial motivation of financial pirates and the mixed motivation of terror pirates, partly financial and partly political/ideological/religious.

5.5 The causes of maritime piracy

Having determined the differences in the types of maritime piracy in the Arabian Gulf and in Somalia - financial piracy and terror piracy, respectively - I assumed that each type of threat in the two case areas is derived and caused by different causes based on the strategy followed by the pirates, causes which might overlap in some points such as the causes of economy crisis, but differ in other respects. During this research, I have come across many causes of financial piracy and terror piracy in the Arabian Gulf and Somalia, and noted the variety of those causes. . The causes behind financial piracy included state failure, economy in crisis, lack of law enforcement, governmental corruption, international ignorance, lack of security, environmental damage, media over-focusing and the lack of information control; while the causes behind terror piracy included state failure, lack of law enforcement, lack of education, media over-focusing, international conflicts, violation of human rights and lack of security. Interestingly, four of the causes are common to both types of piracy, though where the causes overlap, they exist in different proportions. As stated earlier, pirates in Somalia are categorized into three types, and so it is not surprising that there are different causes behind each type of piracy.

The main cause of the increase of Somali crime, including maritime piracy and terrorist activity, is state failure or state weakness which entails lack of law enforcement (Gathii, 2010, p. 108; Baniela, 2010, p. 195; Sterio, 2010, p. 1451; Whitman, 2012, p. 1; Liss, 2010

chapter 2). State failure was also the main cause of piracy in Iraq between 2003 and 2007. As noticed, Iraqi piracy increased in the north of the Arabian Gulf when the Iraqi state failed between 2003 and 2007, and seriously affected shipping in the Kuwaiti sea. State weakness in dealing with poverty and economic crisis was also the main cause of piracy in the central area of the Arabian Gulf which affected shipping in the Qatari waters by Iranian pirates at a time when Iran, because of international sanctions imposed as punishment for its nuclear policy, suffered poverty and an economic crisis. After Iraq was stabilised in 2007, piracy rapidly decreased, though Iranian piracy might increase again if any decrease of security occurs in the Arabian Gulf. However, in Somalia the causes of piracy are more complicated than are the causes of piracy in the Arabian Gulf. In both cases, state failure is the main factor, but state failure in Somalia is much more deep-rooted and long-lasting than is state failure in Iran and Iraq, and has different consequences for piracy. According to Sterio (2010, p. 1451) “Somalia is a failed state with a very weak and unstable government and a police force which allows pirates to operate from the coastal towns very easily”. It is true that weakness of the police force caused an increase in piracy, but the increase was in piracy in general not in the particular type of piracy which took the form of kidnap for ransom, which was endemic in Somali piracy. The findings illustrated in chapter four with regard to Iraq between 2003 and 2007 showed that Iraq was a failed state and the police forces were almost eliminated from the country, causing piracy to increase, but, the type of piracy that existed in the Gulf was not kidnap for ransom, and so the epidemic of Somali kidnap for ransom needs some additional explanation beyond state failure.

According to Baniela (2010, p. 192), “piracy in Somalia is not a new phenomenon: the problem had been growing since the collapse of the Siad Barre government in January 2001”. Baniela produced a table of piracy attacks in Somalia since 2005 stating that piracy began four years after the collapse of Siad Barre’s regime in 2001. But the Siad Barre regime collapsed in 1991, and Somali piracy only began in 2001, so state failure was not the trigger for Somalia piracy, though state failure did increase the crime rate including piracy (if not necessarily kidnap for ransom). Piracy is a complex phenomenon, and cannot be expected to occur straight away after state failure, but needs time for other problems to build up after state failure including crime in general. When Iraq failed in 2003, piracy occurred in the north of the Gulf one year after the failure, but this fast piracy forming was because Iraq was under UN sanctions for 13 years before the failure and the Iraqi economy was in economic

crisis, and after the state's failure, security was suddenly eliminated which allowed crime to increase, including piracy.

According to Diaz and Dubner (2010, p. 4) the critical factor in Somali piracy was “the illegal fishing and the toxic waste in the Somali waters started since the Somali failure in 1991 which caused an extreme decline in the fishery sector”. They pointed out that “international fishing vessels travelled thousands of miles to Somali to take advantage of the unprotected waters to hunt for fishes and lobsters alongside other vessels which dump chemical and toxic waste into Somali waters”. Diaz and Dubner (2010, p. 5) also said that “the U.N., NATO forces, the European Union, Russia, Japan, India, Egypt and Yemen are in the Somali area to protect their own merchant ships and also to protect them while they are doing the illegal fishing”. From my field work in Kenya I heard the claims from the Somali pirates that the naval forces in the area are protecting their own fishing vessels while they engage in fishing in Somali waters and keep Somali fishermen and pirates away from them: some pirates even claimed that some of the naval ships in the Somali waters would actually participate in illegal fishing themselves. Diaz and Dubner (2010, p. 5) claimed that “the foreign trawlers enter the inshore Somali waters causing collisions with the local fishermen resulting in damage to the local fishermen's gears and also caused casualties and deaths”. Also from my interviews with the Somali pirates in Kenya and the Yemeni coastguard officer in Bahrain, I was told that the merchant ships and the navies in the Somali area (especially the Indians) used violence against Somali fishermen and stole their fishing gears, trying to scare them away from the fishing areas so the international illegal fishing vessels could fish freely in the Somali waters without any interruption. So for Diaz and Dubner (2010), it was not the failed Somali state, but the illegal fishing and the chemical waste dumping in the Somali waters causing a decline in the fish stock that led to piracy: the Somali pirates used piracy as an alternative, or their only alternative, means of survival. However, Diaz and Dubner fail to note that the original cause of the illegal fishing and illicit dumping of chemical waste was the failed state: Somalia waters were unprotected from such predatory activity by foreign vessels because there was no effective Somali naval force. Diaz and Dubner also fail to note that Somali pirates used piracy against the illegal fishing and dumping as revenge and this is why Somali piracy developed into kidnap for ransom.

On this last issue – kidnap for ransom - according to Liss (2010, p. Chapter one) “in South Asia the increase of piracy may be related to an increase in environmental violations or decrease in fish stocks because of illegal fishing”, and although in South Asia the pirates usually do not use kidnap for ransom, they are extremely brutal and dangerous and they usually kill the victims. From my findings, comparing piracy in the Gulf and piracy in Somalia, I believe that when both factors exist, the hate factor and the failed state, the pirates usually use kidnap for ransom because to kidnap victims, pirates need a lawless place to detain the victims for a long time. In Iraq between 2003 and 2007 the failed state factor existed and the pirates could use the kidnap for ransom, but the hate factor was not there, which led the pirates to inflict minimum violence on the victims. By contrast, in South Asia the hate factor existed from the illegal fishing and the chemical waste as stated by Liss (2010), but the failed state factor did not exist, so the pirates could not detain victims on land for a long time, which is why they killed the victims and scrapped the target ships. So the illegal fishing and the chemical waste cause in Somalia not only increased piracy, but it also transformed piracy from an ordinary piracy attack to a kidnap for ransom event because of the hate generated against the international illegal fishing and the chemical waste dumping vessels in Somali waters. Also in the north of the Kuwaiti sea, most of the fishing dhows are operated by Asian fishermen (usually from India and Bangladesh) but the Kuwaiti fishing boats (usually luxury fishing yachts) use fast boats with high specifications, meaning that even if the hate factor were there, the Iraqi pirates would not benefit from kidnapping the Asian fishermen, and the Iraqi pirates’ boats cannot compete with the Kuwaiti luxury fishing boats speeds.

Support for my analysis comes from Schneider and Winkler (2013, p. 187) who discussed the issue of “legalizing piracy by the Somali pirates”, calling this ‘legalization’ the “Robin Hood narrative”. They claimed that “illegal fishing and the toxic waste cause poverty by declining the fish stock”, and that “by piracy they protect Somali waters from the illegal fishing and the toxic waste”. Schneider and Winkler (2013, p. 187) also said that “illegal fishing and the toxic waste in the Somali waters generated anger against the west, and this anger fuelled support for piracy... there is some credible evidence that after the failure of Somalia in 1991 the illegal fishing started in the Somali EEZ, and even in the Somali territorial waters, carried out by some foreign nations without the permission of Somalia”. I agree with Schneider and Winkler’s argument, since from the interviews I conducted with Somali pirates in Mombasa,

most of them claimed that they became pirates after the fish stock declined in Somalia waters because of illegal fishing, and all of the pirates developed hatred against the west because of the illegal fishing issue. Also some of the pirates said that they were defending their country by attacking illegal fishing vessels in Somalia. Link-TV (2009) broadcast a phone interview with Mohammed Bashir Waldo who said that “there are many physical evidences of the illegal fishing and the toxic waste in the Somali waters done by some foreign companies who want to get rid of their chemical materials in the Somali waters because they can’t get rid of those materials in their own countries because of the strict rules in their countries”. Waldo also said that “one day before his interview; the Somali community captured a huge container ship in the Gulf of Aden which was dumping a huge amount of toxic waste in the Somali waters”. Moreira (2013) interviewed Franco Oliva (a former financial controller) who said that “the Italian government and the Italian companies are getting involved in some development projects in Somali which used to cover the toxic dump in the Somali waters, and he provided evidence and pictures to support his claims”. The Link-TV interview and the Moreira interview confirmed some of my claims in chapter four, as most of the pirates stated that they suffered from skin diseases because of the chemical toxics in the Somali waters, and the Somali ambassador in Kenya stated that he held evidence of the dumping of international chemical waste in Somali waters.

From all of these inferences it is clear not only that chemical waste dumping and illegal fishing do exist in Somalia, but that the ordinary Somali fishermen are fully aware of the problem and know who does the illegal fishing and the chemical waste dumping, and this awareness was responsible for a fresh stimulus to piracy. Illegal fishing and discharged chemical waste in the unguarded Somali waters caused an extreme decline of the Somali fish stocks (United Nations, 2011, p. 9), and as mentioned by the Somali pirates interviewed in this research, this was the main trigger for the original pirates who were fishers. When their only source of living was attacked, they shifted their activity from fishing to piracy for two reasons: (1) they have no other source of living; and (2) they think that they are protecting their country by attacking the illegal fishers or the invaders as they called them during the interviews. Pham (2010, p. 330) said that “the second factor for the rise of maritime piracy is the illegal fishing by the foreign nations such as Saudi Arabia, Kenya, Yemen, France, Japan, North Korea, South Korea, Spain and Taiwan” and he also mentioned “chemical waste dumping in the Somali EEZ, which together with the illegal fishing, violated the fish stocks

in the Somali waters”. I agree that illegal fishing and dumping is the main cause for the increase of piracy in Somalia based on my findings, but illegal fishing and dumping is itself a symptom of state failure in Somalia which means that the lack of security forces in the hands of the Somali government is the fundamental cause of the increase of piracy.

One of the causes of increased Somali piracy which has often been mentioned in the literature is economic, either the weak economy or the high value of the ransom gained from piracy. Whitman (2012, p. 1) in the Dalhousie Marine Piracy Project: The Root Causes and True Costs of Marine Piracy, described the economic roots of piracy internationally as threefold: “1. the relatively high chances of substantial income; 2. the relatively low costs of counter – attack; 3. the relatively low opportunity costs and economic risks”. From my findings I agree with Whitman that piracy offers substantial financial rewards. For example, from the pirates’ interviews I learned that for pirates who work in a gang, each pirate would receive an average of about \$10,000 per attack, which is a huge amount of money in comparison to the low incomes in Somalia. Also all of the pirates I have interviewed claimed that they have low cost skiffs, so preparing for an attack operation would not cost much money. However, as Whitman’s (2012) second factor implies, these economic rewards come at a heightened risk of being caught. We cannot take the economic causes of piracy in isolation from these risks. For example, in the Arabian Gulf, pirates could carry out successful attacks at a minimum cost, and gain huge amounts of cash, if they targeted luxury yachts. But the consequences of failure due to the presence of high security forces (Whitman’s (2012) second factor) is a significant deterrence.

Like Whitman (2012), Nelson and Goossens (2011, p. 2) said that “the extreme increase of piracy in Somalia was because of the huge reward of piracy ransoms compared with the very low level of household income in Somalia and the low risks of capture and punishments... in 2010 the earning from piracy was \$238 million and the average ransom \$5 million”. They also said that “piracy has increased because of the willingness of many companies to pay ransoms to pirates for the release of their crews and cargos, as a result of which ransoms have been raised from \$150,000 in 2005 to \$5.4 million in 2010”. From my findings, I disagree with Nelson and Goossens (2011) on the issue of low risk of capture and punishment faced by pirates because most of the pirates I have interviewed suffered from serious injuries in the process of being captured and imprisoned, although I have only interviewed pirates who have

been captured and I assume there are many free pirates. Piracy is dangerous work, because pirates in Somalia are at risk of attack by the most modern navies in the world who may be willing to open fire on the pirates. The risk of being captured and the severity of punishment after capture varied considerably in different parts of the Gulf and Somali area. For example, Iraqi and Iranian pirates in the Gulf would only face legal consequences, which are less dangerous than the physical consequences of Somali pirates' fates who could be killed.

Another of the causes of the increase of piracy mentioned in the literature is the lack of security on board target vessels or in support vessels. Haywood and Spivak (2012, p. 11), Liss (2011, Chapter one), Sterio (2010, p. 1477) and Pham (2010, p. 333) all stated that piracy increased in Somalia because there is not enough security to protect the shipping in the region. Accordingly, they all recommended either (or both) an increase in the naval units in the Somali region or the deployment of armed guards on board commercial ships. From my field work findings, it was clear that the vessel security issue was of paramount concern. Some of the interviewees suggested that because the cause of piracy is lack of vessel security, we must increase vessel security. In the central part of the Arabian Gulf, Qatari coastguard officers said that the recent decrease in piracy was a result of increasing the naval units at sea. Likewise, in the North of the Arabian Gulf, the findings suggested that the reason for the decrease of piracy after 2007 was that Iraqi security forces had integrated and cooperated with Kuwaiti security forces. However, others stated that increasing vessel security is not an appropriate solution. For example, most of the naval experts pointed out that the Somali region is huge, and therefore deploying more navies in the area will never be sufficient because the Somali pirates' need an average time of only 15 minutes to hijack a ship, and security forces could never be deployed in such a short period of time. Some of the private security experts suggested deploying armed guards on ships as they claimed that it was a successful way to protect most of the ships. However, although from my data chapter three I reported that there were rarely any piracy attacks on armed guarded ships, one of the academic experts in international law at Nairobi University said that arming commercial ships is a violation of international law because commercial ships are civilian units and arming them would undermine their legal status. The resultant analyses support the conclusion that the lack of security might be a significant reason for the increase of piracy but, increasing security will not necessarily decrease piracy, especially where the size of the region is huge. So reflecting this back to the research question "are the current anti-piracy

policies and responses sufficient to compete with piracy?” The answer so far would be that responding to piracy from one perspective either military or political would never be enough: all types of responses must be cooperated and arranged to work together.

Geographical location is another important factor relating to piracy. Claiming that “state failure is not necessarily the reason for increased piracy in Somali” on grounds that “Somali was a failed state since 1991, long before piracy began”, Pham (2010, p. 330) attributes piracy in Somali primarily to the geographical advantage for pirates of the long Somali coastline on the Gulf of Aden. Ong (2014, p. 272) concurred: “one of the reasons is the geographical advantage of Somalia as Somali pirates have a huge area of operation all the way from the Red Sea to the Strait of Hormuz”. Pham (2010, p. 330) referred with approval to Murphy (2009) who said that “piracy is suitable in places that offer a combination of rewarding hunting grounds and acceptable levels of risk and approximate safe havens”, and Pham (2010, p. 330) asserted that “Somali has got those two factors and this was the main reason for the rise of piracy”. However, I disagree with Pham (2010) that this is the main reason for piracy, because Iraq has a very limited coast line on the Arabian Gulf, but when Iraq failed in 2003, piracy increased and as soon as Iraq formed a new government in 2007, piracy started to decrease and vanished completely by 2007. This undermines the claim that geographical advantage is the main reason for piracy.

Like Pham (2010), Sterio (2010, p. 330) claimed that “Somali pirates have a very high success rate” because “Somali pirates use their geographical advantages very well”, and s/he? identifies several geographical advantages: “1. Somalia has the longest coast in Africa which is very hard to patrol; 2. The coast is populated with towns in which pirates can easily blend in with other insurgent groups; 3. The Gulf of Aden is narrow which allows pirates to bring smaller ships to land very quickly, to secure them and wait for ransoms”. My findings provide some support for Sterio’s (2010) analysis. One of the naval officers interviewed stated that guarding the Somali basin is very hard because the area is so huge that even if they deployed all the navies in the world this would not be enough. From the pirates interviewed, two of them explained that whilst fishing, they were also waiting for possible easy targets just in front of their home town, allowing them to drag the hostages straight away after the kidnap to their home town. By contrast, in the north of the Arabian Gulf, the fishing areas and Iraqi state coast line are relatively small and easy for the security forces to guard - the average time

for naval ships to arrive to the attack location in the Gulf, which is one hour, is much less than in the Somali region which must be longer because of the huge area. Also in the central area of the Arabian Gulf the Iranian pirates would have to travel hundreds of miles to reach the lucrative hunting grounds of Qatari waters, and taking hostages all the way back to Iran would be a semi-impossible mission because the naval units, Iranian and Qatari, could track them during their long journey home.

Another cause of increased piracy in Somalia, according to Haywood and Spivak (2012, p. 40), Sterio (2010, p. 1451) and Pham (2010, p. 331), is the international ignorance of the problem and the lack of international willingness and seriousness to deal with it. My findings correspond to some extent with this claim, because in the United Nations office in Nairobi, one of the interviewees said that the UN sent only one engineer to train the Somali navy and coast guards. From this we can estimate how little effort has been made by the UN. Also both of the Somali ambassadors I interviewed, in Abu Dhabi and Nairobi, claimed that the UN and other international organizations were at fault in failing to address illegal fishing and the dumping of chemical waste in Somali waters, and there was a charge of unfair dealing with the Somali case by the international community. As for the efforts made by the IMO, when I interviewed the IMO officer in Mombasa I asked him about the attempts made to protect Somali waters from illegal fishing and chemical waste dumping: at first he denied this problem existed, and when I proved to him its existence by showing him several fishing vessels in the Somali waters by accessing <http://www.marinetraffic.com/>, he ended the interview. A few days later, I noticed that the IMO website had blocked most of its information about shipping in Somali international waters, except the ships routes in the Gulf of Eden. This could suggest that some authorities were turning a blind eye to the problem.

Another cause of Somali maritime piracy is the attitude of Oman which is not mentioned anywhere in the literature reviewed for this research. In chapter four, analysis of all the piracy attacks between 2010 and 2015 found that the Omani international waters are the most dangerous waters infected by Somali pirates despite the fact that Oman has got the most powerful naval forces in the region. From the first fieldwork period during my interviews with the headquarters of the task forces in Bahrain and the security companies in Dubai, the inferences led to the conclusion that Oman is well known among pirates for its refusal to get involved with regional matters including piracy, and this has led to Omani international

waters becoming more populated by Somali pirates than even Somali waters or the Gulf of Aden.

