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**STATEMENT FOR THE RECORD**

**MR. EDWARD FROTHINGHAM**

PRINCIPAL DEPUTY, OFFICE OF THE DEPUTY ASSISTANT SECRETARY OF  
DEFENSE FOR COUNTERNARCOTICS AND GLOBAL THREATS, POLICY

**MR. CHARLES IKINS**

DIRECTOR, EAST AND SOUTHERN AFRICA POLICY,  
OFFICE OF AFRICAN AFFAIRS, POLICY

**BEFORE THE**

**HOUSE TRANSPORTATION AND INFRASTRUCTURE**

**SUBCOMMITTEE ON COAST GUARD**

**AND MARITIME TRANSPORTATION**

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Mr. Chairman and members of the committee, we appreciate this opportunity to testify about the growing problem of piracy on the high seas.

Piracy is a growing problem, but not a new one. Since humans first began to travel and move valuables by ship, there have been pirates. Julius Caesar himself was seized by pirates in 75 B.C., and released after ransom was paid. Piracy on the high seas was also a major preoccupation of the early American republic; by 1800, the young United States was paying about 20% of total federal revenues to the Barbary States, as ransom and tribute.

International efforts to combat piracy also have an ancient pedigree. Since Roman times, pirates have been deemed *hostes humani generis*: the enemies of all humankind. As a matter of customary international law, piracy is the classic crime of “universal jurisdiction,” meaning that every state has the right to capture and prosecute piracy on the high seas, even if its own ships or nationals are not involved.

In the modern era, piracy has become a relatively unusual crime, dropping to only 100 to 200 reported incidents annually during the 1970s and 80s. In the 90s, however, piracy began to increase, and we are now seeing a dramatic and sudden upswing in reported pirate attacks worldwide, as well as geographic shifts in areas of high pirate activity. As recently as 2007, the Gulf of Guinea was the most active part of the world for piracy, but pirate activity is increasingly now found along the Somali coast. In the first quarter of 2009, 102 incidents of piracy were reported to the International Maritime Bureau, nearly double the number of incidents reported during the same period in 2008. And nearly all of that increase appears to stem from increased pirate activity off the coast of Somalia.

Reducing incidents of piracy is important both to the United States and to the international community. As a general matter, freedom of the seas is critical to our national security and international commerce, and it is also a core principle of international law, one that all nations have a stake in supporting. Piracy endangers

innocent mariners, disrupts commerce, can cause severe economic damage to shipping companies and contribute to instability ashore. Recent pirate attacks in the Gulf of Aden and along Somalia's East Coast have targeted U.S. and U.S.-supported ships transporting food aid and other humanitarian supplies to Somalia and other vulnerable societies, disrupting the flow of aid to those who need it most.

Recent incidents—including the dramatic rescue of the captain of the Maersk-Alabama by the U.S. Navy—have increased public and international attention to piracy, and resolve has grown for finding durable solutions to this problem. At the Department of Defense, we are working closely with other Agencies and Departments to develop comprehensive counter-piracy strategies. And the United States is not alone in this effort: already, more than 28 other nations are conducting counter-piracy operations off Somalia, as are international organizations such as NATO and the EU.

We are seeing concrete results from our efforts: since August 2008, international efforts have led to the destruction or confiscation of 36 pirate vessels and the confiscation of numerous weapons, including small arms and RPGs. The international community has also turned 146 pirates over to law enforcement officials in various countries for prosecution.

From a Department of Defense perspective, our strategic goals with regard to Somali piracy include deterrence, disruption/interdiction, and prosecution.

Achieving these goals will be challenging for several reasons. First, the root causes of Somali piracy lie in the poverty and instability that continue to plague that troubled country, and addressing these root causes will be a lengthy, complicated and difficult process. At the moment, pirates can operate with impunity from coastal fishing villages as long as they have the support of the local Somali clan leadership. Though regional governments in Somaliland and Puntland have demonstrated some capacity to provide services, including law enforcement services, in most respects Somalia remains ungoverned, allowing pirates to use coastal villages as safe havens. Pirates also operate in a cash economy, making their profits difficult to track and interdict.

Conflict, instability and drought have caused a humanitarian crisis of long duration in Somalia, where an estimated 3.2 million people now rely on international food assistance to survive. In an environment where legitimate economic opportunities are scarce, piracy and other forms of crime can flourish. In the long run, effectively combating piracy off the Somali coast will be linked to our ability to help the Somalis themselves increase government capacity and find appropriate ways to meet the population's basic needs.

