

LUISS



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Major in **Security**
Chair of **Security Policies**

***International Security of the Seas:
Between Former and Upcoming Threats***

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Academic Year 2022/2023

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Introduction

The phenomenon of maritime piracy, although having historical roots, remains a significant challenge to the safety and consistency of the worldwide commercial system. Across the course of history, international trade routes have been packed with ships carrying valuable commodities. However, these routes have also been persistently vulnerable to the threat of piracy, which entails the perpetration of violent acts, theft, and abduction. The occurrence of maritime piracy is not a solitary event but rather has a strong correlation with various geopolitical, socioeconomic, and legal elements. Maritime routes of strategic importance, such as those passing through the Gulf of Aden, Gulf of Guinea, and Southeast Asia, are susceptible to piracy due to a confluence of factors, including inadequate governance, regional conflicts, poverty, and weak institutions in the national and international security domains. Throughout history, pirates have demonstrated their ability to adjust to evolving global circumstances by employing new approaches, advancements in technology, and alternative tactics to evade security protocols established by the global community. The dynamic nature of the pirate threat necessitates the continuous modification of law enforcement tactics, encompassing collaborative efforts at both regional and global levels as well as the implementation of sophisticated technological tools and resources. The objective of this thesis is to examine the intricate nature of maritime piracy, scrutinizing its historical origins, its previous and current occurrences, and delineating potential future hazards it could entail. Concurrently, the study will analyze global tactics and initiatives aimed at mitigating piracy and advancing maritime safety.

The first chapter will delve into the historical aspects of piracy, encompassing a captivating voyage across various civilizations and societies throughout the ages. From the earliest documented instances of piracy by the Sea Peoples in ancient times to the period of Caribbean piracy, this type of maritime criminal activity has had a lasting impact throughout the ages. This chapter aims to examine the various stages of piracy throughout history starting from the Sea Peoples, a nomadic group that dominated the seas during the Bronze Age, represent the earliest known evidence of piracy. These audacious seafarers engaged in piracy of trade routes and coastal settlements, thereby destabilizing the dominant maritime powers of the eastern Mediterranean region. Subsequently, in the era

of ancient Rome, the Cilician pirates garnered recognition for their ruthless behavior. Those pirates hailing from Cilicia, a geographical area located in contemporary Turkey, perpetrated assaults on Roman vessels and coastal settlements, thereby instilling fear and panic across the Mediterranean region. Rome had to take decisive action in response to the pirate threat, which included sending out military fleets and enacting a number of laws intended to punish the offenders. Over the course of time, various pirates surfaced, including the Vikings from the north. Subsequently, the era of corsair represented a significant chapter in the annals of piracy where a governing body or monarch gave permission for privately owned armed vessels to engage in acts of piracy against vessels belonging to rival nations. These North African Barbary pirates constitute a noteworthy cohort of pirates who have made a considerable impact. Predominantly of Berber descent, they conducted their activities along the western Mediterranean shoreline, encompassing the regions that currently constitute Algeria, Tunisia, and Morocco. Finally the era of piracy commonly referred to as the "golden age" cannot be disregarded, particularly in light of the notorious pirates who operated in the Caribbean region.

The subsequent chapter of this research will delve into the anti-piracy endeavors propelled by global collaboration as well as novel obstacles and methodologies in the realm of combating piracy at sea. In recent decades, various initiatives and strategies have been formulated by the international community to combat the criminal activity that poses a threat to the security of global maritime routes such as Ocean Shield, Operation Atalanta, CTF-151, and EMASOH which are among the most notable anti-piracy operations. Between 2009 and 2016, NATO conducted the Ocean Shield operation in the Gulf of Aden and the waters adjacent to Somalia. The primary aim of this mission was to safeguard trade routes and provide protection to vessels against the menace of piracy in Somalia. The European Union initiated Operation Atalanta in 2008 as a significant international effort to address piracy in the Gulf of Aden and off the somalin costs as well. The operation entailed the deployment of naval vessels and aircraft from multiple European countries and significantly contributed to the mitigation of piracy incidents in the area. Furthermore, Operation Atalanta assumed a pivotal function in providing escort and safeguarding World Food Program vessels and other humanitarian endeavors. The Combined Task Force 151 (CTF-151) is a collaborative military force under the leadership of the Combined Maritime Forces (CMF), which is dedicated to addressing piracy from the part of the Indian Ocean that washes the coast of the Arabian Peninsula

to the Bab el-Mandeb Strait. Since its inception in 2009, CTF-151 has been instrumental in orchestrating global naval endeavors aimed at mitigating piracy and safeguarding critical maritime routes. The European-led Maritime Awareness in the Strait of Hormuz (EMASOH) initiative has been established to oversee and safeguard the Strait of Hormuz's waters, which is a strategically significant area for oil transportation. The primary objective of this initiative is to deter unlawful actions and safeguard unrestricted maritime transit by means of extensive collaboration among the European nations concerned. The chapter will also explore additional pertinent factors, including novel technologies implemented in the combat against piracy, the involvement of non-state actors such as non-governmental organizations (NGOs) in supporting anti-piracy endeavors, and the emerging domains of piracy deterrence.