Another cause of Somali piracy that has been mentioned in the literature is the lack of reporting of piracy. Liwång *et al.* (2013, p. 101) noted that “all piracy incidents must be reported to the International Chamber of Commerce ICC and to the International Maritime Bureau IMB”. However, he said that

“there are two problems with the reporting process: (1) there is over-reporting by the commercial ships in the Somali basin and the Gulf of Aden as they report everything at sea which makes the maritime scene inaccurate by reporting all the skiffs and ships in the areas as suspects of piracy; and (2) some of the commercial ships don’t report any of the suspected attacks because they fear the legal consequences of the reporting which also makes the maritime scene inaccurate” (Liwång *et al.*, 2013, p. 101).

Hastings (2009, p. 217) pointed out that “reporting the piracy attacks increased the ships’ insurance premiums”, and that “many companies don’t report the piracy attacks when there are no human losses and they deal with kidnapers and ransoms without reporting them”. When I travelled to the Arabian Gulf in 2012 for the first period of fieldwork I discovered that there were piracy attacks in Kuwait between 2003 and 2007 and in Qatar between 2008 and 2012, but none of them was included in the IMO reports. Several interviewees told me that the attacks were not serious, and reporting them to the IMO might scare off international investments in the Arabian Gulf and might also increase insurance costs and voyage crew wages, so it was better not to report those attacks. One of the interviewees, who was a member of a maritime security company in Dubai, said that the companies prefer to negotiate with pirates and pay the ransoms without reporting to the naval forces in the area because if the navies get involved, the ships will be held for longer periods of time and this would cost the companies more money.

Another cause of Somalia piracy is described by Whitman (2012, p. 1) in the Dalhousie Marine Piracy Project - the ability to gain social status through piracy. This cause depends on the existence of a collective grievance, and a community’s support for piracy as a means to redress that grievance. This cause could be applied to Somalia because from the data analysis in chapter four, most of the pirates complained about illegal fishing, corruption,

environmental violation and poverty for which they blamed foreign vessels. However, the findings reported herein disagree with the notion suggested by Whitman (2012) that the pirates can gain social status through piracy: not all of the pirates could gain any such status, because some of them work alone, while others work in gangs which distribute the 'loot' unequally which means that in the matter of wealth not all of the pirates are treated with the same status. It is true that some of the pirates said that they were doing an honourable thing by defending their country's waters from invaders, which might make them heroes in Somalia, but not all of the pirates could gain this heroic status. Enhanced social status is even less likely for pirates in the Gulf regions: indeed, in Iran and Iraq, piracy would make fishermen into criminals not heroes, since they are not fighting for a common cause but only for their own self-interest.

A final issue concerning the causes of piracy in Somalia is the usefulness of lists of such causes. For example, Whitman (2012) provides us with a list of eleven; Haywood and Spivak (2012) three; Sterio (2010) six; Pham (2010) ten; Liwång *et al.* (2013) four; Murphy (2009) three; Nelson and Goossens (2011) nine; Gathii (2010) fifteen; Baniela (2010) twelve; Diaz and Dubner (2010) fourteen; Liss (2010) three; Schneider and Winkler (2013) nine; Moreira (2013) ten and Hastings (2009) nineteen . Many of these lists of the causes of piracy are interesting, and closely tie in with my own list, but there are some clarifications and reservations to be made. One clarification is about the status of the factors. Are the aforementioned authors arguing that all of the factors must be present if any piracy is to take place? If not, do the writers tell us how many factors in their lists must be present before piracy is likely to occur? For example, if most of the economic and political factors in a list were present but none of the social factors would there be piracy or not? Another clarification is that some items in the lists may be applicable to some forms of piracy but not to others. For example, it may be that Whitman (2012) is right to claim that in some areas, pirates must have a marine background but during my research I have noticed that some of the pirates in Somalia and in Iraq have been recruited without any knowledge of seamanship or navigation.

5.6 Manifestations at sea of piracy

At the beginning of this research, it was assumed that there are two types of pirates, the financial pirates and the terroristic pirates. Furthermore hypotheses were formulated to

determine different manifestations of the two types by analysing their ways of doing piracy such as their methods of attack, weapons used, targeting strategies, level of violence used against victims, the amount of ransoms, the type of attacking ships used, and their areas of operations. However, after analysing at length the causes and motivations behind piracy in the Arabian Gulf and Somalia it was discovered that all of the pirates are motivated by money, and although some are motivated also by political or ideological motives, they all used similar strategies at sea. So trying to distinguish between the pirates by their motives proved to be not practical at sea, though it might be essential on land. Even if the Somali pirates bear some hatred against the west and America, this has not entailed any differences in the piracy strategy used by those pirates compared with the piracy strategy used by other pirates in the area. In this section, this point is expanded by discussing the seven main ways in which all of the pirates manifest themselves at sea: areas; amounts of ransom; language, ethnicity, religion and body types; levels of violence; pirates' ships recognition; target selection; timing; and weapons, ships and manoeuvres. The main outcome of this research is to provide a policy to counter piracy in the two regions studied in this research. By knowing the manifestations of pirates at sea based on the above-mentioned categories will provide a fuller picture when dealing with pirates at sea more effectively.

- The areas

Daxecker and Prins (2013, p. 943, 948) said that “piracy usually flourishes in areas poorly guarded in weak security ports”, and that “pirates usually prefer the areas close to major shipping lanes such as East Africa”. Following Daxecker and Prins (2013), the Gulf of Eden is described as a place chosen by pirates because it is an important waterway through which “more than 20,000 ships pass annually” (Nelson and Goossens, 2011, p. 3), and because the area is so extensive that naval forces would be unable to guard the whole area effectively. More controversially, Shortland and Varese (2014, p. 746) claimed that “in unstable political regimes the piracy activities increase only in areas which already rely on criminal revenues”, meaning that piracy would not increase in coastal areas where the locals depend on decent businesses. Shortland and Varese (2014, p. 752) held that “the coastal areas such as Berbera, Bosasso, Mogadishu and Kismayo and two minor natural harbours Merka and el Ma’an near Mogadishu are holding the major ports that the Somali use for trading, exporting and importing and those ports wouldn’t provide shelters or anchorage areas for pirates”. So Shortland and Varese’s (2014) hypothesis is that piracy activities do not occur in law-abiding

areas. However, as will be shown below, the findings in this research show it is not necessary for the pirates to have criminally-inclined ports: in the north of the Arabian Gulf, piracy occurred suddenly after the failure of Iraq in 2003 and the locals in those days did not depend on criminal revenues.

In the case of the Arabian Gulf, there are no data available and/or accessible on the locations of piracy that could be found during this study. Piracy was not even mentioned in the IMO's piracy and armed robbery reports of the area, so at the beginning of this research, I assumed that the Arabian Gulf was devoid of piracy. But during the field work which I started in Kuwait, it was clear that piracy occurred in Kuwait between 2003 -2007 after the state failure in Iraq, and decreased after 2007 when Iraq established a stable government. From the data set in chapter four, 67 piracy attacks occurred between 2003 and 2007 in the Northern Kuwaiti waters by Iraqi pirates yet none of those attacks was included in the IMO's piracy reports. Also during my first field- work in 2012 while I was in Qatar interviewing the Qatari coastguards I was provided with reports of piracy occurring in Qatari waters conducted by Iranian pirates (see Appendix L). The official Qatari reports stated that there were 37 piracy attacks in the Qatari waters which were not mentioned in the IMO's piracy and armed robbery reports. So from this first fieldwork I concluded that if piracy occurred again in the Gulf, then the most dangerous piracy areas would be the north of the Arabian Gulf and the central part of the Arabian Gulf in the waters between Bahrain and Qatar and the East of Qatari waters. The northern Kuwait waters contain Kuwaiti luxury ships and dhows, because Kuwait is one of the richest countries in the area, whereas in Iraq, the economy is weak with high levels of poverty and unemployment, so a future rise of crime in Iraq including the crime of piracy could be expected. Moreover, Iraq has a single water gate which is in the Arabian Gulf, and this means that Iraqi pirates could only form in the Arabian Gulf and against the nearest shipping lane which is from Kuwait. Similarly, in the central part of the Arabian Gulf, a contrast between the Iranian economy and Qatar was observed: because of the high poverty and unemployment rates in Iran, the Iranian pirates could be expected to attack the richest and the more valuable ships in the area, with Qatar being one of the richest economies in the region. But none of these Arabian Gulf areas contains criminally-inclined locally populations.

In the Somali case, the literature states that the Gulf of Eden is the most dangerous area infested by Somali pirates, but when I analysed all the individual piracy attacks between 2010 and 2015, I found that the most dangerous waters were the Omani international waters (see section 4.3.1), then the Gulf of Eden, then the Somali international waters, then the Yemeni international waters, and then the Red Sea.

In summary, pirates choose their area of operations according to several criteria, the most important of which is the availability of the target ships, and this means that they seek for valuable ships with minimum protection which can be found in the central region of the Arabian Gulf and in Omani international waters. Iranian pirates used to travel all the way from the Iranian coast to Qatari international waters because the ships there are more valuable than the Iranian ships since Qatar has a stronger economy than Iran and Qatari coastguards were not capable of protecting the Qatari ships before 2011. . In 2011, Qatar adopted an armament project for its coastguards and navy which added more units at sea, causing piracy to decrease after 2012 For Somali pirates, who operate mostly in Omani international waters and the Gulf of Eden, further criteria for choice of area of operations include the size of the area; the shipping intensity in the area; and the deployment of international naval task forces, which are in the Gulf of Eden and the Somali coast, For their part, Iraqi pirates choose the Kuwaiti northern waters for three reasons; the first reason is the very short distance involved for the pirates which allows them to hit and run to their villages in Iraq; the second reason is that Kuwaiti ships are more valuable than Iraqi ships because Kuwait has a stronger economy than the Iraqi economy; and the third reason is that the Kuwaiti coastguards and navy are not capable of protecting all the shipping in Kuwaiti waters. Note that none of these reasons included criminally-inclined ports, since they do not exist in Iraq.

- The amount of ransom

There have been no kidnap cases in the Arabian Gulf since 2003. By contrast, in Somalia, kidnapping for ransom is widespread, and the amounts of money demanded by kidnapers to free hostages is huge. Schuberta and Lades (2013, p. 482, 485) stated that “the average amount for ransom per vessel increased in Somalia from \$15,000 in 2005 to \$4.8 million in 2011, and that “the typical amount of ransom that the Somali pirate gang in Eyl would get is \$1.8 million, and the commander in chief received 900,000 USD in return for a typical

investment of about 40,000 USD (financing the boat, outboard motors, weapons, fuel, and food)... Middle ranks, including an interpreter, an accountant, and supplies logistics officer received between 30,000 and 60,000 USD and the ordinary attackers were paid 41,000 USD". Nelson and Goossens (2011, p. 1) noted that "the average ransom rose from \$150,000 in 2005 to \$5.4 million in 2010".

However, the pirates I interviewed had different figures. One of the pirates said that his group of seven pirates would share the ransom and each pirate would take \$2 or \$3 million which means that the total amount of ransom in one operation could be around \$14m to \$21m. Also this pirate said that the amount of ransom varies depending on the victims. For example, he said that they would take less from the fishermen but they would take huge amounts from victims who were engaged in illegal fishing or chemical waste. I think that the pirates take more ransom from victims engaged in illegal fishing or chemical waste not because of their hatred for them, but because those ships are working for big international companies who are insured and can afford to pay more than individual fishermen. One of the pirates said that he would get \$20 to \$25 thousand but his bosses would take up to \$10 million from one single operation. Comparing this pirate who works for a gang leader and the seven pirates who work individually for themselves, we can see that if the pirates work within an organization the amount of ransom demanded increases greatly.

At the beginning of this research, preliminary findings identified two different types of pirates in Somalia, the terror pirates and the financial pirates, and this categorisation assumed that the terror pirates would take larger amounts of ransom to satisfy their huge activities in Somalia and also to harm the West economically. But from my fieldwork findings, some of the Somali pirates reported they were motivated by money only, inferring they are the criminals who joined piracy later to benefit from the advantage of high ransoms. So in conclusion of this section the pirates in Somalia decide the amount of ransom required based on the type of victims, rather than the ideological motives of the pirates, and so if the ships belong to a big company then they would require more ransom as the big companies can afford to pay the ransoms but, if the victims were ordinary fishermen then the pirates would require a lower amount of money. Also the amount of ransom would increase if the pirates work under an organized gang, since war lords are more capable of negotiations with the victims' sponsors.

- Language, ethnicity, religion and body types

From the analyses of the interviews in the first fieldwork in 2012, it was clear that there are many different types of pirates in the Arabian Gulf. In the northern area of the Kuwaiti waters there are three types of seafarers: 1. The Kuwaiti seafarers who fish or work on luxury vessels and possess more luxurious and modern boats and dress in more fashionable clothes as they come from richer backgrounds. Most of the Kuwaitis have lighter skin colours; 2. The Indian and Bangladeshi fishermen, who use Kuwaiti dhows, speak broken Arabic and have darker skins, and their ethnicities are different from Arabic, so we can easily differentiate between them and the Iraqi fishermen or the Iraqi pirates; and 3. The Iraqi fishermen and the Iraqi pirates who use old dhows which are less luxurious than the Kuwaiti boats. They are slim, they are Shia Muslims, their ethnicity is Arab, and they speak fluent Arabic, but they have darker skins than the Arabs. In the central area of the Arabian Gulf there are also three types of seafarer: 1. The Qatari luxury boats crews of Qataris who are Arabs with lighter skin colours; 2. The Indian and Bangladeshi fishermen with darker skin colours who use the Qatari fishing boats; and 3. The Iranian pirates who speak Persian and in some cases broken English in which the Arabic/ Persian accent can be easily detected. They have darker skin colours than the Qataris but lighter skin colours than the Indian and Bangladesh fishermen.

In Somalia, the divisions between pirate groups are more complex, partly because of Alshabab, and partly because of clan differences. Ibrahim (2010, p. 290) stated that “the relationship between pirates and Alshabab in Somalia is business, but there are some clan factors as the pirates mostly come from a clan called Darod in central and northern Somalia and Alshabab is made up from several clans especially from Hawiyeh who usually come from Maqadishio and the south”. Solomona (2014, p. 352) stated that “70% of Alshabab groups are from Digil and Rahanweyn clans”. It seems, therefore, that most Alshabab groups come from different clans than the pirates in Somalia. Solomona (2014, p. 351) pointed out that the “Rahanweyn clan even speak different language than other clans”. In the literature, it is suggested that all the pirates in the Somali basin are Somalis who are black-skinned and Muslims (Solomona, 2014, p. 352; Ibrahim, 2010, p. 291; Ong 2014, p. 270), but during my field work, interviewees said that some of the pirates in the Arabian Sea are Iranian and some Yemeni pirates operate in the Somali Basin and the Gulf of Aden. From the face-to-face

interviews with the pirates in the prison of Mombasa, I noticed that all of them spoke Somali but some of them also spoke Arabic and some of them spoke fluent English. The naval forces in the area have misunderstood the reality in the Somali basin as they assume that all the pirates or the suspects have to be Somalis with black skins, and some of the Iranian and Yemeni pirates use this misunderstanding to engage in piracy because they would not be suspected of piracy. Several pirates mentioned that they had to obtain Yemeni passports so they can carry weapons authorised by the Yemeni government for protection, so the naval forces would not suspect them of piracy. It is possible that other groups of pirates existing in the area from Nigeria or Kenya or other countries in the region make use of similar camouflage strategies to practice piracy.

Two of the Somali prisoners admitted that they were working with the Alshabab group - both of them are Somali dark-skinned Sunni Muslims. One of them is 16 years old and the other one is 28 years old. The 16 year old terrorist, who admitted that he is Al-Shabab member, claimed that he was caught on land and the 28 year old claimed that they assumed he is a terrorist because he was at sea with Yemeni and Arabs groups. With regard to the 28 year old terrorist's case, it is not common for different ethnic groups to gather together for financial piracy. Somali financial pirates usually come from the same clan or village which means that they are usually the same ethnicity, and likewise Yemeni and Iranian financial pirates usually come from the same village - which means that a mixed ethnic group in the Somali basin would be suspected of terrorist piracy.

- The level of violence

There was no recorded kidnap or killing in the Arabian Gulf during the period 2004-2013 in the literature or in the IMO piracy reports (IMO, 2015), and all of my interviewees said that the level of violence is minimal from the Iranian or the Iraqi pirates in the central and northern areas of the Arabian Gulf. But in Somalia, the case is different as the Somali pirates use kidnap for ransom as a strategy and they become more brutal and violent with the victims if they do not get a ransom - they might even kill the victim as a consequence of not receiving the ransom money. Ibrahim (2010, p. 291) said that “the Somali pirates and Alshabab legitimate the use of violence within the Muslim tradition (self-defence) against the illegal fishing which they will not usually give up using this violence”. Ibrahim (2010, p. 288) stated

that “the failure of the U.S. and international policies towards Somalia have generated a motive to target the American and Western units by the Somalis and Alshabab”, and he gave several policy failures as examples. The reason why Somali pirates are more violent and brutal than Iraqi or Iranian pirates is twofold: the first reason is the hatred felt by the Somali pirates against international ships because they believe the international community caused the Somali state failure and they believe international vessels violated their waters by carrying out illegal fishing and chemical waste dumping (Whitman, 2012, p. 31). The second reason is that Somalia has been a failed state since 1991 and this caused the crime rate to become huge (Baniela, 2010, p. 195), precipitating an extreme economic crisis which made the Somali pirates desperate for money because most of them have no alternative source of living. By contrast, Iraq and Iran are more stable than Somalia, and kidnapping victims would not be practical in Iran or Iraq because the kidnappers can be tracked and chased by the authorities in their respective countries.

- Pirates’ ships recognition

One of the issues raised by naval and security officers in the Arabian Gulf and Somalia is that the task forces struggle to distinguish between pirates and other ships at sea, and mistaken distinctions have led to violations of human rights such as capturing suspects at sea when they carry weapons for protections. The aim of this theme is to provide guidelines for the observers to recognise and distinguish the pirates’ ships from the other ships in the Arabian Gulf and in the Somali basin. In IMO piracy reports since 2003 there have been no recorded piracy attacks in the Arabian Gulf region, meaning that we cannot retrieve the types of the attacking boats of the pirates from the IMO reports (IMO, 2003; 2004; 2005; 2006; 2007; 2008; 2009; 2010; 2011; 2012). In the Arabian Gulf, I learned from my first field work in most of the Gulf States in 2012 that it is possible to distinguish the pirates’ ships by using several criteria such as knowing the fishing areas and suspecting any non-fishing ships in the fishing areas and also suspecting any fast ships existing in the non- fishing areas. The direction of the threat is another very good indicator, as usually the threat of piracy comes from the north in Kuwaiti waters whereas it comes from the east in Qatari waters. Also what I found from the interviewees was that the manoeuvres of the ships can be a good indicator of pirates’ ships in the Arabian Gulf as usually the pirates do not remain in one location for a long time and the coastguards would see them travel from one location to another. Also speed

is a good indicator as the fishing vessels and ships in the Arabian Gulf do not need fast engines (above 100 horse power) but the pirates' vessels do (see Appendix J).