Second, the geographic area affected is vast: Somali pirates operate in a total sea space of more than a million square nautical miles, making it difficult for naval or law enforcement ships and other assets to reach the scene of a pirate attack quickly enough to make a difference. In that vast expanse of ocean, tracking a few dozen low-tech pirate skiffs and intervening to stop attacks that can last only a few minutes is exceptionally difficult. When they are not actively engaged in piracy, pirate vessels easily blend in with ordinary shipping. When they return to land, pirates become still more difficult to locate.

Third, even when pirates are captured, serious gaps remain in the international community's ability to prosecute them for their crimes and thus create an effective legal deterrent. Although all states may exercise jurisdiction over pirates as a matter of international law, some states still lack the appropriate domestic laws to prosecute pirates. Other states have appropriate domestic legal frameworks, but lack the prosecutorial and judicial capacity to effectively hold pirates accountable, or lack the political will required.

We appreciate Kenya's role in prosecuting suspected pirates captured the region. But Kenya should not bear the burden for the international community. Other affected nations must step up and prosecute pirates in their domestic courts as well, just as the United States has when our citizens were the victims of an attack.

Finally, although the merchant shipping industry has made significant improvements in on-ship security measures over the last few months, far more is needed. Ships from all over the world transit the Gulf of Aden and use the shipping lanes along the east coast of Somalia, but many assume unrealistically that there is no need for more

robust shipboard security measures, because military forces will always be present to intervene if pirates attack. As a result, many in the industry have so far been unwilling to invest in the basic security measures that would render them less vulnerable to attack.

These varied and complex challenges should make it clear that there will be no simple solution to the growing problem of piracy off the Somali coast. That said, a few statistics help keep the problem of Somali piracy in perspective. Each year, more than 33,000 vessels transit the Gulf of Aden, and in 2008, there were 122 attempted pirate attacks, of which only 42 were successful. In other words: pirates attack less than one half of one percent of shipping in the Gulf of Aden, and their attacks have succeeded only about a third of the time.

That does not mean that we can ignore piracy in the region, of course. To safeguard the principles of maritime freedom and the lives of innocent mariners, the U.S. government is taking action to address the problem of piracy—particularly at a moment when attacks have been increasing, both in numbers and in ambition.

At the moment, Somali piracy appears to be motivated solely by money, not by ideology, and we do not see meaningful links between pirates and organized violent extremist groups, inside or outside Somalia. Nonetheless, we know that in other contexts, narcotics production and other forms of criminal activity are sometimes “taxed” by extremist groups, as in Afghanistan. We need to ensure that piracy does not evolve into a funding source for violent extremist organizations.

The relatively low incidence of pirate attacks has implications for how we allocate military assets. As the members of this Committee know, the Department of Defense has urgent priorities around the globe. We face two ongoing wars in Iraq and Afghanistan, and we continue multi-faceted overseas contingency operations against violent extremism. In the Horn of Africa, our existing and planned counterterrorism activities remain vital to that global struggle against extremism. Many of resources most in demand for counter-piracy activities, such as intelligence, surveillance and reconnaissance assets, are the same assets that are urgently required elsewhere.

While it is important that we find effective ways to address the growing problem of piracy—with particular attention to preventing piracy from becoming a funding source for violent extremist groups—we need to ensure that effectively addressing piracy does not come at the expense of other ongoing, critical military commitments.

We believe that this can be done. Already, we are taking effective steps to address the four challenges outlined above. Through the creation of Combined Task Force 151 (CTF 151), which focuses exclusively on counter-piracy, we are actively seeking engagement from other states, and we are pleased that so many states are beginning to play a role in joint counter-piracy efforts. Denmark, Singapore, South Korea, Turkey and the United Kingdom have joined our efforts; others have indicated that they will do so as well. In fact, Turkey has taken command over CTF 151 aboard USS GETTYSBURG. Canada, France, Germany, Greece, Italy, Japan, Malaysia, Netherlands, the People’s Republic of China, the Russian Federation, Saudi Arabia, Yemen and others have all contributed forces – either individually, or through NATO or the European Union.