Chapter three of this research will examine geopolitical scenarios in the regions of the Gulf of Guinea, Niger Delta, Somalia, and Southeast Asia. This study centers on the causative factors that have given rise to intricate concerns related to maritime security, political stability, and economics. Maritime piracy has emerged as a significant menace to trade and shipping in the Gulf of Guinea, which is considered to be a crucial area for the oil industry. The Gulf of Guinea is a region where various illicit activities take place, such as the hijacking of vessels, the abduction of crew members, and the theft of oil. The region that experiences the most significant impact is the Niger Delta, which is situated in the southern part of Nigeria. The region is characterized by the existence of armed factions and insurgencies, while the dissatisfaction of indigenous populations towards major Western petroleum corporations has played a role in the proliferation of piracy. On the other hand, Somalia has gained notoriety for the emergence of Somali pirates in the Gulf of Aden and the Indian Ocean. The escalation of piracy operations has been exacerbated by the prevailing political instability in the nation. International initiatives, including anti-piracy operations such as Ocean Shield and Operation Atalanta, have significantly contributed to mitigating the frequency of pirate attacks in the area. Finally in recent years, there has been a significant increase in incidents of maritime piracy in the Singapore Strait, particularly in Southeast Asia. The region in question is widely recognized as a highly trafficked trade corridor, and the escalating frequency of piracy incidents presents a significant hazard to international seaborne commerce. The present chapter will examine geopolitical scenarios in the aforementioned regions, with a focus

on scrutinizing the underlying factors and outcomes of maritime piracy. Additionally, the interrelatedness of piracy, the oil industry, and terrorism will be analyzed.

The concluding chapter of this research will center on the involvement of Italy in the worldwide anti-piracy landscape, with particular emphasis on the *Enrica Lexie* incident. In order to offer comprehensive and reliable insights regarding these subjects, it is my privilege to present an exclusive interview with Admiral Fabio Caffio, a distinguished expert in the realm of maritime security. The discourse with Admiral Caffio presents an exceptional chance to acquire an internal viewpoint on Italy's involvement in worldwide anti-piracy efforts and the intricacy of nautical activities in precarious circumstances. The individual's expertise and familiarity with maritime security will offer a significant contribution to our comprehension of the intricacies and obstacles encountered by the global community in combating piracy. The primary point of emphasis in the discourse will revolve around the instance of the vessel *Enrica Lexie*, which has elicited significant attention and deliberation on a global scale. Admiral Caffio is scheduled to provide a comprehensive exposition of the pertinent information, scrutinizing the circumstances and ramifications of this matter. Broadly speaking, he will provide guidance pertaining to the diplomatic, legal, and political obstacles encountered by Italy in the realm of maritime security and anti-piracy measures.

Finally, the conclusions will demonstrate the responsibilities of the West in the development of piracy and will analyse how it would be possible to mitigate the phenomenon. The analysis will be done through two scales; the first almost utopian one will relate Western responsibilities to the development of the phenomenon and will emphasise what the regions where piracy develops would need in order to eliminate its occurrence. The second will instead provide a more pragmatic analysis of the actual international actions that could be taken in order to try to achieve even better results than those already achieved.

Chapter 1

History of Piracy

The word 'pirate' from the Latin 'piratæ', from the Greek 'πειρατή', derivation of 'πειράω' 'to attempt, to assault'¹ is a term coined and first used by the Greeks. During the Archaic period of Greece, the term "brigandage" was first utilized to describe the act of attacking merchant ships, and it remains a fitting descriptor for such actions to this day. The term "pirate" had a broader connotation in antiquity, encompassing individuals who raided both coastal settlements and inland areas. However, in contemporary usage, the term is typically restricted to those who engage in acts of aggression against ships while navigating the open ocean. The differentiation in question holds significant importance in comprehending the essence of piracy during the era preceding the Roman Empire. In light of the statements made by Professor Philip De Souza "if piracy is defined, in general terms, as any form of armed robbery involving the use of ships, then it must have been quite common in the ancient Mediterranean world in the late Bronze Age"². However, it should be noted that the identification of armed forces or armies as pirates is not accurate. The primary differentiation pertains to the demarcation of the association between hostile activities conducted on land or sea and acts of piracy. These activities, commonly referred to as 'roving', involved the act of attacking other vessels, harbors, and settlements situated along the coast by means of maritime transportation³. The determining criterion in this context is the underlying purpose rather than the actual behavior. The aforementioned occurrences were deemed essential due to two primary factors: either due to armed confrontations between two military forces or due to instances of maritime piracy. The primary differentiation among 'sea roving' endeavors lies in their intention and legal classification. If such activities were executed through the utilization of military tactics, they cannot be attributed to acts of piracy. However, if they were not, then they fall under