In Somalia the case is different and more complicated: it is very difficult to apply the ships-recognition criteria that were identified in the Arabian Gulf because in Somalia most of the pirates come from a fishermen background which means that the pirates and the fishermen in Somalia use exactly the same tools, ships, manoeuvres and locations. However, during my first field work in 2012 most of the security experts said that although it is very difficult to distinguish between the pirates' ships and the fishermen in Somalia, two skiffs and one dhow in the same location is an indication of piracy because it is a sign of attackers linked to a mother ship . Also the number of the crew is a good criterion to detect a pirate ship as a fishing skiff only needs 2 to 3 fishermen so if the number is larger, this would be a good sign of piracy based on information from naval officer interviews and from the pirates (see Appendix J). The approach is also a good sign of piracy, because when a skiff approaches other ships at high speed this would be a hostile approach. Another criterion is the existence of fishing apparatus: if there is none on board, then this would raise suspicion of piracy. Carrying ladders, guns or RPGs are also taken to be signs of piracy, though naval units in the area have sometimes misread this criterion, because all Somalis (including children and women) carry guns for self-protection purposes. This issue was raised frequently by the pirates themselves who claimed that they are innocent and that the navies captured them and transferred them to Kenya because they were carrying guns for self-protection. Interviewee 42, the IMO officer in Mombasa, said that the navies in the area are required to capture anyone with weapons for suspicion of piracy, and when I mentioned that all Somalis carry weapon for self-protection purposes, he answered that this matter would be further investigated in Kenya.

With regard to the vessels used by pirates, I analysed each individual piracy attack in Somalia between 2010 and 2015 and discovered that 76% of the attacks were carried out by pirates using skiffs. During the pirates' interviews, I asked them about the ships they used when they were captured, and 47% of the pirates claimed that they were using skiffs at the time of the capture, the average size of which were 10 meters and the power of their engines varied from 40 to 100 horse power. The average crew number is 7 on the skiffs and 18 on big piracy ships. The colours of the skiffs are blue, white and red (see Appendix J).

So distinguishing between the pirates and other seafarers in Somalia is more difficult than in the Arabian Gulf. The Arabian Gulf is smaller than the Somali basin which means that there all the ships in the fishing areas can be monitored, and all the states in the Gulf are successful states which have navies and coastguards, unlike in Somalia. In Somalia the case is even more complicated because the pirates and the fishermen use the same tools, ships, manoeuvres and even the same weapons. At the beginning of this research, I thought that the level of piracy in Somalia decreased because the Somali pirates became more organized and selective, but when I went to Kenya in 2013, I noticed that the task forces in the Somali waters changed their strategy and started to capture everyone carrying weapons in the area for suspected piracy, and as a result the maritime population declined including piracy and fishing: piracy attacks were 215 in 2011, 89 in 2012, 13 in 2013 and 14 in 2014. Deciding whether a Somali skiff was a pirate's skiff or not was left to the judgment of the nearest naval ship, and this has produced many serious violations of human rights and many mistakes such capturing all Somalis at sea who carry weapons. Even in the Arabian Gulf, because distinguishing between pirates and other seafarers in the North of the Arabian Gulf is left to the judgement of the naval forces, there may be many errors made by the navies.

- Target selection

In this theme, the aim is to understand how the pirates in the Arabian Gulf or the Somali basin select their targets and what criteria the pirates use to make their target selections of victims' vessels. At an early stage of this research, I assumed that the politically-motivated pirates would choose targets based on nationality so they can satisfy their ideological needs, but as I investigated the motivations and the drivers of piracy in the Arabian Gulf and the Somali basin, I began to understand that piracy in both regions is mostly driven by financial goals as claimed by the interviewees. So even the so-called terrorist pirates from Somalia for the most part chose targets to maximise financial returns (e.g. by hostage-taking) rather than to make political points. This is the argument put forward by Shortlanda and Vothknecht (2011, p. 4) when they "addressed the concept of hostage taking model as a terrorism activity and the Somali pirates as maritime terrorists". According to Shortlanda and Vothknecht (2011, p. 3), "the Somali pirates or terrorists prefer the targets with lower self-protection or

far away from the naval protection and they prefer the private sector targets as they are willing to cooperate and pay the ransoms”.

From the interviews, it was clear that the pirates in the northern Arabian Gulf are more interested in attacking ships at anchor because they are easier to attack and would need less time to board than ships making way. Iraqi pirates in the north are not very practised, as their piracy started in the north of the Arabian Gulf in 2003 after Iraq’s failure and only lasted to 2007 so the pirates did not have the experience of attacking ships making way. There is another reason for this as the northern sea is small so the coastguard and the naval units are nearby which means that because attacking a ship under way takes longer, it gives an opportunity for naval units to arrive before boarding. This also applies to the Iranian pirates in the central region of the Arabian Gulf, who also prefer ships at anchor.

In Somalia, the case is different. From my first field work in 2012, I was told by some security officers that Somali pirates travel all over the ocean and seek victims’ vessels randomly for easy targets, but other officers said that pirates are organized and have information about targets before they leave the shore. From my second field work in 2013 when I interviewed pirates, some of the pirates said that they only targeted ships that are illegally fishing in Somali waters, but other pirates said that they select targets randomly based on their availability and easiness to board. Also some pirates said that they would not attack Muslim or Arab ships because they said that Muslim and Arab ships do not engage in illegal fishing in Somalia. The fact is that Somali pirates do not select targets based on nationality or origin but on the easiness of attacking them. Some of the pirates do have information about ships in the area which means that they do not attack randomly, but these organized attacks are done by the groups of pirates who work in gangs, whereas the pirates who work individually would have less information before they leave the shore. The most commonly attacked ships between 2010 to 2015 in Somalia were oil tankers (22%), then bulk carriers (20%), then chemical tankers (14%), then container ships (12%), then cargo ships (11%), but fishing ships only 4%, which means that the pirates no longer attacked illegal fishers. This is partly because most of the fishing vessels in the Somali region are armed for protection and the navies in the area protect the fishing vessels convoys; partly because the top categories in the list of attacked ships are the tankers, bulk carriers, cargos and containers as they are the slowest ships in the category and they have small freeboards

which makes it easier for the targets to chase and board; and partly because these top categories of target vessels yield the most valuable rewards.

Ong (2014, p. 270) makes a similar contrast between piracy in SE Asia and Somalia, stating that “the pirates in South East Asia prefer small and mid-size vessels and they prefer to attack at night while those targets are at anchor...the reason for choosing those targets by the pirates in Southeast Asia is that they need to steal engine parts, cash and some other items...[whereas] the Somali pirates prefer to operate in the high seas and they attack a wide range of ships such as large cargos, containers and luxury private crafts”.

- Timing

In this theme we are trying to understand the timings of the attacks - during the day, week and the year - so we can understand when is the most likely time for the pirates to operate and why. From fieldwork findings in 2012, Kuwaiti officers reported that the most likely time for Iraqi pirates to operate in the northern Gulf is during the summer and in the day time because the wind speed is minimal during summer months. By contrast, in the central region of the Arabian Gulf, Qatari coastguard officers said that the most likely time for attack by Iranian pirates is at night time and during Ramadan - Ramadan lasts for one month every year - now it is in July and August and it shifts 11 days earlier every year - because during Ramadan, Qatari forces would be reduced and Iranian pirates use this advantage to attack fishing vessels in the area. However, from Iranian pirates, I also learned that the pirates in the Gulf are willing to change their strategy in accordance with the weaknesses of the authorities. A question arises here: if the Qatari forces know that the pirates operate in Ramadan when the coastguards reduce their forces for one month, why do the Qatari coastguards still reduce their units at sea? This theme is linked to the general ineptitude of some governments when dealing with piracy.

In the Somali case, Liwång *et al.* (2013, p. 105) said that “the best time for the Somali pirates to attack the targets is at daytime with a calm sea as the visibility would be much better for the pirates”. However, Baniela (2010, p. 194) said that “the Somali pirates usually attack at night, from sunset to sunrise, so they can use the advantage of the low visibility”. Most of my interviewees said Somali pirates would not operate during the monsoon season

because the wave heights and the wind speeds are very high - the monsoon season is from May to September every year. Also most of the interviewees including the pirates said that the day time is more attractive for the pirates to operate because they can see the ships and navigate safely, as most of the pirates do not use technology such as night goggles or radars. However, my analysis of all the piracy incidents revealed that while piracy in Somalia drops between May and September, making March, January and April the most likely months of the year for attacks, some of the attacks happened during the monsoon season. Moreover, Somali pirates during Ramadan did attack at night time because Ramadan in 2010, 2011, 2012 and 2013 was during the summer which is very hot during the day. This is similar to the strategy of the Iranian pirates in Qatar where they attack the Qatari ships during Ramadan at night. Nevertheless, 75% of the attacks in Somalia were during the daytime, and from the analyses, I conclude that most types of pirates, financial or terrorists prefer operating during day time because there is better visibility to detect the potential target, and examine its board size and its level of self-protection.

- Weapons, ships and manoeuvres

In the literature there is little (The UK Parliament's Foreign Affairs Committee, 2012, p. 15) detail on the types of weapons or types of ships or the tactical manoeuvres that pirates use to attack in the Arabian Gulf or the Somali region, but the general perception is that pirates in Somalia use skiffs and Ak-47 guns. The UK Parliament's Foreign Affairs Committee (2012, p. 15), stated that "the Somali pirates usually use one single skiff or small vessels or sometimes two skiffs to attack the target also they usually use small arms, guns ranging from AK47s to RPGs...the Somali pirates usually manoeuvre one of the skiffs alongside and throw a hook and then climb on-board to hijack the ship and if they have been detected while they do the climbing the pirates usually fire on the bridge to force the master to clear them the way and then they will proceed directly to the bridge to take over the ship".

From my field work in 2012 in the Arabian Gulf region, I found out that pirates in the northern area of the Arabian Gulf and the Iranian pirates in the central area of the Arabian Gulf use only a small amount of weapons, knives or small guns, because their intention to harm the victims is limited. Also pirates in the Arabian Gulf use small boats to attack and they usually attack in single vessels. In Somalia, however, the attacks are more dangerous

and the Somali pirates are more brutal. From my two periods of fieldwork in 2012 and 2013, I saw that most of the interviewees (including pirates) mentioned that the Somali pirates use AK-47 guns, grenades and RPGs. As for the pirates' ships, most of the interviewees in my two periods of fieldwork said that Somalia pirates use dhows as mother ships and skiffs to attack and board the target ships. However, the IMO's reports of official piracy incidents in Somalia between 2010 and 2015 claimed that 76% of the attacks were used by skiffs only, 6% of the attacks used speed boats only, and only 1.8% of the attacks used skiffs and mother ships together. The accuracy of these IMO's reports, may however, be questioned, because of IMO's failure to report piracy attacks in the Arabian Gulf. I came to the conclusion that the IMO's piracy reports do not provide the full picture of piracy in either the Arabian Gulf or Somalia, and more monitoring must be applied in the reporting system in IMO to ensure more reliability.

From interviewing the pirates, I found out that the average size of the pirates' skiffs is 10 meters in length and the power of the skiffs varies from 40 to 100 horse power engines. With regard to technology usage, most of the literature (IMO, 2015) and the interviewees, except pirates (Appendix J), claimed that the Somali pirates do not use any sort of technology such as radars or GPS because they are able to navigate without them, but from interviews with the pirates I noted that 20% of the pirates use GPS for navigation. About tactical manoeuvres, most of the literature and the interviews suggested that the Somali pirates usually attack from the stern quarters as it is easier to board there, and they usually approach the target from the sides and deploy a ladder to board. The pirates first follow the target and might fire several bullets to find out if the target vessel is armed-guarded or not and then they approach close from the stern sides.

To conclude this sub-theme, noteworthy is that the pirates choose their tactical manoeuvres, type of weapons and types of ships they use according to their objectives and circumstances. Pirates in the Arabian Gulf use a limited range and number of weapons because their objective is not to harm the victims, they only attack for cash or cell phones, but for the Somali pirates their aims are to kidnap for ransom which means that they need more weapons and have to be more brutal to succeed with speed and effectiveness. When comparing the tactical manoeuvres of Somali pirates and pirates in the Arabian Gulf, fishing areas are very small in the northern area of the Arabian Gulf waters so coastguards are able to arrive at the

locations within minutes of an attack, and Iraqi pirates in the north prefer to board ships at anchor rather than when making way because they do not have enough time as the naval units will arrive sooner than when in the open ocean. By contrast, in the Somali region, most of the ships in the area are traveling throughout the region which is huge, so the navies take more time to arrive to the attacking position. Somali pirates have developed their tactical manoeuvres to board ongoing ships using heavier weapon types to achieve their goals of kidnap for ransom because when attacking ships making way the pirates will need the ship to reduce speed and this will not be achieved if the pirates used only light weapons.

5.7 The Consequences of piracy

When analysing the consequences of maritime piracy in two different regions it is useful for context to understand how big the problem is, and how reliable the evidence is to support associated issues. To illustrate, is the problem because of the number of pirate attacks? Or because of the huge size of ransom demands? Or because of the number of seafarers killed? To answer these questions it is necessary to determine how available information is and whether it is valid and relevant to the case being studied. How it is possible to ascertain what is really happening at sea in those regions we are studying? The main consequences of maritime piracy in the Arabian Gulf and Somalia are the economic expenses incurred to deal with piracy in the form of vessel insurance and other security and military costs; the effect of piracy on the international economy; the amount of ransoms; vessel losses; and the violation of human rights. This thesis has identified variables and characteristics to categorise maritime piracy so that more targeted recommendations for action to mitigate piracy can be formulated in future.

In the Arabian Gulf, the consequences of maritime piracy were never particularly severe, even when piracy attacks were at their peak, in the north between 2003 and 2007, as shown in table 3.1, or in the central area from 2008 to 2012, as shown in Appendix L. In the north of the Arabian Gulf, the Iraqi pirates usually stole only cash, cell phones and food, and there was only one recorded murder (in 2004). Similarly, in the central area of the Gulf the Iranian pirates mostly targeted cash, cell phones, food and other items, and there was only one recorded death (in 2009) when Iranian pirates shot a sailor in Qatari waters. The fears of

serious consequences are not from the Iraqi or the Iranian pirates but from the Somali pirates who operate near the strait of Hormuz where they attack the GCC's ships in their ways out or in the Arabian Gulf. Nelson and Goossens (2011, p. 1) stated that "piracy in the Arabian Sea represents the major threat to the GCC maritime trade which their economies depend on. This piracy threat is not merely theoretical but real". This claim by Nelson and Goossens (2011) was made about Somali pirates reaching the Strait of Hormuz and blocking the waterway. Most of the literature suggested that the consequences of Somali piracy included increased crew wages, soaring insurance costs, vast ransom payments and other economic costs such as shipping rerouting (Madsen *et al.*, 2014; Sterio, 2010; Reuchlin, 2012; Nelson and Goossens, 2011). The total cost of Somali piracy was estimated at "\$6 billion in 2012 and \$3 billion in 2013" (Madsen *et al.*, 2014, p. 7). Also the literature reported that the number of hostages taken by the Somali pirates between 2010 and 2013 was 2,054 (1,090 in 2010, 555 in 2011, 349 in 2012 and 60 in 2013) and that the average time for hostages to stay kidnapped was 11 months (Sterio 2010, p. 1456; Hallwood and Thomas 2013, p. 345; Madsen *et al.*, 2014, p. 7). Nikolic and Missoni (2013, p. 316) and Hurlburt and Selye (2013, p. 3) reported that 35 hostages were killed by the Somali pirates during this period, and many others suffered from physical and psychological abuse by the Somali pirates in addition to bad nutrition. My interviewees explained (see Appendix O) the reason why piracy in Somali is more brutal and more dangerous is that in the Gulf the Somali pirates are more armed and more capable than other pirates in the world. This is mainly because Somalia has been a failed state since 1991, and all types of weapons are easy to get because the security is poor, and governmental control over crime is non-existent. In such circumstances, criminal gangs would easily form within the ranks of pirates. By contrast, in the Gulf, the Iranian pirates come from a successful state with capable security forces, so pirates would not get weapons easily and also the pirates would not find it as easy to form a gang with a structure and command chain similar to the Somali pirate gangs. Iraqi pirates come from an unstable state where the chances of forming a gang and arming its members are easier than in Iran, but Iraq does not have a great geographical advantage as the Iraqi coastline is limited and so the pirates would not be able to operate freely.

The question is why are the Somali pirates more dangerous and damaging than the Iraqi or the Iranian pirates as they are all pirates i.e., criminals seeking the same goal which is money? This is especially puzzling, as in the Arabian Gulf there are potential target vessels

that are really expensive and valuable luxury ships coming from Kuwait and Qatar which are among the richest countries in the world, and the Iraqi or Iranian pirates could obtain more money by taking the luxury ships and selling them or taking hostages and getting ransoms than by just taking cash, cell phones and other small valuable items. From the analyses of the empirical fieldwork data combined with secondary data obtained from reports, I offer the following three reasons why Somali pirates are causing more negative consequences than the Iraqi or the Iranian pirates in the Arabian Gulf:

- First, Somalia is a failed state with no government and no security since 1991, which means that the crime rate is high, the rate of unemployment is high, the economy is weak (UN Data, 2015), weapons are readily available and the forming of organized criminal gangs is very easy compared to many other countries. In this environment, the criminals, including pirates, are well armed and more capable than other criminals; the pirates are well-organized; and the pirate gangs have good resources in information gathering and logistic supplies. By contrast, Iraqi and Iranian pirates come from countries with better weapons control and more security able to counter crime, which means that getting weapons is not as easy as in Somalia and forming organized pirate gangs is more difficult. Also Iran and Iraq have a better economy than Somalia which means that the need for money especially cash is less since Iraqi and Iranian pirates have more livelihood alternatives than Somali pirates.

- Second, because Somalia is a failed state and the government does not control all parts of Somalia, taking hostages from the sea and transferring them to Somalia and keeping them for a long time is easier to do in Somalia than in Iran or Iraq where Iranian and Iraqi authorities could track the hostages locations very quickly.

- Third, when I have interviewed Somali pirates in Mombasa Kenya I noticed that all of them share the same hate against the west because of the illegal fishing and the chemical waste dumping in Somalia waters caused by the international ships and the international fishing vessels. This hatred has generated a motive for piracy not just financial but also to harm the ships in the area because most of the pirates I have interviewed said that they are defending their country since piracy is the only action that can keep the international ships away from the Somali waters., But in the Arabian Gulf, issues of illegal fishing and chemical waste dumping do not exist and neither Iranian nor Iraqi pirates have a hate issue against the seafarers in the area. In addition, the Iranian and the Iraqi pirates have more common social and religion ties with the seafarers in the area as all are Muslims and most are Arabs.

5.8 Responses to piracy

In this section, the efforts that have been made to deal with the piracy issues in the Arabian Gulf and in the Somali basin are discussed. During the research, I observed that the efforts to deal with piracy have changed during the years from 2011 to 2015 in Somalia. Earlier in the research, I analysed the political responses and the military responses separately, but for this section I analyse these efforts together, as a more integrated approach to examining links between the different types of responses will bring a more holistic understanding of this multi-faceted problem of piracy. In chapter one, I stated six hypotheses to be tested. Two of these hypotheses are: “Hypothesis 5: deploying forces only, without dealing with the piracy’s drivers underpinning behaviour, will cause the pirates to operate somewhere else”; and “Hypothesis 6: deploying force only, without dealing with the piracy’s roots, will cause the pirates to develop their military capabilities to compete with the deployed forces”. In this section, I present my findings to test these two hypotheses.

