

by James Jay Carafano, Ph.D., Richard Weitz, Ph.D. and Martin Edwin Andersen

The Heritage Foundation's Maritime Security Working Group--composed of representatives from academia, the private sector, research institutions, and government--produces cutting-edge policy recommendations for making the seas safer for the United States, its friends and allies, and global commerce. The fourth occasional report by the group addressing the most pressing issues confronting maritime security examines the issue of piracy in the Gulf of Aden and the appropriate U.S. response.

This report:

- \* Describes the threat of piracy to global commerce and the safety and security of ships transiting the Gulf of Aden;
- \* Addresses domestic and international legal aspects of responding to piracy and other criminal acts at sea;
- \* Proposes the appropriate mix of private-sector and U.S. military responses to piracy, including long-term investments in constabulary maritime assets;
- \* Recommends solutions for improving the capacity of regional powers to protect freedom of the seas; and
- \* Outlines a strategy for dealing with the "root" of the problem: lack of governance in Somalia.

Though the report's proposals are focused on the Gulf of Aden, they have implications for combating piracy worldwide. Since 2003, piracy has been reported off the coasts of Bangladesh, Nigeria, Brazil, and Peru. Raising levels of piracy off the coast of East Africa, however, could be a precursor to a new global trend. The recent successes of the Somali pirates may empower and inspire other groups. The frequency and level of violence from piracy acts could increase. Within the last month, there were two attacks in Port-au-Prince, Haiti, and a coastal tanker was hijacked off the coast of Colombia. While the appropriate response for each threat must be tempered by local conditions, the solutions and instruments for responsible action in the Gulf of Aden will hold lessons for meeting the challenge of piracy in other parts of the world.

The key findings and recommendations of this report include:

- \* Although piracy does not currently directly threaten U.S. vital national interests, transnational criminal activities at sea adversely affect American interests in the region and are detrimental to freedom of the seas and the exercise of global commerce (80 percent of which takes place by

sea) upon which U.S. security and prosperity depends.

\* Responding to the recent surge of piracy in the Gulf of Aden does not require new laws. The international community, however, needs to refine common understandings of legal issues surrounding high-seas piracy and the use of naval patrols and related military activities. Legal agreements, including the January 2009 U.S.-Kenyan Memorandum of Understanding, offer the international community a viable method to deter and punish acts of piracy.

\* Flag-carrier nations working with the International Maritime Organization should ensure fuller compliance with International Shipping and Port Security codes and ensure that commercial carriers adopt best practices for operating in waters that are at high risk of piracy.

\* The U.S. should employ Africa Command (AFRICOM) as a principal agent for building regional capacity and cooperation in combating piracy.

\* The United States should expand its assistance to the Saudi navy, which has initiated a major modernization program. The sale to Saudi Arabia of some number of Littoral Combat Ships, advanced unmanned aerial vehicles, and intelligence fusion systems should be considered.

\* Ultimately, defeating piracy requires rebuilding governance in Somalia. The U.S. government should recognize and bolster points of stability in the country, working with local authorities toward the long-term goal of expanding capable governance in Somalia.

\* Over the long term, to combat piracy and other maritime threats, the U.S. requires a more integrated and robust ship-building program for both Navy and Coast Guard surface and aviation assets. The U.S. military contribution should shift from the Navy to the Coast Guard, and the capacity of the Coast Guard to conduct global constabulary maritime operations must be expanded.

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