¹ Vocabolario. "Treccani,"

[https://www.treccani.it/vocabolario/pirata/#:~:text=pirato\)%20s.%20m.%20%5Bdal%20lat.,%2C%20assaltare%5D%20\(pl](https://www.treccani.it/vocabolario/pirata/#:~:text=pirato)%20s.%20m.%20%5Bdal%20lat.,%2C%20assaltare%5D%20(pl)

² De Souza, P. (2002). Piracy in the Graeco-Roman world. Cambridge University Press

³ H. A. Ormerod, "Piracy in the Ancient World", 1997, p.61

the category of piracy. As will be demonstrated presently, the initial individuals to engage in actions that could be classified as piracy according to “deontological” principles were the Sea Peoples.

The first pirates - Sea People

These individuals did not operate as a conventional army but rather employed a barbaric approach to assault. The Homeric epics provide a reliable source of evidence for the existence of pirates, as they are referenced on multiple occasions. Nonetheless, it is reasonable to infer that instances of piracy, which may not have been organized, have been perpetrated since the inception of seaborne commerce. Beginning in the Lower Bronze Age, the eastern Mediterranean basin became a highly bustling region for trade. The archaeological discoveries have provided conclusive evidence that the Mycenaeans, Egyptians, Hittites, and other subordinate groups residing in the areas of Asia Minor, the Aegean, and the Levant coasts, previously referred to as the Caanan region⁴, maintained extensive trade relations that were facilitated through maritime means. Hence, it is reasonable to surmise that this epoch marks the origin of the earliest instances of maritime piracy. Time poses a significant challenge to the validity of this syllogism. The inheritance that our ancestors left for us serves as the foundation of the discipline of history, but time is not history's friend because it tends to obliterate rather than preserve this inheritance. Thus far, our understanding of these societies is primarily derived from archaeological discoveries that have been subject to interpretation, translation, and contextualization by historians in order to provide a faithful and precise representation of elder societies. Fortunately, there remains a significant and noteworthy legacy of the Egyptian civilization, which was the longest-lived and most prosperous of its time. This legacy provides us with residual insights into other civilizations that had diplomatic or commercial relations with Egypt. Regarding the area of our focus, we are not particularly fortunate, as the Egyptian historical records pertaining to piracy are limited, albeit not completely nonexistent. The area surrounding Akhenaton, a city established in the 14th century B.C. by the eponymous pharaoh of ancient Egypt, yielded a collection of intriguing documents known as the Amarna (or El-Amarna) Letters. Discovered in 1887,

⁴ The Caanan region is anciently described as the region currently occupied by Lebanon and Syria

these 382 diplomatic correspondences were exchanged between the Egyptian government and its allies in nearby regions⁵. The aforementioned documents, which were inscribed on clay tablets, originated during the period spanning from 1360 to 1332 BCE. They offer a significant depiction of the prevailing socio-political landscape of the region during the era in which they were authored. The acts of correspondence are of significant interest not solely because they offer a precise chronicle of the era but primarily because some of them contain accounts of incidents that can be attributed to acts of piracy perpetrated by specific tribes affiliated with the confederation commonly referred to as the Sea Peoples. The identity of these people, however, remains a subject of inquiry. The origin of the Sea Peoples has been a topic of scholarly discourse, with varying and contradictory suppositions. The Mediterranean social and political landscape saw the emergence of this group during the period spanning from the Late Bronze Age to the High Iron Age, specifically from 1400 B.C. to 1000 B.C. Scholars have put forth various hypotheses regarding their geographical origins, although accurate information on the matter remains elusive. The Sea Peoples are believed to have originated from a conglomeration of itinerant groups hailing from Asia Minor. These groups initially established themselves in the region spanning from modern-day Turkey to the northern Caucasus before subsequently relocating to the eastern Mediterranean region. The migration of these tribes to the Levant region may have been influenced by a confluence of both exogenous factors, such as climatic conditions leading to drought, and endogenous factors, such as potential internal social conflicts within the tribes⁶. The nomenclature of this confederation of ethnic groups is frequently linked with the so called "Bronze Age Collapse"⁷. The commencement of this era is believed to have occurred around the twelfth century B.C. It is probable that the Sea Peoples were responsible for disrupting the intricate equilibriums that had been arduously established among the rulers of the ancient empires of the eastern Mediterranean and Asia Minor. These arrangements were primarily founded on commerce, including that of a maritime nature. The audacity exhibited by this alliance during the Lower Bronze Age was widely recognized, even by the ancient

⁵ Dr. Lull Josè. "These Pharaohs' Private Letters Expose How Politics Worked 3,300 Years Ago." National Geographic. January 2021.
<https://www.nationalgeographic.com/history/history-magazine/article/pharaohs-amarna-letters-expose-politics-3300-years-ago>.