Nelson and Goossens (2011, p. 1) reported that “the GCC had adopted a coordinated strategy of counter-piracy to protect the Arabian Peninsula from the threat of piracy which was a recognition that the first action the GCC must do to not lose the case which is to address the problem”. However, my findings suggest the GCC is missing addressing the piracy problem properly by categorizing piracy under general cases like robbery or terrorism. In Kuwait, for example, when I went to the law court looking for piracy cases and files, it was impossible to find a piracy case because all the relevant cases had been filed under either robbery or terrorism which meant I had to read every single case to find an example of piracy. This means that data is not collected on piracy specifically or cross-referred to piracy which could later be used in a search tool, so the extent of the piracy problem is not evident or easily available or accessible. Nelson and Goossens (2011, p. 4, 5) drew attention to another problem of the GCC’s response: the “CTF-152 which is a multitask force consisting of all the navies of GCC under the supervision of the U.S. fifth fleet in Bahrain but this task force doesn't participate directly in anti-piracy moves...Saudi Arabia is the only Gulf State which contributes to marine security beyond its territorial waters. Although all the GCC states are enhancing their naval capabilities, apart from Saudi Arabia the others have a limited naval role, which is to defend their own territory waters”. Nelson and Goossens (2011, p. 6)

conclude that unless more political will is shown by the GCC countries to tackle piracy, the problem could escalate into a catastrophe for the region:

“although piracy is not yet a great danger to the GCC [which I challenge based on my research findings], it will become more dangerous to Arabian Gulf region due to the increasing capabilities of pirates and the expanded areas of pirates’ areas of operations as they would block the Strait of Hormuz (the only entrance in the Arabian Gulf)...the GCC need to address piracy directly, and shift the role of counter- piracy from a secondary to a primary basis by starting their operations in the Gulf of Aden”.

More specific complaints made by Nelson and Goossens (2011) against the GCC’s anti-piracy efforts include the criticisms that the vessels used by the GCC are too few and too small to operate offshore; that more training in Visit, Board, Search and Seize (VBSS) operations is needed; that more helicopters are required; and that GCC should establish special pirate courts to synchronise with international legal bodies.

Findings in this thesis support many of Nelson and Goossens’ (2011) points, but I disagree that the main problem with GCC maritime security is failure of political coordination and political commitment. On the contrary, the GCC countries have been successful in coordinating their anti-piracy initiatives: as small states with small forces they must unite to increase the capabilities of their armed forces, and most of the security interviewees mentioned that the GCC is achieving this unity. Piracy was an issue in the north of the Gulf between 2003 to 2007 and also was an issue in the central Gulf area from 2005 to 2011, but Nelson and Goossens (2011) were evidently not aware of this as the IMO never mentioned the piracy attacks in the Gulf, nor therefore, were they aware of the GCC’s success in containing these attacks. From my interviews with most of the naval and coastguards officers and also from my observation in the operation centres in the GCC coastguards and from my experience as a naval officer in the Kuwaiti Navy, I was told that naval coordination in the GCC region was going in the right direction and this coordination helped the GCC states to quickly overcome the piracy problems in the northern Gulf. Little commentary has recognised these successful responses to piracy in the Gulf, and most of the literature (Campanelli, 2012; Haywood and Spivak, 2012; Hodgson, 2012; Liwång *et al.*, 2013; Hastings, 2009) implies that the attempts that have been made to deal with piracy have focused on Somalia. In this section, I will offer new insights to fill the knowledge gap by

analysing actions taken by governments, companies or international organization against piracy in the Arabian Gulf and the Somalia region, and compare the findings to find out which attempts have been most effective in dealing with piracy.

Beginning with the Arabian Gulf, from my first field-work in 2012 in Kuwait, Bahrain, Qatar and Emirates, I noticed that all the navies and coastguards in the Arabian Gulf engaged in a very high level of cooperation in the information exchange, similar policies, intelligence exchange and a wide range of military communication, and the commitments between the governments were well formed in the GCC countries. Most of the interviewees stated that this cooperation is effective, and when I visited the U.S. base in Bahrain I found all the liaison officers from all the GCC countries gathered in one place, obtaining and delivering maritime information from their countries and exchanging them with each other. Moreover, there are daily reports delivered directly between all the GCC navies and coastguards, and this cooperation has enhanced the level of maritime security in the Arabian Gulf and probably caused the rate of piracy to fall in a short period of time, 6 months.

By contrast, in Somalia, most of the literature stated that international ignorance and the lack of a regional commitment to apply such cooperative policies have allowed piracy to increase and expand during the past years until 2013 after which piracy in Somalia decreased. When I analysed all the piracy incidents between 2010 and 2015, the most frequent location that the Somali pirates chose to attack the ships was in Omani international waters, even though Oman has the most capable naval forces and coastguards in the region. This is likely to reflect the position that Oman has refused to join the international fight against piracy except on the high seas. One interpretation is that this shows a lack of regional cooperation in the Somali region is one of the reasons for increased piracy as Oman's refusal has meant Somali pirates have chosen to shift their activities from the Gulf of Eden to Omani international waters. A commitment to cooperate with the international and regional communities is essential to combat piracy politically and with military. Even if a state has a military force capable of dealing with piracy, there must be a political will to join forces with other states. Oman is the best example of a failure to learn this lesson. During my first field-work in 2012, I visited the Combined Maritime Forces base in Bahrain CMF which includes all the leaderships of the task forces to combat piracy in the Arabian Gulf and the Somali Region (CTF150,151 and 152) – i.e. 30 countries from the region and beyond: Australia, Bahrain,

Belgium, Canada, Denmark, France, Germany, Greece, Italy, Japan, Jordan, Republic of Korea, Kuwait, Malaysia, the Netherlands, New Zealand, Norway, Pakistan, The Philippines, Portugal, Saudi Arabia, Seychelles, Singapore, Spain, Thailand, Turkey, UAE, United Kingdom, United States and Yemen. Significantly, Oman is not one of the members, despite being located between the two prime pirate regions (the Arabian Gulf and the Indian Ocean). One view is that Oman is not committed to the regional and international fight against piracy, and as a result, Omani international waters have become the most infected location of Somali pirates between 2010 and 2015.

Reuchlin (2012, p. 52) stated that “the amount of ransoms paid so far to the Somali pirates is \$626 millions”. This indicates that ransom payments are one of the most significant responses made to piracy by some of the private shipping companies. Revealing the amount of ransoms that has been paid to the pirates is helpful to know the economic impacts of piracy. I have discussed before the argument that paying ransom for pirates is making the situation more complicated and encouraging pirates to attack more people, but there is also increased business for insurance companies offering insurance to pay ransom for piratical kidnaps. The role of insurance companies and their impact on piracy has received little attention to-date and should be examined in future research when action to mitigate piracy is being considered.

Another response to Somali piracy has been to switch routes for maritime transport. Martínez-Zarzoso and Bensassi (2013, p. 400, 411) said “that the effect of the increase of modern piracy on the costs of maritime transport is significant, and that the main affected route is between Europe and Asia because the route contains several failed states...some shipping companies decided to use the Arctic route to travel from Europe to Asia using the Russian coast because this route is safer and also the ships can avoid the expensive costs of traveling through the Suez Canal”. Likewise, Nelson and Goossens (2011, p. 3) said that “many companies have chosen other ways to avoid piracy in or near the Gulf of Aden”. However, one of the Kuwaiti oil company experts suggested that this solution might be useful only in the short term, as the pirates are already expanding their areas of operation, and in the long-term they will attack along alternative routes.

Another anti-piracy response was international legislation giving permission to national navies to arrest pirates in other states’ EEZs. However, this permission did not extend to

states' territorial waters, as Joseph (2010, p. 1293) pointed out: the "UN gave rights to forces to pursue pirates in contiguous zones or the EEZs of the coastal states, but this right of pursuit ends as soon as a chase enters the territorial waters of a third state". Joseph drew attention to "other legal restrictions on international responses to counter piracy". During the first year fieldwork, I interviewed officers in international navies charged with countering piracy in the Arabian Gulf and Somalia (CTF 151 and CTF 152), and they stated that the biggest challenge the navies faced was the legislation limiting and restricting their work, and some of the officers admitted they had to release pirates after they captured them because of these legal restrictions.

The most obvious anti-piracy response is military, and some commentators have suggested that a massive military effort would stamp out piracy once and for all (section 3.8). For example, Pristrom *et al.*, (2013) and Vaněk *et al.*, (2014) argue that an increase of the military forces would help to eliminate piracy in Somalia. However, other commentators such as Gathii (2010, p. 112; Bahadur (2011); and Hodgson, (2012), together with most of my interviewees, argue that the military solution to deal with piracy in either Somalia or the Arabian Gulf is only a short-term solution because military deployment does not deal with the roots of the causes of piracy, it only deals with the results of those roots. Also some of the military experts said that because the Somali basin and the Indian Ocean are so large, military force to combat the Somali pirates cannot be effective even if all the navies in the world were deployed. My findings support this assertion of the futility of military force against Somali pirates, but the case in the Arabian Gulf is different as in the north of the Kuwaiti waters the area is small and naval and coastguards units are more likely to arrive at the attack location sooner than the naval units in the Indian Ocean. So I recommend that military deployment in the northern area of the Arabian Gulf can (and does) provide a long-term solution, unlike the situation in the Indian Ocean. In the central area of the Arabian Gulf, as in the northern area, military action helped to decrease piracy. In the Somali case, most of the governmental officials I interviewed such as the Somali ambassador in Abu Dhabi stated that the UN attempts to solve the Somali piracy problem were wrongly focused mainly on military actions, when the source of the problem is on the land not at sea. The ambassador also claimed that the UN's limited attempts to deal with the roots of piracy on land, such as by empowering the Somali government and strengthening the Somali economy, were not effective strategies. The same point was made to me by the UN regional officer in Nairobi

who said that the political actions to empower the Somali new government were very weak, and as a result Somali piracy increased and became more organized until 2013. My research has shown that the problem of Somali maritime piracy is very similar to terrorism on land where the international systems deal with the outcomes of terrorism by applying force to counter it, but the problem shifts somewhere else, and often becomes more violent, aggressive and distributed to wider geographical areas. It is true that when looking at the statistics, the number of piracy attacks in the region has decreased, but this does not necessarily prove that the piracy problem has decreased – it may mean that the pirates are more organized and more selective in choosing high value targets. This picture is similar to that of terrorism, in that the international community thought that they had countered terrorism when the statistics showed a decrease in the number of the attacks during the 1990s, but then there occurred on September 11, 2001, the huge attack on the World Trade Centre. I suggest from the greater understanding gained from my research that the same situation is happening with piracy, the U.N. assume that counter-piracy efforts are on the right lines when they notice a decrease in the number of attacks, but they ignore other factors such as the further geographical areas that the pirates can reach such as the Strait of Hormuz or the Red Sea, the level of violence, the average ransom and the type of targets they are able to attack.

Armed guards and other on-board anti-piracy measures such as water cannons or dummies are among the additional important measures that have been used more recently by the commercial ships to counter piracy. Most of the ships traveling near the dangerous waters now deploy armed guards on board. Some commentators such as Bryant *et al.* (2013, p. 76) who investigated “the role of anti-piracy measures which can reduce successful piracy attacks”, have suggested that armed guards have played an important role in protecting the commercial ships in Somali waters. Some experts claimed that arming the ships is essential to protect the safety of the crews and to scare the pirates away, and my findings in chapter four suggest that there were no successful hijackings when armed guards were deployed. However, Pristrom *et al.* (2013, p. 687) said that “the International Association of Ports and Harbours IAPH believes that armed guards on board merchant ships will increase the violence from the pirates and they suggested that the use of weapons must be restricted to the military staff on internationally agreed missions”. Some of my interviewees claimed that armed guards on board commercial ships are illegal and will spread violence and encourage pirates to use heavier weapons. Results from this research suggest that arming commercial

ships might help to scare pirates away for a short time, but the pirates will reorganize themselves to deal with the situation of armed guards by, for example, arming more heavily since temporal trends show that pirates have evolved over time becoming more adaptive to the context in which they are working. Moreover, arming commercial ships would allow civilians to act violently with no control which could result in a violation of human rights by misjudging a threat situation, evidence of which was observed through interviewing those prisoners who claimed to be wrongly arrested as pirates.

Another anti-piracy policy which has had a significant effect in reducing Somali piracy attacks is the wholesale arrest of all armed seafarers in the Somali basin. Before I went to Kenya in 2013 for the second period of fieldwork, I noticed that the number of incidents of piracy in Somalia was dropping rapidly, which, based on my understanding gained from attending the 4th Maritime Piracy & Security Summit Conference, January 2013 in London, was because the Somali pirates had become more organized and selective. They preferred to attack one ship and ask for a higher ransom instead of attacking ten ships and asking for fewer ransoms of smaller denominations. But when I went to Kenya and visited the pirates in Mombasa, the UN office in Nairobi and the IMO regional office in Mombasa, I discovered another possible reason for the piracy incidents decrease in 2013. This reason was alluded to when I interviewed the naval officers in 2012 in Bahrain: one officer said that when they captured the pirates they would take away their weapons and their fuel and release them because their countries did not have the ability to take international prisoners. But at the end of 2012, the U.N. established three regional maritime courts in Kenya, Seychelles and Mauritius allowing the international task forces in the Somali region to transfer the captured pirates to those three courts. I was told by the IMO officer in Mombasa that the naval forces in the Somali area now capture any Somali seafarer with weapons and transfer them to one of those courts for further investigation and trial. As a result, the maritime population decreased, including pirates and fishermen, and this was the main reason for the reduction of piracy in the Somali basin. However, this new strategy of lengthy detention in dealing with suspected Somali pirates might decrease the rate of piracy in the Gulf of Eden or the Somali waters for a short time, but the root of the problem is still there and pirates will move away from the Somali basin to operate elsewhere, as can be observed now off the Nigerian coast and the west African coast more generally (IMO, 2015; ICC, 2014).

Fanning *et al.* (2012, p. 1), like several other commentators, asserted that “the anti-piracy responses have failed to define the roots causes of piracy by focusing only on countering piracy at sea”. This claim is consistent with my research approach which is that the world needs to focus on the roots of piracy which are on land, and if the current policies continue to ignore the roots, then they are likely to continue to fail.

5.9 The violations of human rights of suspected pirates

Another issue of major concern over Somali piracy (though not of piracy in the northern Gulf) is the violation of human rights. During the second field-work in 2013, I found that most of the pirates had been held in the prison for long periods of time, 3 to 6 years, (see Appendix P) without trial or conviction, and when I asked some of the officers in the prison why this was the case they claimed that the Kenyan justice system is very slow. I also discovered that some Somali pirates in the Kenyan prison were treated without due consideration for their human rights. Several commentators have spoken about violation of the human rights of Somali pirates, or the suspects of piracy, both at sea and in Kenyan prisons. Some of the violations mentioned are that pirates in Kenyan prisons face physical abuse such as torturing; failure to have their legal rights recognized; lack of fair trials in the Kenyan courts; and long detention periods without conviction. Sloan and Griffiths (2012, p. 80) explained “the catch and release [policy] which some of the naval forces use as a strategy in the Somali waters.....the naval ships in the Indian Ocean if they capture pirates they would destroy their equipment and weapons and they would leave them with little food, water and fuel and then they will set them free”. This strategy was mentioned by the Korean officer in Bahrain during my first fieldwork and also by the British Naval officer in Bahrain, and during my second field-work by some pirates. .

Osiro (2011, p. 14) spoke about the Kenyan processes of prosecuting suspected Somali pirates: “the Somali pirates are not treated with an adequate justice system as they usually take a long time to transfer and try the Somali pirates in Somalia”. Also Osiro (2011, p. 14, 12) said that “the Somali pirates in Kenya are not legally advised or provided with lawyers...[and the] presumption of pirates’ guilt has been the norm in the Kenyan justice system...many Somali pirates experienced torture and physical abuses in the Kenyan prisons. Also the Somali pirates inside the Kenyan prisons don’t receive sufficient medical

treatments”. From my second fieldwork in Kenya, summer 2013, some of the pirates claimed they had been tortured by the navy that captured them at sea, and they asserted that the reason for the torture and the physical abuse was to extract information from them. I personally have seen some of the pirates with legs or hands amputated, and was told that they suffered wounds from combat against the navies, and when the navies captured them they amputated their legs or hands because they did not want to spend time and money to treat their wounds. Most of the pirates complained that there is no sort of medical facility inside the prison and if any of the prisoners needed medical care they would wait for a long time to get permission to be taken to an external medical care facility. All of the pirates I met in the Mombasa prison said that they were not allowed to be visited by their families or to make phone calls, so most of them did not know anything about their families since they had been transferred to Kenya. When I went to the prison commander in Mombasa, Shemola Tower Prison, I asked him about the rights of visitors for the pirates, and he acknowledged that they were not allowed to be visited or to make phone calls, but he did not provide any reason for this. When I asked him about the poor medical care inside the prison he responded that Kenya is not a rich country and they do not have enough funds to provide better health care to the prisoners. I then told him that I have just been to the UN office in Nairobi and they informed me that they provide funds to the Kenyan government to develop the prison facilities; he said that the Shemola Tower prison never received any of those funds and he claimed that he did not know about those funds. I noted during my second fieldwork in Kenya that most of the pirates held in Shemola Tower Prison, Mombasa, have been there without any trial or conviction for years. The pirates claimed that the Kenyan justice system is very corrupt, and they have to pay money to the court as a bribe to get a faster trial. Also several pirates said that they have never seen a lawyer and some of them claimed that they did not know what their crime was. Etzioni (2011, p. 14) said “that the Human Rights Watch claimed that the Kenyan courts can’t assure fair trials for the Somali piracy suspects”, and that “the Kenyan prisons have poor conditions and the Somali piracy suspects face long detention periods without conviction”.

It appears from the respondents that corruption is widespread in Kenya, and that the pirates’ claims about the corruption of the justice system in Kenya are accurate. Some of the pirates I have met in Mombasa prison claimed that they were caught because the navies suspected they were pirates due to the weapons they carried for self-protection purposes. They said that

the navies in the area capture anyone who is black at sea who carries weapons and transfer them to Kenya for trial. I doubted this claim at the beginning, but when I went to the IMO office in Mombasa and interviewed the IMO officer, he said that the navies in the area changed their strategy in 2012 and started to capture any person at sea carrying weapons and transfer them to Kenya for further investigation. I asked him 'how would you know if the suspect is a pirate or a fisherman?', and he replied that the authorities in Kenya would ask about the company which the fisherman working for, or the port he travelled from. I told him that Somalia is a failed state and most of the fishermen are self-employed - he then refused to talk about this issue further.

Moreover, many violations of human rights are likely to be unknown because of the common practice of suppressing information about pirate attacks. During my first field work trip in 2012, I noticed that none of the piracy attacks which happened in the north of the Arabian Gulf between 2003 and 2007 were reported to the IMO, since they do not appear on any formal reports held by the IMO. Also when I went to Qatar I noticed that none of their piracy attacks had been reported to the IMO as they don't appear in (ICC, 2014 or IMO, 2015). In Kuwait, I was informed that the government in both Kuwait and Qatar gave instructions to the coastguards and the navies not to report any of those piracy attacks to the IMO for two reasons; the first reason is that those piracy attacks are not serious or dangerous and reporting them to the IMO might attract the media's attention which would make the problem worse. The second reason is that reporting those minor attacks might increase the fear of piracy in the Arabian Gulf which might affect maritime businesses and investment in the area and increase the maritime security insurance costs in the Arabian Gulf. This lack of information makes it difficult for researchers to track any violations of human rights against the captured Iraqi pirates in the north of the Arabian Gulf or the Iranian pirates in the central part of the Arabian Gulf.