Although not without challenges, coordination between allies and the merchant ships that transit the area has been impressive, with outstanding communications between industry and the EU’s Maritime Security Center for the Horn of Africa, which is based in Northwood, United Kingdom. The EU’s Maritime Security Center plays a key role in relaying critical information from merchant ships to operational forces. Moreover, the international array of forces and their ability to work together has been impressive, as demonstrated by the Combined Maritime Forces monthly Shared Awareness and Deconfliction (SHADE) meetings in Bahrain. These involve over 20 nations and ensure that our international responses will be as effective as possible.

Most important in the short run, we are actively working with merchant shipping lines to help ensure that all vessels take appropriate measures to protect themselves from pirates. Here again, some statistics are instructive: when we look at patterns in pirate attacks in the region, we see that of the *unsuccessful* pirate attacks, a full 78% were thwarted simply by effective action taken by the crews of the ships under attack. Only in

22% of unsuccessful attacks were military or law enforcement interventions related to the positive outcome.

This highlights the fact that the single most effective short-term response to piracy will be working with merchant shipping lines to ensure that vessels in the region take appropriate security measures themselves. In so vast an expanse of ocean, and with so many other critical national security priorities, it is not possible for our military to prevent or intervene in each and every pirate attack. But with appropriate on-board security measures in place, the vast majority of pirate attacks can be thwarted without any need for military intervention.

Effective merchant ship security includes both passive and active defense measures, and we are committed to working with commercial carriers who operate in the region to undertake vulnerability assessments and disseminate best practices. Effective passive security measures can include developing a comprehensive security plan; including risk assessment; the removal of external ladders; posting lookouts at all times; limiting lighting; rigging barriers (such as barbed wire and fencing) in low freeboard areas; varying routes taken and avoiding high-risk areas when possible; securing hatches to limit access to crew and control spaces; creating “safe rooms” and maintaining good communications with maritime security authorities.

Active defense measures can range from rigging fire hoses to repel boarders to maintaining professional civilian armed security teams on board. While there is some concern within the shipping industry about armed security teams, we are working with industry representatives in conjunction with other agencies to explore how contracted security teams can be a useful and viable option for highly vulnerable ships, such as low-freeboard and slow vessels.

As part of this effort, it may be useful to develop incentives that will help encourage merchant ships to invest in security measures. These could range from tax credits to reduced insurance rates for ships with enhanced security. Ultimately, it may be appropriate to mandate some of these actions, beginning with passive self-defense.

Regardless, we will continue to develop partnerships within the shipping industry to make sure that information on best practices is disseminated widely and that vessels have the information they need to adequately assess and mitigate risk.

We will continue to be prepared to respond as appropriate when U.S.-flagged vessels and U.S. citizens are involved. But this is a context in which our actions will be most effective when private partners take proactive measures themselves. Most pirates are opportunistic criminals: whenever possible, they will focus on the easy targets, and avoid the difficult targets. Our main task is to assist commercial carriers in making their ships hard targets.

We will also continue to focus on longer-term efforts to prevent and punish piracy in the region. We will continue to work with allies and regional states to develop their capacity to patrol the seas and protect their own shipping, and we will encourage them to fill any gaps in their legislative frameworks, so that they can prosecute pirates in their own domestic systems. We will also work with regional states to increase prosecutorial and judicial capacity to try pirates, since effective and fair prosecutions are part of creating a long-term deterrent. And we will work when possible with local authorities in Somalia to address the on-shore components of piracy, tracking the on shore-investors and safe-havens that enable piracy on the high seas. Finally, the United States continues to work with the international community to better address the root causes of piracy that arise out of poverty and instability in Somalia.

Many of these efforts dovetail with our existing development and counterterrorism goals in the region. While none of them will be quick fixes, over the long term, increasing local government and law enforcement capacity and fostering sustainable economic development are all part of reducing the threat of violent extremism, as well as reducing the threat of piracy.

Mr. Chairman and Members of the Committee, we recognize that the problem of piracy is not just a problem of Somalia. In recent years, pirate activity has also occurred in the Caribbean, the South China Sea, and other places around the globe. Although the

complete elimination of piracy on the high seas would be as difficult to achieve as the complete elimination of all robberies and assaults, we believe that we can, and must, reduce the likelihood of successful pirate attacks through deterrence, disruption, interdiction and punishment. This will require coordinated international action and a variety of innovative public-private partnership, but we are confident that progress can be made. Congress can help facilitate our efforts by encouraging and incentivizing the commercial shipping industry and their insurers to take appropriate passive and active measures to protect their ships.

Thank you for offering us this opportunity to testify, and we welcome your questions and comments.