⁶ Raffaele D'Amato & Andrea Salimberti, "Sea Peoples of the Bronze Age Mediterranean c.1400 BC–1000 BC", 2015 p. 4-28

⁷ Eric H. Cline, "1177 A.C. Il collasso della civiltà", Bollati Boringhieri, november 2014 p.272

Egyptians, who encountered significant difficulties in confronting them. This was initially under the guidance of Pharaohs Ramses II and Merenptah, and subsequently under Ramses III's leadership. Regarding our area of interest, it is noteworthy that certain tribes affiliated with this coalition were among the earliest documented groups to participate in acts of piracy, thereby exacerbating the already fragile equilibrium in the region. The primary source of information regarding the Sea Peoples' piracy activities that are known to us today is primarily attributed to the Amarna letters, as previously mentioned. The Lukka and Šrdn tribes were specifically indicted for their culpability in said actions. The first group is presently recognized as the Lycians. They originated from Lycia, a peninsula located in Anatolia, situated between the islands of Rhodes and Cyprus.⁸ “The Egyptians had also known the Lukka for the same length of time, for they were notorious as pirates from the region later known as Lycia in Turkey” (Cline, 2012). The second group was presently known as Shardana, they lack definitive origins and are speculated to have potentially originated from Sardinia. Their historical accounts are primarily documented through Egyptian war reports. The defeat of the Šrdn was ultimately achieved under the guidance of Pharaoh Ramses III. Notably, Ramses III is credited with the intellectual authorship of the creation of the Tanis II stele. Within this artifact, historians have interpreted certain engravings as evidence of the Šrdn's involvement in pirate endeavors.^{9/10} The primary historical inheritance accounting piracy during the Bronze Age period pertains not to the Shardana clan but rather to the Lici, who were the initial group referenced. The Amarna letter EA38 is regarded as the primary and most significant historical documentation that has survived to the present day relating to an act of piracy. The epistle in question, along with the majority of its counterparts within the collection, is inscribed in cuneiform script and employs the Akkadian language¹¹. The subject matter of Assyrologist Professor William L. Moran's translated letter relates to a dispute that occurred between Pharaoh Akhenaton and the monarch of Alašiya, a geographical location that corresponds to the contemporary island of Cyprus. The epistolary artifact in

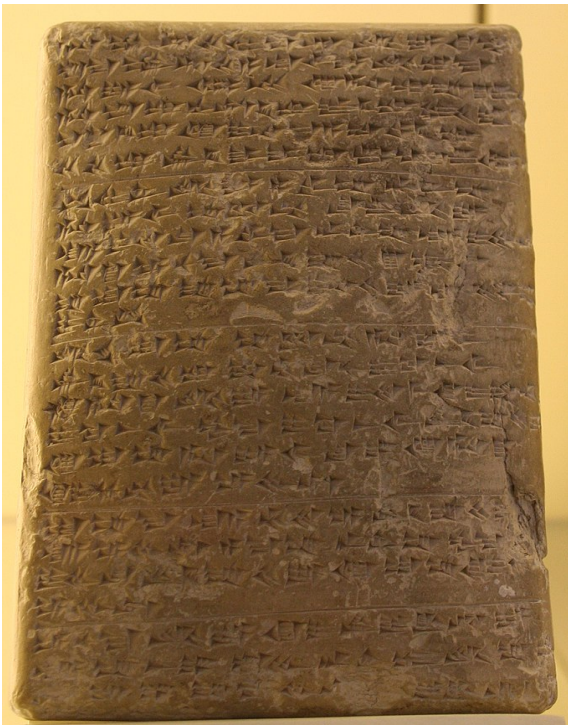
⁸ Cline, Eric H., and David O'Connor. "The sea peoples. Ramesses III: The Life and Times of Egypt's Last Hero", 2012, p.30

⁹ Jeffrey P. Emanuel, "Cretan Lie and Historical Truth: Examining Odysseus' Raid on Egypt in its Late Bronze Age Context", Harvard University's Center for Hellenic Studies, 2020

¹⁰ We can talk about piracy today by analysing the facts described, even though the word 'pirate' is nowhere to be found in such ancient records, since as seen above, the word itself was coined several centuries later.