Finally, a Yemeni liaison officer told me that the Indian navy used physical abuse against the Somali fishermen and the Somali pirates in the Somali basin region. On Youtube.com I found some distressing clips of killing and shooting pirates by the Russian navy and other commercial ships with armed guards. For example, a video clip posted by Tuter (2014) showed unknown armed guards on a commercial ship shooting and practising shooting Somali pirates who had already surrendered in the water, and by the end of the video all of

the pirates had been killed. Also there are tens of video clips on Youtube.com where the navies in the Somali waters shoot the pirates' ships with heavy machine guns causing the ships to sink and sometimes the pirates are killed. But little of this material is logged in official records.

On the positive side, from fieldwork observations in the Arabian Gulf states, I can confirm that Iraqi pirates in Kuwait are well treated in prison and getting all their rights of medical treatment, family visits and nutrition. Also I have seen the facilities inside the Kuwaiti prison for international prisoners who are allowed to make FaceTime calls and Skype calls to see and contact their families abroad. When I went to Qatar, the coastguard and the naval officers informed me that these facilities are also available in Qatari prisons.

In conclusion, failure to protect the human rights of Somali pirates and Somali fishermen reflect poor behaviour by the authorities responsible, and is likely to fuel further resentment among future potential pirates.

5.10 Proposed solutions to piracy problems

In this section, suggestions made in the literature and from the data gathered during my fieldwork to deal with piracy in the Arabian Gulf and in Somalia is discussed. In the Arabian Gulf, attempts to deal with Iranian and Iraqi pirates appear to have been successful. In the Somali case, although the number of the attacks decreased in the Somali basin area in 2013, the decrease of piracy has been accompanied by extreme violations against human rights of suspected pirates, and the pirates have moved to operate somewhere else. I will briefly outline in this section recommendations proposed which is given a fuller treatment in the next and final chapter of the thesis.

In the literature, there are three main recommendations focused on the Somali case. The first recommendation is restoring Somalia to viable statehood as suggested by Haywood and Spivak (2012, p. 109), Bruton (2010), and Ong (2014, p. 290). The second recommendation is to create a fair legal system for trying suspected pirates as suggested by Nelson and Goossens (2011, p. 6) and Ong (2014, p. 290). The third recommendation is more investment in, and coordination of, counter-piracy efforts at sea as suggested by Nelson and Goossens

(2011, p. 6, 3); Gathii (2010, p. 106); Fanning *et al.* (2012, p. 1) and Ong (2014, p. 290). Sterio (2010, p. 1452) stated that “combating piracy in Somalia failed in the early stages of the problem because the cooperation was weak between the neighbourhood countries in the region”. My findings from the interview data endorse all these recommendations: the first as a long-term strategy; the second as a medium-term strategy, and the third as a short-term strategy. I would add a personal plea to the international community to address the problems of ransom payments, perhaps by banning governments and private companies from paying ransom demands from pirates. I will return to these important actions and other recommendations in the final chapter.

5.11 Conclusion

In this chapter I have discussed several themes thematically comparing the literature with the primary data gained during this research. One theme is the definition of piracy, and I have compared several definitions in the way they affect the military and political responses on the ground. The main factors here are the locational and motivational, and by comparing them to the information gathered from the policy makers, naval officers and private maritime companies, I conclude that these two factors have a significant effect on the responses made by anti-piracy organizations, which must be reviewed.

The motivation behind piracy is one of the most important themes in this research. However, I conclude in this chapter that the motive of Iraqi, Iranian and Somali pirates is not the main key behind forming their strategy whether it is kidnap for ransom or hit and run, because there are other causes which form those strategies. Piracy in the Arabian Gulf and Somalia has a mixture of motives: the main one is financial but political and ideological motives exist in some cases though they do not affect the strategy followed by the pirates in the region.

Somali state’s failure led to a breakdown of law enforcement, a weak economy, poverty and unemployment, all of which increased the crime rate in Somalia including piracy. The high ransoms gained from piracy attracted criminals to join the pirates’ gangs. These two causes motivated the later pirates who were ordinary criminals but changed their crime activities to piracy to benefit from the high ransoms and the low law enforcement. The pirates who have ideological motivations have been influenced by their hatred against the west because of the illegal fishing and the chemical waste dumping in Somali waters. But even pirates with

ideological motivations are pirating to gain the high ransoms to satisfy their financial needs as well as their ideological needs (or the ideological needs of others who are putting pressure on them). Stopping illegal fishing and the dumping of chemical waste in Somalia would not deter those later pirates, but solving the economic crisis, restoring security and encouraging investment to offer jobs for the Somalis would help to deter them. Nevertheless, to stop piracy in Somalia, we have first, to end illegal fishing and chemical waste dumping in Somali waters; second to decrease the hate against the west by increasing the quality of education; and third to offer more jobs and investment to improve the Somali economy and increase domestic security.

The section on the manifestations at sea of piracy has revealed that although the pirates have tactics and strategies that can be predicted, they are able to cope with the circumstances and develop their skills, tactics and manoeuvres to compete with the responses made. For example, the most dangerous waters in the Somali region used to be the Gulf of Eden but as soon as the naval units increased in this waterway the Somali pirates enhanced their shipping capabilities, logistics and the types of ships they have to travel all the high seas which are less protected.

To summarise the responses to maritime piracy, where piracy is caused by a failed state such as Iraq in 2003, the first thing that international organizations must do is to empower a new, less corrupted government and help this government to enhance the security and the economy by injecting foreign and national investment to provide more employment opportunities for the citizens which would decrease the crime rate including piracy. But where piracy is a result of a weak economy and poverty but with high security such as in Iran, the pirates may shift their piracy activities to a different location with less security, as the Iranian pirates shifted to Qatari waters because the Qatari naval forces were less capable than the Iranian naval forces. In this case, the most effective measure is to empower the home country of those pirates to develop a better economy, with more jobs and education. In the Somali case, where (as in Iraq in 2003), there is a lack of both security and economic viability, the UN has established task forces to protect the shipping in the Gulf of Eden and in the Somali waters, and most of the regional countries are cooperating in the military operations against piracy except Oman (CMF, 2002). Oman's inaction resulted in Somali pirates expanding their operational area to Omani international waters because Oman was not part of the Task Forces

to combat piracy. Moreover, the attempts to empower Somalia's new government were very weak in comparison to the huge economic crisis and poverty in Somalia as Somalia has been a failed state since 1991. In the Somali case, both military attempts and political and financial attempts are essential to solve piracy, but military actions are only a short-term solution because the real problem is on land and the main causes for the Somali piracy are the illegal fishing and the chemical waste polluting of the Somali waters. Most of the naval experts stated that deploying forces in the Somali region will not be enough because the area is huge and the pirates will move to the less protected locations such as the Omani waters or the deep ocean. Likewise, deploying armed guards on board commercial ships was not recommended by most of the academic experts and the international politics experts because this may cause the pirates to use heavier weapons and they will become more brutal. Also, some of the interviewees said that arming a commercial ship is not legal according to the international law

Chapter Six: Conclusion

This conclusion has two parts: (1) a summary of the thesis' main findings, and (2) a list of recommendations on how to combat marine piracy.

6.1 Summary of findings

There are five main findings in this thesis. First is the importance of clarifying the definition of piracy. This clarification is not only of semantic or intellectual importance, but also of practical importance. Let me explain. From the start of this research, the aim was to provide an answer to the question “are the current anti-piracy policies and responses sufficient to deal with piracy?” This question was focused on the anti-piracy policies and responses in the Arabian Gulf and Somalia. My first objective in achieving this aim was to examine the currently used definitions of piracy to find out what is the most appropriate definition of piracy for use by the task forces, lawyers, courts or shipping companies. From my first fieldwork interviews with naval and coastguard officers and private maritime security companies, I discovered that the definition of piracy could play a major role in chasing and combatting pirates and overcoming many of the obstacles faced by task forces in obtaining a clear strategy when dealing with pirates in the region. One of the problems is that pirates can drag hostages into the territorial waters of Somalia causing the international naval task forces to stop chasing them as they are authorised to operate against piracy only in international waters. Conversely, Iranian pirates drag Qatari ships outside Qatari's territorial waters, causing the Qatari coastguards to stop chasing them and to call for help from the naval forces, which gives the pirates more time to carry out their attacks and escape the scenes. If the pirates were defined as terrorists, neither of these obstacles would apply.

The second main finding of the thesis is about the causes of piracy in the Arabian Gulf and in Somalia. One of the most frequently cited causes of piracy is state failure (Gathii, 2010, p. 108; Sterio, 2010, p. 1451). But my findings have shown that while state failure may be a contributory cause, it is not a sufficient cause: other factors are essential. In the Somali case, we found that state failure explained the increase of piracy, because in failed states the crime rate in general rises, but it did not account for kidnap for ransom. Likewise, when Iraq was a failed state between 2003 and 2007, piracy increased in that region, but the pirates did

not engage in kidnap for ransom: rather the piracy in the North of the Arabian Gulf consisted of stealing cash and other valuable items with no serious harm to the seafarers.

So while state failure alone might increase piracy, it does not generate kidnap for ransom, which has other causes. The fact is that three additional factors are necessary to explain the rise in kidnapping for ransom in Somalia: illegal fishing/chemical waste dumping; a long coastline on a busy shipping route; and a slow response from counter-piracy forces. Commentators are right to point out that illegal fishing and chemical waste dumping led to a decline in the fish-stocks which left Somali fishermen with no alternative other than piracy to earn a living (Diaz and Dubner, 2010, p. 4; Liss, 2010, Chapter one; Schneider and Winkler, 2013, p. 187; Link-TV, 2009; Moreira, 2013). Also, illegal fishing and chemical waste dumping was a reason for generating hatred in the minds of fishermen, and this hate would turn them into pirates with the will to kidnap for ransom. So illegal fishing and chemical waste dumping were responsible for an increase in piracy and also for an increase in kidnapping for ransom. However, this only affected a minority of people - the people who suffered directly from this violation - and so if the problems of illegal fishing and chemical waste dumps in the Somali waters were solved, it would not end piracy in Somalia.

The point is there are three types of pirates in Somalia: the original pirates who were the fishermen directly affected by illegal fishing and chemical waste dumping; later pirates who were already criminals and joined piracy as a business venture because of the huge profits involved; and terrorist pirates who were satisfying other political needs. Solving the illegal fishing and chemical waste dumping problem in Somalia would probably stop the fishermen, the original pirates, from attacking ships and turn them back to fishing, but the other two categories of pirates would continue kidnapping for ransom since they did not join piracy because of the illegal fishing and chemical waste dumping, but either for the ransoms or for accomplishing political goals. When looking at piracy in the Arabian Gulf the issue of illegal fishing and chemical waste dumping does not exist, yet limited amounts of piracy still occurred in the North and in the Central area. So illegal fishing and chemical waste dumping is not the main reason for piracy to occur in any area of the Arabian Gulf. We must note also that illegal fishing and chemical waste dumping cannot occur in waters protected by stable states, so they presuppose state failure which leads fishermen to step forward and take control to defend their waters and legitimise piracy.

The second factor necessary for kidnapping for ransom is geographical. According to several commentators (Murphy, 2009; Pham, 2010, p. 330; Sterio, 2010, p. 330), the geographical features of Somalia's coastline was the main reason for Somali piracy as Somalia has a huge coastline on the Gulf of Eden, one of the most important waterways in the world. It is undoubtedly true that this geographical advantage is an essential factor for pirates engaging in kidnap for ransom because the pirates need shelters to keep the hostages in without being tracked. However, Somali pirates travel long distances to other regions such as the Arabian Sea to attack ships, which means that the Somali geographical advantage is not the main cause for their piracy operations.

By contrast to Somalia, Iraq has a very limited coastline on the North of the Arabian Gulf, and although piracy increased when Iraq failed in 2003 despite the small fishing areas in the North which was well protected by the Kuwaiti coastguards, kidnap for ransom was not undertaken by Iraqi pirates, partly because the hate factor was absent, and partly because Iraqi pirates do not have geographical advantages to take hostages as the Iraqi coastline is short and can be monitored by the Kuwaiti RADAR system. In the case of Iran, although it has the longest coastline in the area, Iranian pirates travel all the way to Qatar to attack ships and steal limited amounts of cash. This means that Iranian pirates did not use the advantage of the geographical advantage in Iran because Iran is relatively stable compared to Iraq and Somalia.

The third factor necessary for kidnapping for ransom is the slowness of counter-piracy operations to develop in the form of regional forces to combat or engage the states and organizations in the region to conduct treaties and cooperation including speeding the process of the justice systems in the region by forming decent and capable maritime courts and also in the matter of enhancing the IMO piracy reporting system to make it quick and accurate in the perspective of time and location. Spivak (2012, p. 40), Sterio (2010, p. 1451) and Pham (2010, p. 331) drew attention to "international ignorance and lack of political will to tackle piracy which allowed it to increase". When Somali fishermen first found in 2004 that the only way to get huge amounts of cash quickly was by kidnapping hostages, after this incident they developed the piracy business which attracted the later pirates to join them. In Iraq, after state failure in 2003, piracy started to rise, but the countries in the region and the west paid more attention to it than in Somalia, and counter-piracy efforts began as Iraq became more stable in 2007. Significantly, the peak of the piracy attacks in the North of the Arabian Gulf

by the Iraqi pirates was between 2003 to 2007, after which international willingness to deal with the failure of Iraq played an important role in reducing piracy.

The third main finding of the thesis is about the motivation of pirates in the Arabian Gulf and Somalia. Most lay people probably assume that pirates are simply motivated by financial gain. Many commentators take the same view: for example, Haywood and Spivak (2012, p. 15), Leeson (2010, p. 1220), Gathii (2010, p. 102), Mejia *et al.* (2009, p. 894), Dana (2005, p. 157), and Whitman (2012, p. 32) all claimed that Somali pirates were motivated only by money. However, the truth is much more complicated than that. While financial gain is undoubtedly a major factor in motivating virtually all pirates, it is not the only factor, nor always the most important factor. For example, some interviewees such as interviewees 1 and 7 claimed that Iranian and Iraqi pirates in the Arabian Gulf were motivated by their governments to accomplish political goals by applying maritime threats in the Gulf because of the political conflicts between Iraq, Iran and the GCC states. Other commentators such as Liss (2011, p. 157, 158), Joseph (2010, p. 1273), Sterio (2010, p. 1458), MacPhee (2012, p. 7), and Reuchlin (2012, p. 49) stated that Somali pirates were motivated by ideological ends, because they are linked to terrorist organizations in Somalia.

My finding is that while pirates in the Arabian Gulf, Iraqis and Iranians, are motivated mostly by money, the motives for Somali pirates are mixed: primarily financial (to make a living when fishing opportunities have evaporated; or as criminals attracted to ransom money); but secondarily either vengeful (the original Somali pirates, artisanal fishermen, have an additional motive which is defending their waters from illegal fishing and chemical waste dumping) or terroristic (obtaining money for Al-Shabab).

The fourth main finding of the thesis is that just as there are two types of piracy in the area – financial piracy in the Arabian Gulf; and terrorist piracy in Somalia – so there are two types of piracy tactics employed. The Iraqi and Iranian pirates either prefer anchored targets in areas close to their respective territorial waters and far away from the security units so they can hit and run fast, or if the coastguards are nearby, they drag the victim ships outside the 12nm so the coastguards cannot chase them and then hit and run. By contrast, the Somali pirates operate in areas far away from the task forces on the high seas and they prefer ships with lower freeboard and ships that are under way. For the Iranian and Iraqi pirates, the best time to attack is at night so they can use the advantage of low visibility, and they usually

attack ships at anchor in well-known fishing areas so they do not need light to seek for ships in the open sea. By contrast, because the Somali pirates travel for long distances in the open sea looking for targets with low freeboard and with no armed guards, to make sure that there is no naval ship around, they need good visibility, which means operating during day time.

The fifth main finding of the thesis is that piracy is a multi-faceted and complex problem which cannot be solved by simple solutions. There is no single panacea; every case of piracy is different, and demands a customised response. Some commentators do suggest single solutions. For example, Nelson and Goossens (2011, p. 6), Sterio (2010, p. 1452), Pristrom *et al.*, (2013), and Vaněk *et al.*, (2014) suggested that the best way to deal with piracy in the Arabian Gulf and Somalia is to increase the military task forces and enhance cooperation between the international or regional task forces. However, other authors such as Martínez-Zarzoso and Bensassi, (2013, p. 411), Joseph (2010, p. 1293), (Gathii (2010, p. 112), Bahadur (2011) and Hodgson (2012) criticised the idea that enhanced military deployment alone will deal with piracy, arguing that this is only a short-term solution; it would merely cause the pirates to move away and operate somewhere else, because it does not deal with the roots of piracy. The interviewees I engaged with during my fieldwork were divided on the effectiveness of enhanced military deployment - some were convinced by it, others were unconvinced. .

When evaluating the military responses and comparing them with the increase or decrease of piracy, I noticed that in the North Arabian Gulf the reason for the increase of piracy between 2003-2007 was the failure of Iraqi security, and that when Iraq became more stable and the Iraqi coastguards and Navy were re-established, the crime rate was reduced in Iraq including piracy. At first sight, this seems to confirm the effectiveness of military deployment. But in fact, the main reason for the decrease of piracy was not the military response but the regional political cooperation to stabilize Iraq. In the Central Arabian Gulf, the case for enhanced military deployment is more convincing than in the North of the Arabian Gulf, as the Iranian pirates targeted the Qatari ships because of the lack of protection from the Qatari side, since before 2005, Qatar did not have enough coastguard or naval units, but when Qatar hugely enhanced its navy and coastguards, piracy became under control and decreased to its minimal rate (see Appendix L) in 2012. In Somalia, the case for enhanced military deployment is weak, because Somali pirates have attacked ships many hundreds of miles away from the Somali coast, and no amount of military response could possibly cover such vast areas.

Several naval experts and commanders told me that the area of Somali piracy is so huge that even if all the navies in the world were deployed they would not be sufficient to counter piracy because the average Somali pirates only need 15 minutes to hijack any ship.

In 2013, piracy in Somalia decreased not because of increased military deployment but for four other reasons: (1) the U.N. regional office in Nairobi established three maritime courts in Kenya, Seychelles and Mauritius to deal with pirates in the regions, and this encouraged naval units in the area to capture pirates and transfer them to one of the three courts instead of the strategy of catch and release which most of the task forces previously employed ; (2) the second reason was the change of strategy adopted by the task forces in the area to one of capturing any Somali seafarer carrying any sort of weapon as a piracy suspect, and transferring them to one of the three courts for further investigation. This move caused a decrease in the Somali maritime population including the piracy population. (3) The third reason for a fall in piracy in Somalia was to arm the commercial ships, which was effective in scaring the pirates away. In my interviews, some of the pirates stated that the first thing they would do when finding a target is to make sure that the ship is not armed-guarded otherwise they would seek a different unprotected target. Several commentators have argued in favour of arming commercial vessels. For example, Bryant *et al.* (2013, p. 76) held that according to the statistics, it did decrease piracy attacks. This was also the suggested response offered by several maritime security experts. However, other commentators such as Pristrom *et al.* (2013, p. 687) and Fanning *et al.* (2012, p. 1) have argued against arming commercial ships on grounds that arming the ships increases violence. I would add that such a policy does not deal with the roots of piracy; it could be a violation of international law, as it changes commercial ships from a civilian role to a military unit; and it could displace pirates from targeting commercial vessels to targeting fishing vessels. (4) The fourth reason for the decrease in piracy in Somalia was a change in shipping routes to avoid piracy infected areas (Martínez-Zarzoso and Bensassi, 2013, p. 411; Nelson and Goossens, 2011, p. 3). This change was effective at first, but no longer, because Somali pirates are now able to operate in remote areas far away from the Somali coast and the Gulf of Eden, so there are no longer any safe areas.

However, none of these reasons deals with the root of piracy, which is the state failure in Somalia, so they are at best short-term responses. The fact is that any response taken against pirates without dealing with the root of the problem is doomed to failure in the long run.

Dealing with the root of the problem in Somalia entails a two-pronged policy: first, to end illegal fishing and chemical waste dumping; and second, to build up the Somali political system. Protecting Somali waters from illegal fishing and chemical waste dumping will deal with the original pirates, fishermen, while helping the Somali government to rebuild its security establishment and supporting international investment in Somalia to provide job opportunities and eliminate poverty will deal with both the criminals who became pirates to obtain ransoms, and the third group of pirates who have ideological or political ends.

The main contributions of the thesis are to provide a clear typology of piracy in the Arabian Gulf and in Somalia based on factors such as motivation, causes, tactics and consequences; to explain the responses to each type of piracy; and to evaluate the effectiveness of those responses in reducing piracy. More specific contributions arose out of the comparisons between the statistical data I have analysed in chapter four and the other sources of data presented in the literature and gained from the interviews. For example, some of the literature and some of the interviewees stated that Somali pirates are linked to Alshabab groups which make them more likely to target American and Western ships in order to damage the American and Western economies, and unlikely to attack Muslim or Arab ships. However, when I analysed all the piracy attacks in Somalia between 2010 to 2015, I noticed that the selection of the targets is based on the type of ships as the Somali pirates prefer to attack containers, bulk carriers and oil tankers, irrespective of the flag of the ships, meaning that most of the Somali pirates are not motivated by political or radical motives. Another specific contribution relates to a finding in chapter four that the most dangerous waters are the Omani international waters which are the most infected by Somali pirates in spite of the strength of the Omani naval forces compared to other naval forces in the area. This finding supports the claim made in the literature and some of the interviewees, that international indifference is one of the causes of the increase of piracy. A third specific contribution relates to sea conditions favouring piracy. In chapter four, I analysed the sea conditions which the Somali pirates most like to operate in, and I found that Somali pirates were less likely to conduct successful attacks when the wave height is more than 3 meters. This finding supports the claims in the literature and in the interviews which state that Somali pirates are less likely to operate in the Monsoon season (from May to September).

6.2 Recommendations

6.2.1 Template guide

The central recommendation that emerges from this thesis is the construction of a template or formula to guide our search for solutions to the piracy problem. Although recommending solutions to solve piracy is very difficult because every case is different and has its own complex of variables and there is no single panacea, nevertheless, it is possible to formulate some common principles to guide the quest for solutions. The following equation encapsulates the conditions for piracy to happen in any particular place:

$$\text{Motive} + \text{consequences} + \text{target availability} + \text{location} = \text{piracy}$$

By analysing and understanding the variables in the above piracy equation we can identify the type of piracy in question, and this will allow us to suggest the most suitable solution for that type of piracy. The following analysis will help us to understand each variable of the equation:

Motive: The motive of the attack provides the reason why the pirates are attacking the ships in a specific location and we have to understand how high the desire of money is if we assume that money is the motive. For the pirates in the Arabian Gulf, we understand they are looking for money only and there is no other motive. However, the Iranian and the Iraqi economies are not as bad as the Somali economy which, (based on UN Data, 2014)), makes the desire for money by Iranian and Iraqi pirates less acute than for the Somali pirates. The Somali pirates are looking for money but also for revenge against the illegal fishing and the chemical waste dumping that has occurred in the Somali waters that generated hatred against international shipping in the area which is the driver for kidnapping for ransom. So the motive variable for the pirates in the Arabian Gulf is simple and weak compared to the complex and strong motive of the pirates in Somalia. But the question is “do all the pirates in Somalia have hatred in their minds because of the illegal fishing, and do all the pirates in the Arabian Gulf have no motive other than money?” From my research findings, the answer to this question is no. The original Somali pirates (the fishermen) are the only pirates who are affected by the decline of the fish-stock, which means that the other Somali pirates do not

have the hate factor. In the case of the Arabian Gulf, some of the pirates had political motives because of the political conflicts between Iraq, Iran and the Arabian Gulf states, but only Somali pirates engaged in kidnap for ransom. Pirates in the Arabian Gulf, whether or not motivated by political ends, needed only small amounts of money, and so engaged in a hit and run strategy not a ransom strategy.

Consequences: This variable is to understand what consequences the pirates might face when they attack. For example, in the Arabian Gulf, the consequences for the pirates are legal, because all states in the region are successful states, but for the Somali pirates the consequences are more dangerous because they might face death at sea. The consequences include the strength of the security forces in the area, and by understanding the amount of damage that those security forces could inflict on pirates, we will be able to forecast the willingness of the pirates to operate in that area.

Target availability: Target availability varies from pirates' intent only on stealing items to pirates' intent on kidnapping for ransom. In the Arabian Gulf, the targets are usually a limited number of fishing dhows, whereas in Somalia the number of the targets is huge as the Gulf of Eden is one of the busiest waterways in the world, meaning that the targets in the Somali basin are more available and easier than the targets in the Arabian Gulf.

Location: This variable helps us to understand where the pirates might attack and why they choose their locations to attack, and also how the location affects their actions after the attack. In the Arabian Gulf, the locations for the fishing areas are known and specific and could be monitored by the navies and coastguards in the area. This is why it is very hard for pirates in the Arabian Gulf to kidnap hostages. In Somalia, the case is different as Somalia is a failed state and if the pirates kidnap hostages it is very difficult for the limited security forces to track them in Somalia as the area is huge. Also in Somalia, most of the pirates are from villages on the coast and as Somalia is a tribal state, pirates can be protected by their own village or tribe making the task of tracking the hostages very difficult.

By applying this template or formula, it may be possible for the authorities to better understand, and thereby respond more effectively, to threats of piracy.

6.2.2 Political solutions

As the failed state is one of the main causes for the increase of crime including piracy, helping a state to have a powerful and uncorrupted government would be the first solution if piracy increased in any region, as the example of Iraq in 2003 shows. Somalia is one of the most failed states in the world and the crime rate is the highest, so empowering a stable Somali government is a priority as a first step.

Iran and the Arab Gulf states have many political conflicts and these conflicts might produce hate or political motives for potential Iranian pirates. It is difficult to isolate pirates from the political contexts of their societies, meaning that political conflicts between nations will be reflected in rates of piracy, both negatively and positively. I think that the naval and coastguards in the area must read the political situations in the region and must estimate how much hate might cause pirates to increase their activities, and according to those estimates, calculate where best to deploy their forces in the region.

From the Somali ambassadors interviewed during my fieldwork it was clear that the Somali government needs a more powerful security sector, because at present the clans, gangs, pirates, criminals and terrorists are more powerful than the government's security forces. I recommend, therefore, that establishing a powerful government in Somalia entails providing its security sector with arms, personnel and training. However, establishing a powerful and stable state in Somalia is a long-term solution, and in the short-term, more immediate steps must be taken, as indicated in the next sections.

6.2.3 Military action

Military action to use force to combat piracy is an effective and essential short-term strategy, though it does not deal with the root of piracy. Where piracy is caused by a failed state, then the priority is restoring the failed state, as in the Somali and Iraqi cases, but, when piracy is caused by low levels of naval existence in a huge coastline region such as the Qatari waters, then increasing military activity would be the priority.

When we look at the trends of piracy in the Arabian Gulf we notice that military attempts to deal with piracy in the north and the central Gulf area were effective and managed to decrease piracy, but in Somalia, despite the international community's use of military efforts, changing the shipping routes, and deploying armed guards to deal with the Somali pirates,

those attempts did not solve the piracy problem but made the situation more complicated and more dangerous not least by raising the ransom rate. This failure led the international community to change its military strategy to one of capturing everyone at sea with weapons and transferring them to the three designated courts in the region. This integrated military strategy worked to decrease the number of piracy attacks in 2013, though it generated more human rights violations.

I agree that designating the maritime courts in the Indian Ocean region is a positive step to deal with piracy but because the justice system in Kenya is corrupt and slow, resulting in violations against human rights, I do not agree with the strategy of capturing all seafarers with weapons and transporting them to these courts. I recommend that the naval forces in the Somali region deal with weapons-carrying seafarers with more discrimination by taking the following five steps: 1) Acknowledging the differences between the types of weapons used for protection and the types of weapons used for kidnap. The criminals in Somalia use Kalashnikovs and similar machine guns, so for protection the seafarers must carry similar weapons and the naval forces must realise this and not consider people who carry Kalashnikovs as necessarily pirates. Pirates need more tools than weapons to kidnap ships, such as ladders, extra fuel tanks, grenades, more than five people on a skiff, and skiffs traveling around mother ships. By considering all of these factors together the naval forces must decide in the initial investigation units at sea whether the captured seafarers are suspects or not and then decide whether to send them to the regional maritime courts. 2) Establishing specialised investigation departments on-board the naval ships in the area. 3) Monitoring the maritime courts in the region to root out corruption and injustice. (4) Separating fishing zones from international shipping zones. We can split the maritime RADAR scene in the Somali region to allow the RADAR system to monitor two different sectors; the Somali sector which will include all Somali ships (fishers and pirates), and the second sector which will include all other international ships. If any Somali skiff travelled outside the designated Somali area, the naval forces would know it was a potential pirate boat. This strategy would provide protection for Somali fishers and would also allow the naval ships to reduce the number of suspects from all skiffs at sea to the skiffs who travel near the international shipping routes. When the international navies provide protection for the Somali fishing areas, this would lead the Somali fishermen who presently carry weapons for protection not to carry them anymore which would decrease the number of the suspects in the Somali maritime sector. Moreover,

this strategy would mean that the commercial ships would not need armed guards anymore, which was arguably contrary to international law, and caused the pirates to use heavier weapons which made them more violent and more dangerous. This strategy could also be applied in the Arabian Gulf, especially in Kuwaiti waters. (5) Improving naval intelligence. Intelligence is the most important resource in wars, and military actions will never be effective without good intelligence. The Somali pirates have good intelligence from insiders who provide them with important information about potential target vessels - such as the locations, the existence of armed guards and the value of the ships. For the military to operate effectively they must have insider information about the pirates. One of the pirates I interviewed recommended that the Somali government should make use of pirates themselves to protect the sea because they know the area well and they have good seamanship skills. I believe that using the Somali fishermen for intelligence and information would be effective for the following reasons: it would provide employment for the Somali seafarers which will decrease crime when recruiting them; it would provide valuable information about pirates which will make the navies more effective and less confused when distinguishing between pirates and other seafarers; and by building an information exchange between the Somali fishing communities and the navies, it would allow the navies to know the locations of fishing, the number of fishing skiffs, and the types of fishing skiffs in each fishing area which will make the task of distinguishing between fishing skiffs and other skiffs much easier.

6.2.4 Economic solutions

My final recommendation, economic solutions, has two prongs: first, to end the payment of ransoms; and second to boost the Somali economy. What makes Somali pirates so eager to carry out kidnap for ransom is the extremely high amount of ransom that can be obtained. Most of the private companies pay ransoms to the pirates directly to release their ships and crews quickly. Also more insurance companies are getting into the business now by insuring the ships and being able to pay ransoms faster. This has encouraged the pirates to increase the number of attacks and increase the amount of ransoms demanded, which is now more than \$10 million on average to release a single ship. However, suddenly banning the companies from paying ransoms to pirates would cause deaths of kidnapped crews. I recommend that the first step to stop ransom payments is to restrict negotiations with pirates to governments only, and ban the private companies from engaging in the process of negotiations for payments.

This would slow down the negotiation process. The next step would be for governments to limit the amount of ransom that can be paid, and keep decreasing this amount, making sure that no government provides ransoms above the limits. The governments must keep lowering the maximum ransom level until it is not worth the risk of the dangers to the pirates involved in launching piracy attacks. The second economic solution is to wean Somali pirates away from piracy by improving their economic position at home. To solve piracy in Somalia I believe that investments must be made in the maritime sector such as fish processing, ship building, port facilities and other maritime investments to provide the kind of jobs that would attract the original pirates in Somalia. Likewise, in other Gulf countries which have weak economies, the international community must invest in the maritime sector and facilitate maritime businesses such as fishing and fish processing, to provide pirates with alternatives to piracy.

The current decrease in piracy in the Arabian Gulf and Somalia should not lull us into the false sense of security of thinking that the problem has been solved. The problem has been contained, not solved, but for how long? Piracy will only be solved when all the Gulf States, especially Somalia, become stable and prosperous societies, which may take decades to achieve. The new insights presented in this research thesis offer a way forward for governments to be proactive rather than reactive through applying the simple formula to help provide context-specific information on piracy so that more tailored policy can help target actions more likely to mitigate piracy in the longer term.

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Appendix A The topics covered in the fieldwork in order to answer the research questions

Pirates	The Somali state
<p>Ethnicity and personal group</p> <p>Socio-economic and ideological status</p> <p>What led them to be pirates?</p> <p>Practical and tactical methods used for piracy (pirate’s ships, weapons, moves and technology)</p>	<p>What has led to the failed state?</p> <p>What is the main cause of Somali piracy?</p> <p>What is the best way to stop piracy in Somalia?</p> <p>What is currently being done?</p> <p>What has failed in the past to stop piracy?</p>
Navies, coastguards & private companies	Academic Experts in Piracy
<p>Information about areas at sea vulnerable to piracy</p> <p>The current maritime security policy and how effective it is to counter piracy</p> <p>Practical and tactical information about the security resources and the pirates’ resources</p> <p>How to improve the current policy to make it more effective to counter piracy</p>	<p>Information about the current situation and statistics of piracy in the areas</p> <p>The types of piracy and the characteristics of each type</p> <p>The international responses to each type of piracy</p> <p>The individual (local) responses to piracy</p> <p>The drivers, ideologies and causes behind piracy</p> <p>The current way to counter piracy</p> <p>The best way to improve responses</p>
Commercial shipping companies	
<p>Information of areas of operation</p>	

Information about types of ships	
Information about anti-piracy procedures	
The effectiveness of the security units at the area of operation	
How to improve current anti-piracy policies	
How has the incidence and frequency of piracy changed over time?	

Appendix B Interview inventory

Interviewee's Type	The Type of the interview	The number of interviews
1. Kuwait Naval Force and the Kuwaiti Coastguards	Semi structured interviews	2
3. Kenya Jails	Semi structured interviews (pirates)	20
4. Somali Embassy in Abu Dhabi and Kenya	Semi structured interviews	2
5. CTF 152, CTF 151 and CTF 150 in Bahrain	Semi structured interviews	6
6. Private security Companies in Dubai and Kuwait	Semi structured interviews	3
7. Kenyan Embassy in Somalia (based in Nairobi, Kenya)	Semi structured interviews	2
8. Qatari coastguards in Qatar	Semi structured interviews	2
9. Academic experts in the University of Nairobi	Semi structured interviews	2
10. The United Nation Office in Kenya	Semi structured interviews	2
11. The International Maritime Organization in Kenya	Semi structured interviews	1
12. Kuwait Oil Tankers company Kuwait	Semi structured interviews	1
		Total: 43

Appendix C The interview questionnaire contents according to each type of respondent

Kuwait Navy, Coastguards, CTF 152 and Omani Navy	Pirates in Somalia
<p>1. Personal questions:</p> <p>(a) What is your name, age, position and rank?</p> <p>(b) How long have you been working in this position?</p> <p>(c) What is your main role?</p> <p>(d) How many people work under your command?</p> <p>(e) What is your highest level of education?</p>	<p>1. Ethnicity and personal group questions:</p> <p>a. What is your name?</p> <p>b. How old are you?</p> <p>c. What is your religion? And do you consider yourself religious? Do you pray every day? Do you fast during Ramadan? Do you pay to charity as required by Islam?</p> <p>d. What is your nationality?</p> <p>e. What is your marital status? And how many children do you have?</p> <p>f. What is your educational background?</p> <p>g. How many languages do you speak?</p> <p>h. What is your current official job? And how long you have been working in it? What are your previous jobs?</p> <p>i. How much is your monthly income?</p> <p>j. What sort of property do you have? How many people are living with you?</p> <p>k. What does your religion state about piracy?</p> <p>l. What led you to become a pirate?</p>
<p>2. Questions about pirates:</p> <p>(a) Describe the piracy issue in the area of your command</p> <ol style="list-style-type: none"> 1. How extensive is it? 2. What area is the most and least dangerous? Why? 3. How many incidents have you dealt 	<p>3. Piracy strategic and ideological questions:</p> <p>a) How long have you been practising piracy? And how many times have you been caught? When do you admit defeat?</p> <p>b) How many successful operations have you made? And how many failed operations? How do you define success and failure?</p>

<p>with?</p> <p>4. What is the level of piracy threat?</p> <p>5. How many pirates in total do you think operate in your area of command and where do you think they originate from? What do you think is their background e.g., fishers?</p> <p>(b) Describe the type of pirates in this area: i.e., physical shapes, ethnicity, language, religion, nationality and their way of dressing?</p> <p>(c) What do you think is the main motive of piracy?</p> <p>(d) How many pirates, gangs and bases are there in the area?</p> <p>(e) How do you get information about pirates?</p> <p>(f) How do you usually deal with kidnapers?</p> <p>(g) What do you think is the best way to deal with them? Paying ransoms or using force? And why?</p> <p>(h) How do you treat pirates after you capture them?</p> <p>(i) What is the punishment that the law imposes on pirates?</p> <p>(j) Are there any informal ways pirates get punished?</p> <p>(k) What do you think are the reasons for the recent increase in piracy?</p> <p>(l) What is the best way to counter piracy and why? Can you also give examples of failed attempts?</p>	<p>c) How many pirates do you have in your group? And how many groups are you involved with?</p> <p>d) What is your role in the group?</p> <p>e) How often do you practise piracy? Daily? Weekly? Monthly? Yearly?</p> <p>f) What is your usual time selection? [Day or night? Which day of the week? What time of the year?] And why do you choose this time specifically?</p> <p>g) How do you choose your targets? Is it regarding to the nationality of the ship? Size? Direction? Area? Type? Or do you select targets randomly?</p> <p>h) What are your preferred areas in which to conduct piracy and why?</p> <p>i) How do you get information about targets? And are you aware of the shipping schedules?</p> <p>j) How long do you spend preparing for one operation?</p> <p>k) How much funding do you need to conduct one operation? And how do you obtain funds?</p> <p>l) Does your group cooperate with other groups?</p> <p>m) Do you share information about targets with other groups?</p> <p>n) How many groups of pirates do you know?</p> <p>o) What are your aims from piracy? Money, ransom or goods?</p> <p>p) How much money do you earn from each operation?</p> <p>q) How do you share money in the group?</p>
<p>4. Practical and tactical questions?</p> <p>(a) What type of ships do you have? Hull,</p>	<p>5. Practical and tactical questions:</p> <p>a) What type of boat or ship you have [size,</p>