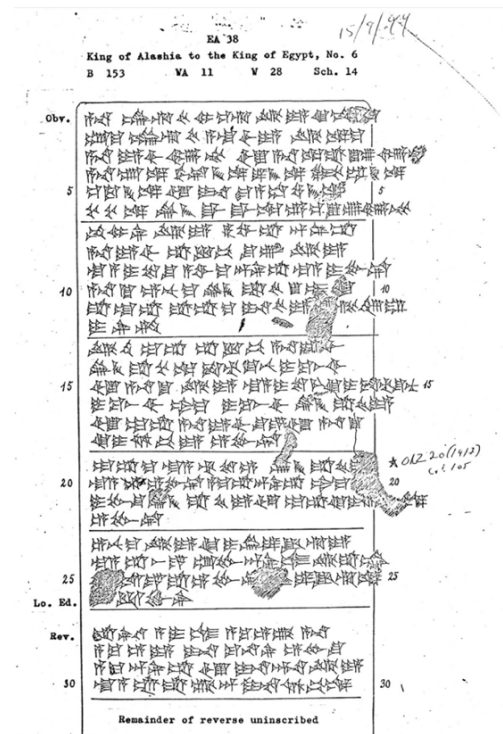
¹¹ Akkadian was at that time used between the various empires as a diplomatic language.

question is a missive inscribed on clay tablets, originating from the monarch of Cyprus and directed towards the pharaoh. The letter pertains to a disavowal of any involvement in the maritime depredations committed by the Lukka tribe in the eastern Mediterranean, which are believed to have caused annoyance and harm to Akhenaton. The king of Alašiya's communication can be interpreted as a response to these events.



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(Figure 1)



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(Figure 2)

Figure 1 is a photo of the original letter EA38, Figure 2 represents the cuneiform text engraved on the letter in question.

¹² Vorderasiatisches Museum Berlin Archive

¹³ Cuneiform Digital Library Initiative (CDLI), "EA 038 Artifact Entry", may 2005. <https://cdli.ucla.edu/P271039>.

The contents of the letter EA38, faithfully translated by Professor Moran reads:

<<

1— 6 “Say to the king of Egypt, my brother: Message of the king of AlaSiya, your brother. For me all goes well, and for you may all go well. For your household, your chief wives, 1 your sons, your horses, your chariots, among your numerous troops, in your country, among your magnates, may all go very well.

7—12 Why, my brother, do you say such a thing to me, “Does my brother not know this?” As far as I am concerned, I have done nothing of the sort. Indeed, men of Lukki, year by year, seize villages in my own country.

13—18 My brother, you say to me, “Men from your country were with them.” My brother, I myself do not know that they were with them. If men from my country were (with them), send (them back) and I will act as I see fit.

19—22 You yourself do not know men from my country. They would not do such a thing. 5 But if men from my country did do this, then you yourself do as you see fit.

23—26 Now, my brother, since you have not sent back my messenger, for this tablet it is the king's brother (as messenger). Let him write. Your messengers must tell me what I have to do.

27—30 Furthermore, which ancestors of yours did such a thin(g) to my ancestors? So no, my brother, do not be concerned.

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- (Moran, 1987) -

Certain historians consider sources like the Amarna letters to provide irrefutable proof of piracy-related activities, despite the absence of the term "pirate" or its equivalent, which would only be introduced centuries later. According to several contemporary scholars, this specific letter constitutes the primary evidence of activities that can be attributed to piratical raids conducted in the period of the Lower Bronze Age.¹⁴ The aforementioned translation reveals the Cypriot monarch's assertion of his innocence in response to Pharaoh's allegation that he either directly participated in or instructed his subordinates to engage in the piratical raids carried out by the Lukka. The king maintains that he and his kingdom are vulnerable to such attacks, and thus, he could not possibly have breached Pharaoh's trust. The majority of Amarna's correspondences pertaining to the region of Canaan and its adjacent territories comprise appeals for assistance from Egypt's allies, who were unfortunately decimated and supplanted by the Sea Peoples. One of the kingdoms that fell prey to the Sea Peoples' onslaught was Alyasia. The primary reason for categorizing this incident as piracy is explicitly articulated within this correspondence. The Sea Peoples did not engage in direct warfare with any empire. It is evident from letter EA38 that their attacks cannot be linked to any endeavor of conquest. Neither faction mobilized male combatants, and despite the Sea Peoples' notable territorial gains resulting from their cross-attacks, including the subsequent downfall of the Cypriot kingdom, their assaults on coastal settlements, harbors, and vessels were primarily motivated by the pursuit of immediate material gain.

Ultimately, as per the analysis of certain academics, the Homeric epics can be deemed a wholly dependable resource for verifying the presence of piracy during the Lower Bronze Age in the eastern Mediterranean region. In his publication titled "Piracy in the Ancient World", Professor Henry A. Ormerod presents the occurrence of piracy during that historical period as an established reality rather than a mere conjecture. In his analysis, the professor elucidates that the depictions of piracy in the Iliad and the Odyssey share striking similarities with those of Frankish pirates. He also provides early sources that demonstrate how Bronze Age Crete responded to crises arising from pirate attacks. Furthermore, the professor cites a source from Thucydides that asserts that King Minos

¹⁴ Raffaele D'Amato & Andrea Salimberti, "Sea Peoples of the Bronze Age Mediterranean c.1400 BC–1000 BC", 2015 p.31

of Crete¹⁵ was the first ruler to obtain a personal fleet by eliminating piracy in the surrounding waters.¹⁶

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Μίνως γὰρ παλαίτατος ὧν ἀκοῆ ἴσμεν ναυτικὸν ἐκτήσατο καὶ τῆς νῦν Ἑλληνικῆς θαλάσσης ἐπὶ πλεῖστον ἐκράτησε καὶ τῶν Κυκλάδων νήσων ἤρξέ τε καὶ οἰκιστῆς πρῶτος τῶν πλείστων ἐγένετο, Κᾶρας ἐξελάσας καὶ τοὺς ἑαυτοῦ παῖδας ἡγεμόνας ἐγκαταστήσας· τό τε ληστικόν, ὡς εἰκός, καθήρει ἐκ τῆς θαλάσσης ἐφ' ὅσον ἐδύνατο, τοῦ τὰς προσόδους μᾶλλον ἰέναι αὐτῶ.¹⁷

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“Minos was the first known person to become the owner of a fleet, and to extend his rule over much of the present Greek sea. He subdued the Cyclades and, being in search of places to settle his children, colonised many of the islands, expelling the previous inhabitants, the Carians. And, since it was natural to try to keep the security of the tributaries, Minos did everything to cleanse the sea of pirates.”¹⁸

(Thucydides, The Peloponnesian War, Book 1 Chapter 4 paragraph 1)

Ancient Greek Piracy

Despite popular belief, piracy in the eastern Mediterranean region subsequent to the Bronze Age Collapse has not diminished. It can be postulated that Greece, as a geographic area, was susceptible to piracy during its entire ancient history. This can be traced back to the Archaic period when the Mycenaeans occupied the region, with the earliest

¹⁵ Apart from the mythology revolving around the figure of Minos, the character as a Cretan king has no solid historical basis, his actual existence is still in doubt.

¹⁶ H. A. Ormerod, “Piracy in the Ancient World”, 1997 p.80-81

¹⁷ Tucidite: Θουκυδίδης Ὀλόρου Ιστορίαι - La Prefazione del Primo Libro e la genesi della guerra tra Sparta e Atene, Libro 1 Capitolo 4 paragrafo 1, <http://www.nuovomonitorenapoletano.it/pdf/tucidite>

¹⁸ Tucidite: Θουκυδίδης Ὀλόρου Ιστορίαι - La Prefazione del Primo Libro e la genesi della guerra tra Sparta e Atene, Libro 1 Capitolo 4 paragrafo 1, <http://www.nuovomonitorenapoletano.it/pdf/tucidite>

recorded pirate attacks dating back to the 14th century B.C. The Sea Peoples most likely carried out these attacks. In contemporary times, individuals who trace their ancestry to regions such as Asia Minor, specifically Lycia and Cilicia, as well as the Levant coast territory, have been associated with piracy. This phenomenon was initially cultivated among the Dodecanese islands and subsequently spread to the Cyclades and other areas throughout the Aegean. According to Ormerod, the Homeric epics trace the conceptual evolution of piracy from a rudimentary notion to a tangible and contemporary manifestation at the historical level. The Iliad and the Odyssey, written in the 8th century BC, contain numerous references to pirates. Despite being frequently criticized and condemned, there are instances where an effort is made to comprehend pirates underlying intentions. Odysseus, while impersonating a Cretan, expounds on the notion that the act of plundering can serve as a means for pirates to enhance their societal standing. In addition, as posited by certain historians, including Ormerod himself, the character of Odysseus in the Odyssey may be interpreted as representing the archetypal Cretan pirate of the era, given his audacious demeanor, indicative of exceptional martial prowess, shrewdness, and proficiency.¹⁹

Towards the conclusion of the sixth century B.C., the Greek economy had undergone a significant expansion, extending beyond the Mediterranean region. The economic well-being of the Greek city-states was heavily reliant on maritime trade. In this particular context, the specter of piracy assumed the guise of an existential threat to the urban fabric, despite the formidable challenges associated with quelling piracy. The relocation of the individuals in question did not render them vulnerable to attack. Subduing them necessitated the deployment of military resources, which proved to be financially unsustainable for the Polis. The collaborative resolution reached by the states with contiguous interests involved the formation of genuine strategic alliances with the objective of eliminating piracy. This was achieved by deploying military garrisons at critical locations of strategic significance, such as straits or known pirate hideouts, and providing actual escorts for merchant vessels. Notwithstanding the endeavors, the efficacy of said measures has proven insufficient in halting the proliferation of piracy.²⁰