<p>speed, engines?</p> <p>(b) What are the main sources of information you use when planning a piracy operation?</p> <p>(c) [Add another question]</p> <p>(d) What type of weapons do you have?</p> <p>(e) What type of technology do you have?</p> <p>(f) How many units do you have in the area and how effective do you think they are?</p> <p>(g) How fast do you respond if any piracy attacks have been reported?</p> <p>(h) What time of the year, month, day do you think is most dangerous to expect piracy? And why?</p> <p>(i) How do you recognize pirate ships?</p> <p>(j) Describe the suspect's aspects [type of ships, technology, nationalities, flags, speed, approach and other aspects]?</p>	<p>hull, colour, name and brand? And how many of them does your group own?</p> <p>(k) What are the main sources of information you use when planning a piracy operation?</p> <p>b) [Delete, and change (k) to (b)]</p> <p>c) Do you use that boat for other practices? What are the other practices?</p> <p>d) What type of engines do you have? What is your maximum speed?</p> <p>e) What type of technology you use? (RADAR, GPS, Depth Sonar)</p> <p>f) [If the pirate doesn't have any technology]: How do you navigate at night? And how do you know your position? How do you track targets?</p> <p>g) What are the weapons you often use?</p> <p>h) How do you approach the target? From which direction? And at what speed?</p> <p>i) How do you get on board targets? What are the tools you use for boarding them?</p> <p>j) How much time do you need to fully control the target?</p> <p>k) How long do you spend on board targets?</p> <p>l) How would you usually deal with the victims? Do you use violence?</p> <p>m) Do you give them shelter, food and water? Do you check if they have medical needs? Do you treat all victims in the same way? E.g. men/women and children?</p> <p>n) Do you deal with victims according to their religions, ethnicities, languages, and nationalities?</p> <p>o) Have you ever killed victims?</p> <p>p) What are the reasons for the failure/success of piracy operations?</p> <p>q) What are the things ships or crews must do to prevent piracy?</p>
Somali and Kenyan Embassies	Academic Experts of piracy

<p>1. Personal Questions:</p> <p>(a) What is your name? (b) What is your position? (c) What is your religion?</p> <p>2. Information about pirates:</p> <p>(a) What are the causes of piracy in your country? (b) What has your country done to counter piracy? (c) What is your plan to counter piracy and how effective do you think it is? (d) How effective is the UN policy to counter piracy? (e) Have any other organisations been involved in trying to counter piracy? (f) Have the UN carried out any action to solve the causes and drivers of piracy? If so, what action? (g) Did your country follow the UN's policy to counter piracy? Why/Why not? (h) Due to your reports, how many pirates from your country are free? (i) Does your government influence piracy in any way? (j) Does piracy have any relationship with terrorist organizations? If so, what? (k) What do you think the future of piracy in the area will look like? How do you think it will change if at all? (l) What happens to the victims who have been kidnapped and taken to your country? Locations?</p> <p>1. Practical and tactical questions:</p>	<p>1. Personal questions:</p> <p>(a) Name, age and position (b) What is your academic background and experience?</p> <p>2. Questions about piracy:</p> <p>(a) Describe the current piracy situation and statistics in Somalia and Kuwait? (b) How do you differentiate piracy in Somalia or Kuwait from other areas? (c) Define the drivers, ideologies and causes for each type of piracy?</p> <p>3. Questions about policies:</p> <p>(a) What are the current international policies and responses to deal with piracy? (b) Are those policies and responses effective? Why? (c) What are the individual countries' responses to piracy? (Kuwait, GCC, Somalia, USA, UK etc.)</p> <p>4. Questions about security:</p> <p>(a) Describe the tools used by pirates in each area? Weapons, ships, engines, technology? (b) Describe the manoeuvres pirates use in each area? Speed, approach, etc.? (c) Describe the naval forces in each area: are they effective? Why? (d) Describe the naval responses in each area? Are they effective? Why? (e) Describe the anti-piracy protection policy used by ships? Are they effective? Why? (f) What is the best way to improve naval</p>
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<p>(a) Tell me about the units you have to counter piracy – navy, coastguards and private companies?</p> <p>(b) Tell me about procedures you follow to deal with piracy reports</p> <p>(c) Are your forces effective in countering piracy? How?</p> <p>(d) Are the procedures you follow to counter piracy effective? Why?</p>	<p>effectiveness in countering piracy in each area?</p> <p>(g) What is the best way to improve self-protection procedures for the commercial ships to counter piracy?</p>
Commercial Shipping Companies	
<p>1. Personal questions:</p> <p>(a) What is your name, age and position?</p> <p>(b) How long you have been working in this position?</p> <p>(c) What is your experience and educational background?</p> <p>2. Questions about the ship:</p> <p>(a) What type of ship do you work on?</p> <p>(b) What is the crew number?</p> <p>(c) What are your areas of operation?</p> <p>(d) What is the annual schedule of the ship?</p> <p>(e) What type of technology do you have on-board?</p> <p>3. Questions about piracy:</p> <p>(a) How do you rate the threat level in your areas of operation? And why?</p> <p>(b) Do you get information about the threats expectations before you leave harbour? If yes, who</p>	

provides this information? And how do you rate the effectiveness of them?

- (c) How do you describe piracy in your area of operation?
- (d) What type of pirates do you expect in your area? Nationality, language, age, religion?
- (e) Have you ever faced a piracy attack? Describe your experience?
- (f) Describe the tools that pirates may use in your area? Type of ships, technology, weapons, approaches, manoeuvres, speed, etc.

4. Questions about security:

- (a) Describe the anti-piracy procedures you follow? Manoeuvres, speed, crew responses, etc. And how do you rate them in terms of their effectiveness in achieving their goals?
- (b) Describe the tools you have to counter piracy? Weapons etc. And how do you rate them? Do you feel you have adequate resources to deal with acts of piracy?
- (c) What in your opinion could be done to improve your anti-piracy responses?
- (d) Do you feel you have adequate training to deal with piracy? If not then what training would you benefit from?
- (e) Describe the naval presence in your area? Numbers, type of ships.

<p>(f) Is the naval presence enough and effective?</p> <p>(g) In your opinion what do you think is the best that can be done to improve the naval units effectiveness in countering piracy?</p> <p>(h) Do you feel there is sufficient intelligence and knowledge to deal with piracy? If not what is missing?</p>	
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Appendix D The list of interviewees and organizations who will be targeted in the field works.

Pirates	Location
1. Kuwait Navy	Kuwait
2. Kuwait Coastguards	Kuwait
Navies, Coastguards & private security	Contact details
3. Kuwait Oil tankers	Kuwait
4. Kuwait Oil Company	Kuwait
5. Maritime Security project	Kuwait
6. Qatari Coastguards	Doha, Qatar
7. Coalition Task Forces CTF 150	Manamah, Bahrain
8. Coalition Task Forces CTF 151	Manamah, Bahrain
9. Coalition Task Forces CTF 152	Manamah, Bahrain
10. Maritime security companies	Dubai, UAE
11. The Somali Embassy	Abu-Dhabi, UAE
12. The Somali Embassy	Nairobi, Kenya
13. Nairobi University	Nairobi, Kenya
14. United Nations Office	Nairobi, Kenya

15. Kenyan Embassy of Somalia	Nairobi, Kenya
16. Shemola Tower Prison (Somali pirates)	Mombasa, Kenya
17. International Maritime Organization Office IMO, Security Regional Marine Rescue Coordination Centre.	Mombasa, Kenya

Appendix E The list of all interviewees targeted in the two periods of fieldwork.

Pilot Fieldwork – July 2012 (Kuwait, Qatar, Bahrain, Dubai and Abu-Dhabi)				
No.	Age	Date of the interview	Venue	Back ground of the interviewee
1	33	22/7/2012	Kuwait Sabah Al-Ahmad coastguard base	Chief of Maritime Operations in Kuwait Coastguards
2	41	25/7/2012	Safir International Hotel - Kuwait	Team Leader of Marine Operations in Kuwait Oil Tankers Company
3	37	25/7/2012	Safir International Hotel - Kuwait	Team Leader of Marine Operations in Kuwait Oil Company
4	42	28/7/2012	Safir International Hotel - Kuwait	Project Director of the Maritime Security Project in Kuwait
5	37	2/8/2012	Mohammed Al-Ahmad Naval base Kuwait	Commanding Officer on one of the Kuwaiti Naval Ships
6	36	6/8/2012	The Qatari Royal Naval Base- Qatar	The Commander of the Operations Department in the Qatari Coastguards
7	26	6/8/2012	The Qatari Royal Naval Base- Qatar	Security and Safety Officer in the Qatari Coastguards
8	33	7/8/2012	The U.S. Naval Base in Manama, Bahrain	Kuwaiti Coastguard Officer and the Liaison Officer for the CTF 152 (Bahrain)

9	24	7/8/2012	The U.S. Naval Base in Manama, Bahrain	U.S. Naval Office Training Officer and Wide Regional Engagement Officer in the CTF 152 (Bahrain)
10	38	8/8/2012	The U.S. Naval Base in Manama, Bahrain	British Royal Naval Officer in CTF 151 (Bahrain)
11	32	8/8/2012	The U.S. Naval Base in Manama, Bahrain	Korean Liaison Naval Officer of the CTF 151 (Bahrain)
12	42	8/8/2012	The U.S. Naval Base in Manama, Bahrain	Pakistani Intelligence Officer of the CTF 150 (Bahrain)
13	34	8/8/2012	The U.S. Naval Base in Manama, Bahrain	Yemeni Coastguard Liaison Officer in the Coalition Forces (Bahrain)
14	40	10/8/2012	Crown Plaza Hotel – Sheikh Zayid Street, Dubai, UAE	Manager Director of Orion Maritime Security Company (Dubai)
15	41	11/8.2012	Crown Plaza Hotel – Sheikh Zayid Street, Dubai, UAE	Chief Executive Officer of Envoy 360 Maritime Security Company (Dubai)
16	55	12/8.2012	The Somali Embassy, Abu Dhabi, UAE	The Somali Ambassador in Abu Dhabi (UAE)
Fieldwork two – August 2013 (Nairobi and Mombasa, Kenya)				

No.	Age	Date of the interview	Venue	Back ground of the interviewee
17	56	12/8/2013	Somali Embassy, Nairobi, Kenya	The Somali Ambassador
18	70	13/8/2013	Nairobi University, Nairobi, Kenya	Professor in Environmental Law in Nairobi University (Nairobi, Kenya)
19	45	13/8/2013	Nairobi University, Nairobi, Kenya	Professor in Diplomacy and International Studies in Nairobi University (Nairobi, Kenya)
20	29	14/8/2013	United Nations Office on Drugs and Crime UNODC, Nairobi, Kenya	Associate Program Officer, Legal Counter Piracy Program in the United Nations Office (Nairobi, Kenya)
21	52	14/8/2013	United Nations Office on Drugs and Crime UNODC, Nairobi, Kenya	Training Coordinator Djibouti Code of Conduct Project Implementation Unit in the United Nations Office (Nairobi, Kenya)
22	57	14/8/2013	Ministry of Foreign Affairs, Nairobi, Kenya	Senior Assistant Director of Foreign Service in the Ministry of the Foreign Affairs in the Kenyan Embassy of Somalia (Nairobi, Kenya)

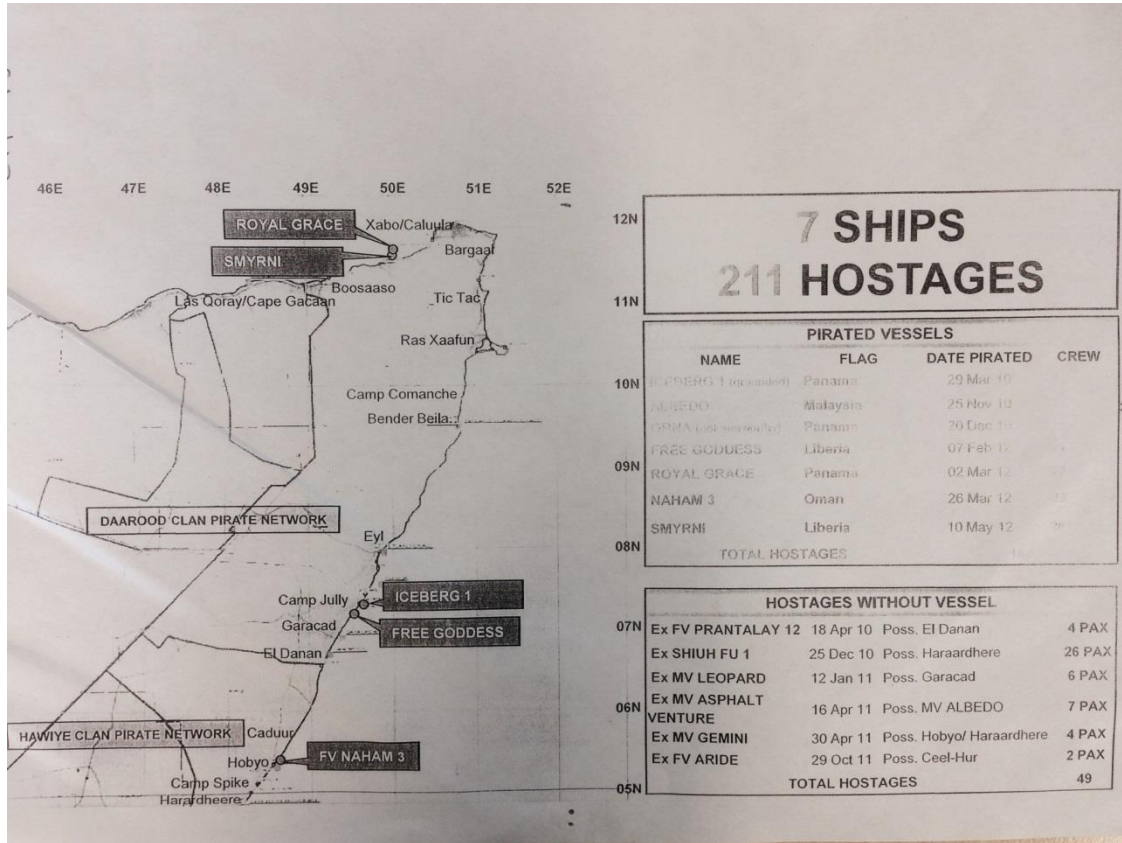
23	33	16/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 1 (Shemola Tower Prison, Mombasa, Kenya)
24	45	16/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 2 (Shemola Tower Prison, Mombasa, Kenya)
25	40	16/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 3 (Shemola Tower Prison, Mombasa, Kenya)
26	35	19/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirates 4 (Shemola Tower Prison, Mombasa, Kenya)
27	32	19/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 5 (Shemola Tower Prison, Mombasa, Kenya)
28	34	19/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 6 (Shemola Tower Prison, Mombasa, Kenya)
29	41	19/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 7 (Shemola Tower Prison, Mombasa, Kenya)

30	24	19/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 8 (Shemola Tower Prison, Mombasa, Kenya)
31	25	19/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 9 (Shemola Tower Prison, Mombasa, Kenya)
32	30	20/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 10 (Shemola Tower Prison, Mombasa, Kenya)
33	30	20/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 11 (Shemola Tower Prison, Mombasa, Kenya)
34	36	20/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 12 (Shemola Tower Prison, Mombasa, Kenya)
35	16	20/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 13 (Shemola Tower Prison, Mombasa, Kenya)

36	19	20/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 14 (Shemola Tower Prison, Mombasa, Kenya)
37	30	20/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 15 (Shemola Tower Prison, Mombasa, Kenya)
38	43	20/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 16 (Shemola Tower Prison, Mombasa, Kenya)
39	28	20/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 17 (Shemola Tower Prison, Mombasa, Kenya)
40	22	20/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 18 (Shemola Tower Prison, Mombasa, Kenya)
41	32	20/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 19 (Shemola Tower Prison, Mombasa, Kenya)

			Kenya	
42	28	20/8/2013	Shemola Tower Prison, Mombasa, Kenya	Pirate 20 (Shemola Tower Prison, Mombasa, Kenya)
43	51	21/8/2013	Security regional marine rescue coordination Centre, Mombasa, Kenya	The IMO Maritime Liaison Coordination Officer in the Security Regional Marine Rescue Coordination Centre (Mombasa, Kenya)

Appendix F The bases used by Somali pirates for logistics and hostage-keeping. Provided by the Pakistani Intelligence Officer in Bahrain CTF150.



Appendix G The areas where pirates originated, and the areas where they were captured.

	Area of origin	Area of capture
Interviewee 23	Puntland	Puntland
Interviewee 24	Puntland	
Interviewee 25	Somali Desert	Al-Hoor (5 km from shore)
Interviewee 26	Puntland	
Interviewee 27		Near Maqadishoe
Interviewee 28		Somali Coast
Interviewee 29	Somali Land	Gulf of Eden (coming from Yemen)
Interviewee 30	Maqadishoe	Baraw (Somali territorial waters)
Interviewee 31		Close to Somali coast
Interviewee 32	Bosaso	Gulf of Eden (coming from Yemen)
Interviewee 33	Maqadisheo	Near Maqadisheo
Interviewee 34	Putland	20 nm from Yemen
Interviewee 35		

Interviewee 36	Bosaso	60 miles from Somali coast
Interviewee 37	Maqadisheo	Near Maqadisheo
Interviewee 38	Adaly (on the coast)	
Interviewee 39	Hafoon	20 miles from Hafoon
Interviewee 40	Maqadisheo	Near Maqadisheo
Interviewee 41	Galkaeyo	Near Yemen
Interviewee 42	Bosaso	Near Bosaso

Appendix H The types of weapons and technologies used by pirates.

	Type of weapons	Type of technology used
Interviewee 23	AK47	GPS & cell phones
Interviewee 24	3 guns	none
Interviewee 25	Big knives	none
Interviewee 26	9mm pistol (9bullets)	none
Interviewee 27	2 AK 47	none
Interviewee 28		none
Interviewee 29		none
Interviewee 30		
Interviewee 31		none
Interviewee 32		GPS
Interviewee 33	guns	none
Interviewee 34		
Interviewee 35	One gun	GPS
Interviewee 36		GPS

Interviewee 37	2 AK47	none
Interviewee 38		
Interviewee 39		
Interviewee 40		
Interviewee 41		
Interviewee 42	One gun	none

Appendix I Data about the pirates' ethnicity, religion, languages, job, education, marital status and other information.