¹⁹ H. A. Ormerod, "Piracy in the Ancient World", 1997 p.44-49

²⁰ H. A. Ormerod, "Piracy in the Ancient World", 1997 p.59-77

To provide an understanding of the magnitude of the phenomenon, the legendary Alexander the Great, expressed apprehension regarding the outcome of his expedition to concur Persia in the late fourth century B.C. The concern was raised that the merchant navy ships originating from mainland Greece, which were essential to the sustenance of the army and therefore pivotal to the success of the expedition, could potentially face interference from pirates. In response to the aforementioned threat, the Macedonian leader established the initial recorded international coalition, which was aimed at combating piracy. The coalition was unprecedented in the known world at that time. The primary objective of the leader's allies was to safeguard the trade routes of the vessels responsible for providing provisions to the army, thereby guaranteeing the successful delivery of all supplies to their intended destination. Prior to the emergence of Alexander the Great, the endeavors of the polis were largely ineffective in impeding the proliferation of piracy. However, the illustrious Macedonian monarch was able to achieve a near-complete elimination of this threat. Following his demise in 323 B.C.E., there was a notable absence of military or political authority with the capability or inclination to combat piracy with the same level of intensity. Consequently, the occurrence of piracy experienced a swift resurgence. The Rhodes dominion, which disintegrated in 167 B.C., constituted the final bastion in impeding the ascension of the Cilician marauders²¹, who subsequently dominated the eastern Mediterranean region. It is noteworthy that marauders from Asia Minor were not the only ones who committed acts of piracy. In fact, military personnel, in their pursuit of sustenance and the acquisition of essential resources, were also known to engage in such activities against civilian populations. Thucydides reiterates that the Athenians, as a result of inadequate preparation for the required military mobilization, were compelled to engage in acts of piracy, among other activities.

²¹ Woolmer, Mark . "Pirati Dell'antichità: Il Flagello Del Mediterraneo." National Geographic, September 2022. https://www.storicang.it/a/pirati-dellantichita-il-flagello-mediterraneo_14763.

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Περιουσίαν δέ ει ἤλθον ἔχοντες τροφῆς καὶ ὄντες ἀθρόοι ἄνευ ληστείας καὶ γεωργίας
ξυνεχῶς τὸν πόλεμον διέφερον, ῥαδίως ἂν μάχη κρατοῦντες εἶλον, οἱ γε καὶ οὐχ ἀθρόοι,
ἀλλὰ μέρει τῷ αἰεὶ παρόντι ἀντεῖχον, πολιορκία δ' ἂν προσκαθεζόμενοι ἐν ἐλάσσονί τε
χρόνῳ καὶ ἀπονώτερον τὴν Τροίαν εἶλον²²

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“Thus, the spontaneous dispersal of the Greeks helped the Trojans to resist for ten years in the open field. If, on the other hand, the Greeks had come with abundant supplies and had all fought together uninterruptedly without engaging in agriculture and piracy, they would have conquered Troy in a shorter time and with less effort.”²³

(Thucydides, 'The Peloponnesian War', Chapter 11 paragraph 2)

Piracy During the Roman era

During the era of Marius and Silla, Rome had achieved the pinnacle of its military structure and was in the process of shifting from a regional power to a global power. The public welfare was disregarded due to the divisions caused by the two prominent individuals. During a particular period, a group of pirates caused havoc in the Eastern Mediterranean waters. These pirates hailed from Cilicia, a region located in the southeastern part of Asia Minor. Their origins were obscure and unimpressive, as they possessed merely a small number of vessels and a limited number of individuals. Utilizing the resources available to them, the aforementioned individuals embarked on a maritime journey towards the Greek archipelago located in the Aegean Sea. Their initial targets were the inadequately equipped and insufficiently protected vessels, which they successfully attacked. As a result of their numerous conquests, they amassed substantial wealth and influence, ultimately dominating the aforementioned region of the sea due to a lack of centralized control over trade routes. As they conducted additional raids, their

²² Tucidite: Θουκυδίδης Ὀλόρου Ιστορίαι - La Prefazione del Primo Libro e la genesi della guerra tra Sparta e Atene, Capitolo 11 paragrafo 2, <http://www.nuovomonitorenapoletano.it/pdf/tucidite>