	Income	Religion	Age	Languages	Job	Education	Marital
Interviewee 23	Enough	Sunni	33	Somali	Fisherman (10years)	Illiterate	Single
Interviewee 24	\$8000 for one trip	Sunni	45	Somali	Fisherman, driver and transfer illegal immigrants	Primary school	Married (7 children)
Interviewee 25		Sunni	40	Somali	Fisherman	Illiterate	Married (9 children)
Interviewee 26		Sunni	35	Somali	Fisherman on Yemeni boats (2years)	Read and write	Married (5 children)
Interviewee 27	Enough	Sunni	32	Somali & Habashi	Fisherman (8 years)	Write and read	Married (9 children)
Interviewee 28	\$30,000 for one operation	Sunni	34	Somali, English & Sawahili	Pirate	Primary school	Married (2 children)
Interviewee 29	Enough	Sunni	41	Somali	Transfer people from Maqadisheo to Yemen	Read and write	Married (6 children)
Interviewee 30	Enough	Sunni	24	Somali	Fisherman	Read and write	Married with 2 wives (2

							children)
Interviewee 31	\$50- \$100 a month	Sunni	25	Somali	Fisherman	Primary school	Married (1 child)
Interviewee 32	\$100 a month	Sunni	30	Somali, Arabic and English	Fisherman	Primary school	Married (5 children, 2 died of illness)
Interviewee 33	\$100 - \$200 monthly	Sunni	30	Somali	Fisherman	Illiterate	Married (1 child)
Interviewee 34	Enough	Sunni	36	Somali	Fisherman	Read and write	Divorced (no children)
Interviewee 35		Sunni					
Interviewee 36	Enough	Sunni	19	Somali	Fisherman	Secondary school	Single
Interviewee 37	\$3 daily (\$90 monthly)	Sunni	30	Somali, Arabic and English (fluent English)	Fisherman (6 years)	Illiterate	Divorced (2 children)
Interviewee 38	Enough	Sunni	43	Somali	Fisherman and driver	Illiterate	Married (6 children)
Interviewee 39	Enough	Sunni	28	Somali	Fisherman (10 years)	Secondary school	Single

Interviewee 40	Not enough	Sunni	22	Somali	Fisherman (2 years)	Read and write	Single
Interviewee 41	Enough	Sunni	32	Somali	Driver	Read and write	Married (3 children)
Interviewee 42	Enough	Sunni	28	Somali	Fisherman (7 years)	Read and write	Married (1 child)

Appendix J **Pirates' ships types, size, colour, crew number and speed.**

	Ship type or name	size	speed	colour	Crew number
Interviewee 23	skiff	12m	50 knots (100 horse)	red	7
Interviewee 24	skiff			blue	9
Interviewee 25	big ship				28
Interviewee 26	Skiff called Layla	capacity of 10 people	60 horse	white	6
Interviewee 27	3 skiffs	~20 m		white	11 on each skiff
Interviewee 28	2 fiberglass boats	35 m		white	5 on each
Interviewee 29	skiff				4
Interviewee 30	skiff	9 m		white	6
Interviewee 31	speed boat	10 m		white	9
Interviewee 32	fiberglass (ALshabah)		2 engines 40 horse each	blue	9
Interviewee 33	1 big and 1 skiff		The big boat with car engine	white	11 on the skiff

Interviewee 34	skiff	4 m	2 Yamaha engine and one spare		9
Interviewee 35					
Interviewee 36	fiberglass (ALshabah)		2 engines 40 horse each		9
Interviewee 37	big boat and 2 skiffs			white	
Interviewee 38	2 skiffs	5 m	40 horse & 2 engines 30 horse	white	3 & 4
Interviewee 39	big boat (called FOLF)	15 m	Yamaha 4 pistons	green	9
Interviewee 40	2 skiffs and 1 big ship			white	11
Interviewee 41	skiff	10	2 (40 horse engines)	blue	9
Interviewee 42	big ship (10 tons of fish capacity) and skiffs				18 (mixed Yemenis and Somalis)

Appendix K Maritime terror pirates' monthly income, religion, age, languages, job, education and marital status.

	income	Religion	Age	Languages	Job	Education	Marital
Interviewee 35	\$800	Sunni	16	Somali	Cloth seller	Illiterate	Single
Interviewee 42	Enough	Sunni	28	Somali	Fisherman (7 years)	Read and write	Married (1 child)

Appendix L Piracy attacks between 2008 and 2012 in the Central of the Arabian Gulf provided by the Qatari Coastguards.

No	Date and Time	Location	Pirates ship size	Pirate s ship colour	Pirate s ship engines	Number of pirates	Weapons	Pirates' behaviour	Victims Name and Nationality
1	15/3/2012	Out of EZ		Grey	One-engine Iranian Boat		Carrying weapons	They stole GPS, and cash of 500 QD, Cell phone, and several kind of fish	Qatari Dhow (Bin Shaafar) 3124 Qatari Dhow (alshahd oof) 3401
2	25/9/2012	Out of EZ			Iranian dhow And Iranian boat			They were moving around the dhow and asking for water and food	Qatari Dhow (almarzoq) 3065
3	8/7/2011	Out of EZ		Blue and Red	2 engines	4	1 gun & 3 knives	Stole GPS Stole one icon Radio Stole the navigation Compass Stole 4 fish fridges Stole 4 watches	Qatari Dhow (murdhi) 3296

4	24/6/2011	1 NM into the Iranian Waters		Red		3		There was violence against the sailors Stole 1 GPS Stole 2 cell phones Stole 25 fish fridges	Bahraini Dhow
5	26/9/2010	Somali case							Not relevant case
6	23/9/2010	Iranian Waters			2 Iranian Boats	5 on each boat	All armed with weapons	Stole 34 fish fridges	Bahraini Dhow (jawhara t al Arees) 8809
7	8/8/2010				2 engines	4	Klashnikov	We have received from the Kuwaiti Coastguards notice that at 0345 they had a piracy report on 4 ships (Armani, USA, Syrian and Korean ships) Inside Iraqi Waters Pos: 048 46,28E 29 42 08N They stole 2 Laptops 9 cell phones 6 VHF's	4 ships (Armenian, USA, Syrian and Korean)

								cash of 5000 USD	
8	18/6/2010	SW the oil Rig shaheen		Red & white	Iranian Boat	4	Armed with guns and knives	They attacked the ship and broke the bridge and cut all the wires The stole all the devices in the bridge and the valuables of the sailors	Qatari dhow (aldir'e) 3563
9	18/6/2010	South of alshah een oil rig		Blue and white	Iranian boat with 2 engines	4	Armed with guns and knives	They fired 2 shots in the air to instil fear in the sailors Then they boarded the ship and stole everything, including the sailors' valuables	Qatari dhow (almarz ooq) 3065
10	16/6/2010	44 NM NE Lafan island	32 feet	Blue	Iranian boat with 2 engines 250 hours power	4	Armed with guns and knives	They attacked both dhows and stole everything on board They also towed one of the dhows 15 NM out of Qatari waters towards Iranian waters	Qatari dhow (meezar) 3544 Qatari dhow (mafroy) 3046
11	31/5/2010	24 NM NE Ras Rokin		White with red stripe	Iranian boat with 1 engine	5	Armed with guns and knives	They threatened the dhow and t led it into Iranian waters They stole 3 cell phones Clothes Food	Qatari dhow (rakan) 3286

								GPS	
								All the fish on board	
								Stole a record book with details of 600 positions of fish apparatus (sea cages)	
12	24 NM NE Ras Rokin			White with red stripe	Iranian boat with 1 engine	5	Armed with guns and knives	They boarded the dhow They seriously harmed the Captain Stole 5 cell phones 3 fish fridges GPS Cash of 1200 QR	Qatari dhow (almufagger) 3207
13	30/5/2012	The North oil Rig		White with red stipe	Iranian boat with 1 engine	3	Armed with guns and knives	Stole 1 cell phone GPS Cash of 1200 QR	Qatari dhow (saher) 3240
14	30/5/2012	The north oil Rig	27 feet	White with red stripe	Iranian boat with 1 engine	3	Armed with guns and knives	Stole 3 cell phones GPS	Qatari dhow (bdah) 3365

								Cash of 500 QR	
								Amount of fish	
15	20/5/2010	East of the Gas Rig alrayyan	24 feet	White	Iranian boat with 1 engine	4	Armed with guns	<p>Under the threat of arms they towed the dhow to 30 nm of the Qatari EZ,</p> <p>They stole 20 iron cages</p> <p>5 cell phones</p> <p>golden bracelet</p> <p>watch</p> <p>2 GPSs</p> <p>2000 QR</p> <p>2 fish baskets</p> <p>They held the dhow until 0330 the next day and then released it.</p>	Qatari dhow (walhan) 3395
16	22/4/2010	North of Halool island	22 feet	White with 2 red stripes	Iranian boat with 1 engine	4	Armed with guns	<p>The stopped the dhow and harmed the sailors</p> <p>Under the threat of arms</p> <p>Stole 100 kg different kind of fish</p>	Qatari dhow (Hijaz) 3367

								GPS	
								VHF	
								8 cell phones	
								cash of 1700 QR	
17	27/3/2010	South of the North oil Rig		White and red	Iranian boat	4	Armed with guns	Harmed the sailors	Qatari dhow (dilham) 3367
								Stole GPS	
								Sailor device	
								Lights	
								3 fish fridges	
								cash of 200 QR	
18	27/3/2010	West of the Eastern Aad		White with red stripes	Iranian boat	5	Armed with Kalashnikovs	They harmed the sailors	Qatari Dhow (Hilal) 3067
								Stole sailing device	
								GPS	
								Fish fridge	

								Life jacket	
								The dhow's documents	
								The sailors' IDs	
19	11/3/2010	North of Bin zayan Bouy	30 feet		1 engine boat			Under threats, they stole	Qatari dhow (Mubarak)
								GPS	3227
								Fishing nets	
								Several kind of fish	
								Food	
								Cash of 100 QR	
20	10/3/2010	North of Raqawi (Bahrain)		One red & the other is white	2 Iranian boats	3 on each boat	Armed with guns and they fired on the air	We have received a message from the Bahraini coastguards that a Bahraini Panosh called (Najim) with 7 Indian sailors have been attacked at 2100	Bahraini Panosh (Najim)
								They harmed the sailors	4341
								They stole	
								2 GPS	
								echo sounder	

								<p>cash of 70 BD</p> <p>3 cell phones</p> <p>43 fish fridges</p> <p>Note: Iran have captured and punished 5 pirates who attacked this ship</p> <p>www.alwasatnews.com/2758/news/read/387700/1.html</p> <p>I have found that the Bahraini ship has been kidnapped and the Iranian Authorities captured the kidnapers and handed the ship over to Bahrain.</p>	
21	5/9/2009	South of the North oil Rig	Red	1 yamaha engine 75 hours power	3 irani ans	1 rifle and knives	<p>They harmed the sailors</p> <p>They stole</p> <p>Cash of 1150 QR</p> <p>GPS</p> <p>Nokia cell phone</p>	<p>Qatari dhow (Tayil)</p> <p>3234</p>	

								2 fish fridges	
								They cut the dhow's ropes and travelled for 4 hours towards Iran	
22	3/9/2009	40 nm North of Lafan Island			Iranian boat	4	1 rifle and knives	They fired close to the dhow and stole GPS Cell phone Food Several kind of fish	Qatari dhow (thahran) 3484
23	18/1/2009	26 23 960 N 52 11 980E	7 meters	White	1 engine	4	1 rifle 1 machine gun	They stole 500 kg of fish GPS Cell phone Fishing apparatus (lines) Clothes Food	Qatari dhow (noor al bath) 3407

24	17/1/2009 at 1000						Gun	They fired at the dhow and killed one sailor	Saudi fishing boat
25	14/12/2008 at 2130	26 37 24 N 51 47 23 E		Red from the top White and blue from the bottom	2 engines	3 Iranians	1 rifle and knives	They fired 3 warning shots and boarded on the dhow They stole every thing	Qatari dhow (shahid) 2330
26	14/12/2008 at 2100	4 nm NE of the Rayyan oil Rig 26 40 500 N 51 39 500 E		Red	2 engines	3 Iranians	1 rifle and knives	Failed attempt to stop the dhow	Qatari dhow (Mubarak) 3227
27	14/12/2009 at 2100	4 nm NE of the Rayyan oil Rig 26 40 500 N 51 39		Red	2 engines	3 Iranians	1 rifle and knives	Failed attempt to stop the dhow	Qatari dhow (Altayef) 3200

		500 E							
28	14/12/2009 at 2100	4 nm NE of the Rayyan oil Rig 26 40 500 N 51 39 500 E		Red	2 engines	3 Iranians	1 rifle and knives	Failed attempt to stop the dhow	Qatari dhow (alfeel) 3135
29	14/12/2009 at 2100	4 nm NE of the Rayyan oil Rig 26 40 500 N 51 39 500 E		Red	2 engines	3 Iranians	1 rifle and knives	They stole Cash of 1500 QR GPS Torch VHF Food Fishing apparatus	Qatari dhow (Abu alkhair) 3185
30	14/12/2009 at 2100	4 nm NE of the Rayyan oil Rig		Red	2 engines	3 Iranians	1 rifle and knives	They stole 1100 QR cell phone	Qatari dhow (Azzam) 3456

		26 40 500 N						VHF	
		51 39 500 E						Food	
								Several kind of fishes	
31	10/12/2008 at 1630	1 nm North of the Bin zayyan bouy		Top red	1 yama ha engin e			The stole	
				Blue from down	75 hours power			1200 QR	
								GPS	
								VHF	
								Echo sounder	Qatari dhow (danah)
								2 cell phones	3019
								2 watches	
								clothes	
								food	
								fishes	
32	24/8/2008	Near the Northe rn gas Rig		Red & white		7 Ira ni an s		They stole	Qatari dhow (shahid)
								GPS	3230

		26 24 856 N						VHF	
		52 02 911 e						3 fish fridges	
								2 cell phones	
33	10/8/2008 at 2200	NE of the Northern oil Rig 26 38 736 N 51 57 659 E	15 feet	Red & white	1 engin e 250 hours power	4 Ira ni an s	1 machin e gun	Stole Cash of 5000 QR GPS 4 cell phones 20 ironic fish cages.	Qatari dhow (aljanoo bi) 3559
34	4/8/2008	West of the rayyan oil Rig 26 93 864 N 51 62 421 E	21 feet wit h GP S	Red top White down	1 Yama ha engin e 75 hours power	4 wit h In di an dr es se s	1 unkow n gun and knives	Harmed the sailors Stole Cash of 1800 QR 2 cell phones 3 fish fridges clothes fishing apparatus	Qatari dhow (Rabih) 3270
35	27/4/2008	10 nm north of the north			1 engin e	3 Ira ni an	1 gun	They threatened the sailors and stole	Qatari dhow (Alfaisal

	at 2200	oil Rig				s		GPS Clothes Fishes) 3101
36	26/3/2008 at 0100	28 nm NE of the Lafan Island 26 23 00 N 52 06 00 E		Red	1 engin e	3 Ira ni an s	Machi ne gun and knives	They towed the dhow and stole All cell phones VHF GPS 200 QR and the damaged all the electricity wires	Qatari dhow (Almuta qid billah) 3307
37	26/3/2008	6 nm north of the Northe rn oil Rig		Red & white		3	Machi ne guns	They harmed the sailors Stole GPS 5 watches 2500 QR fishes	Qatari dhow (merza) 3544

Appendix M **Pirates' fatalities and injuries.**

	Pirates been killed	Pirates been injured
Interviewee 23	1	Injuries and some with amputated arms or legs
Interviewee 25	4	
Interviewee 31	4	4 (the interviewee had a leg amputated)
Interviewee 42	3	

Appendix N The numbers of the Somali pirates captured and transferred to Kenya, Seychelles and Mauritius.

Kenya:

Status	Detained by	Number of prisoners (sentence)	Total
On demand	Denmark	28 (4-24 years?)	32
	EUNAVFOR (Spain)	4	
Convicted	EUNAVFOR (Germany)	9	115 convicted 98 remaining in Kenya
	USA	7 (4 years – are these figures average lengths of sentence?)	
	USA	9 (5 years)	
	EUNAVFOR (Sweden)	7 (7 years)	
	EUNAVFOR (Germany)	7 (20 years)	
	EUNAVFOR (France)	11 (5 years)	
	USA	10 (8 years) sentence complete	
	UK	8 (10 years)	
	EUNAVFOR (Germany)	7 (5 years)	
	EUNAVFOR (Spain)	7 (5 years)	
	EUNAVFOR (France)	11 (20 years)	
	UK	6 (5 years)	
	EUNAVFOR (Spain)	7 (4.5 years)	
	EUNAVFOR (Italy)	9 (7 years)	

Acquitted	USA	17	17 <u>Repatriations</u> 17 to Puntland Dec 10
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Seychelles:

Status	Detained by	Number of Prisoners (sentence)	total
On demand	Netherlands	11	20
	EUNAVFOR (Netherlands)	9	
Convicted	Netherlands	6 (5 x 24 years, 1 x 12 years)	112 convicted 44 remaining in Seychelles <u>Prisoner transfers:</u> 17 to Somaliland Mar 12 12 to Somaliland Dec 12
	Denmark	4 (3 x 24 years, 1 x 16 years)	
	Denmark	4 (3 x 21 years, 1 x 14 years)	
	UK	7 (6 x 7 years, 1 x 2 years)	
	UK	13 (1 sentenced to time served, 3 x 2.5 years, 8 x 12 years, 1 pleaded guilty and sentenced to 10 years)	
	EUNAVFOR (France)	11 (6 years are these figures average lengths of sentence?))	
	Seychelles coastguard	11 (10 years) 10 (20 years) 6 (24 years)	

		5 (18 years) 9 (22 years)	5 to Puntland Dec 12
	EUNAVFOR (Spain)	11 (10 years)	25 to Puntland Mar 13
	USA	15 (13 x 18 years, 2 x 4 years)	8 to Puntland May 13
			<u>Repatriations:</u> 1 to Puntland Aug 12
Acquitted	UK	1	1 <u>Repatriations:</u> 1 to Puntland Aug 12

Mauritius:

Status	Detained by	Number of prisoners (sentence)	total
On demand	EUNAVFOR (France)	12	12

Appendix O **The naval units' responses as reported by pirates.**

	The navy that captured the pirate	The pirate's remarks about that navy	How long stayed on board
Interviewee 23	US navy	The US and Dutch navies are the strongest in the area	
Interviewee 24	German		
Interviewee 25	Danish	They capture everyone at sea including fishermen and targets + they do illegal fishing +the ship has letter L7 on its hull +they sent HELO then they came + they opened fire first	38 days
Interviewee 26	British RN	Opened fire first and killed pirates	16 days
Interviewee 27	French	Do fishing and sell it to big boats + they capture all Somali fishermen to let their ships do fishing freely	6 days
Interviewee 28	British RN	Fired first and killed	
Interviewee 29	US navy	Fired at the boat only	2 months
Interviewee 30	Danish	Fired and killed	3 months
Interviewee 31	Danish	Opened fire from the ship and from air + they cut off the	2 months

		interviewee's leg	
Interviewee 32	Italian	Sent a HELO and then the ships arrived + they didn't speak the pirates' language that's why they suspected them	42 days
Interviewee 33	French	Faked reports about suspects	
Interviewee 34	German	No killings or injuring	7 days
Interviewee 35	Kenyan army		
Interviewee 36	Italian	No kills or injuries + they tortured the pirates	45 days
Interviewee 37	French	Sent HELO and fired	6 days
Interviewee 38	Germany	Fired from HELO but with no injuries	13 days
Interviewee 39	US	Sent speedboat first but they didn't fire	2 months
Interviewee 40	French	Used violence and torture	6 days
Interviewee 41	German	Faked pictures of them carrying guns	
Interviewee 42	British RN	No violence used against pirates	

Appendix P The times the pirates spent in Shemola Tower prison without being convicted, and the lengths of sentences.

	Stayed in prison without conviction	Convicted with	Total time in prison
Interviewee 23			
Interviewee 24	4 years	5 years	9 years
Interviewee 25	3 years	Not convicted yet	
Interviewee 26	2 years	5 years	7 years
Interviewee 27	4 years	20 years	24 years
Interviewee 28			
Interviewee 29	6 years	4 years	10 years
Interviewee 30	3 years	Not convicted yet	
Interviewee 31	2 years	Not convicted yet	
Interviewee 32	4 years	7 years	11 years
Interviewee 33	4 years	20 years	24 years
Interviewee 34	4 years	5 years	9 years
Interviewee 35			

Interviewee 36	4 years	7 years	11 years
Interviewee 37	5 years	20 years	25 years
Interviewee 38	5 years	20 years	25 years
Interviewee 39	4 years	5 years	9 years
Interviewee 40	5 years	20 years	25 years
Interviewee 41	5 years	4 years	9 years
Interviewee 42	5 years	10 years	15 years