²³ Tucidite: Θουκυδίδης Ὀλόρου Ιστορίαι - La Prefazione del Primo Libro e la genesi della guerra tra Sparta e Atene, Capitolo 11 paragrafo 2, <http://www.nuovomonitorenapoletano.it/pdf/tucidite>

affluence and influence grew, posing a tangible menace to Rome and the economic concerns of the empire.

i. The abduction of Julius Caesar

The initial significant recorded action attributed to these pirates was the abduction of Gaius Julius Caesar in 75 B.C. Before narrating the incident, it is fundamental to provide context and expound upon the significance that piracy and pirates held in the Mediterranean during that era. In order to accomplish this task, one only needs to consult the account provided by Plutarch. In his description of the pirates' involvement in Caesar's abduction, Plutarch characterizes them as "the most savage individuals on the planet"²⁴ and notes that "[Caesar] was captured by pirates, who even then dominated the sea with vast raids and an endless number of boats".²⁵ Both Suetonius and Plutarch addressed the incident of the kidnapping, with Suetonius providing a succinct and concise account and Plutarch's rendition exhibiting a higher level of liveliness and elaboration. The two versions exhibit no significant disparities; however, Plutarch's rendition manifests a conspicuous endeavor to dramatize the occurrence, and Caesar's persona, marked by irony and contempt, acquires a more pronounced emphasis. Based on the more detailed account of events provided by the latter, it can be inferred that Caesar was abducted while he was travelling to attend a rhetoric course in Rhodes during his youth. Upon being captured, Caesar was subsequently transported to the island of Pharmacusa in the Dodecanese archipelago where he was subjected to a ransom demand of 20 talents by a group of pirates in exchange for his release. As per Plutarch's account, Caesar retorted that his worth was not a mere 20 talents but rather 50.²⁶ Upon determining the ransom amount, the individual dispatched several attendants to retrieve the funds, while he and three others, including a companion and two additional servants, remained in captivity under the pirates' custody for a duration of 38 days. Plutarch's sources suggest that Caesar was not a captive who was intimidated by the pirates, but instead he frequently displayed a sense of superiority towards them. According to Plutarch, Caesar displayed a

²⁴ Plutarco, *Vite parallele*. Alessandro e Cesare, Newton Compton, Roma, 2008

²⁵ Plutarco, *Vite parallele*. Alessandro e Cesare, Newton Compton, Roma, 2008

²⁶ Carro Domenico, Massimo Annati, Fabio Caffio. "I Pirati Dell'Antichità." In *Pirati Di Ieri e Di Oggi*, Rivista Marittima, 2009, p.12-19

sense of disdain towards his subordinates, as evidenced by his command for them to remain silent when he required rest “[Caesar] treated them with such contempt that when he wanted to rest he ordered them to be quiet.”²⁷ Caesar's perceived intellectual superiority over the pirates prompted him to engage in routine activities with them, such as communal dining, drinking, and exercise. Despite this familiarity, he frequently denigrated their knowledge while displaying no apprehension towards them. Caesar demonstrates a remarkable level of audacity by composing poetic works and subsequently presenting them to the pirate faction for critique. In the event that the pirates exhibit a lack of interest, he employs a humorous approach to admonish them, indicating that upon his release, he would have had them executed due to their apparent disregard for his rhetorical abilities. The pirates, on their end, ignored the implications presented them, presuming that they were merely contending with a display of youthful enthusiasm. Upon receiving the funds, Caesar was liberated from his captivity. However, he promptly endeavored to retaliate against those who had subjected him to mistreatment. The individual inquired to Marcus Juncus, the praetor overseeing the Roman province of Asia, regarding the requisite measures for apprehending the pirates. Despite receiving no assistance from Juncus, Caesar took it upon himself to arm small ships and apprehend all of his captors. He subsequently detained them in the prison located in Pergamum. Although the individual's influence was significant, the Roman officials in the region did not take into account his proposal to impose the death penalty on the accused. Consequently, he took it upon himself to order their crucifixion, humorously reminding them of his prior warning to pursue and execute them. As a distinctive display of amity for their companionship, Caesar opted to have them asphyxiated before their crucifixion, thereby mitigating a significant portion of their agony. This Plutarch's portrayal of the incident may contain elements of romanticization, yet it remains a faithful representation of Caesar's psychological makeup as a self-determined individual as well as the prevalence of piracy in the Mediterranean during that era.

²⁷ Plutarco, *Vite parallele. Alessandro e Cesare*, Newton Compton, Roma 2008

ii. The campaign of Pompey Magnus

The pirates' rapid ascendancy in the eastern Mediterranean prompted them to broaden their scope and extend their operations beyond the eastern Mediterranean to encompass the entirety of the Mediterranean. In the year 67 B.C., subsequent to the abduction of Caesar, Ostia, which served as the port of Rome, was ransacked by seafaring bandits, thereby penetrating the core of the empire. This incident prompted the administration, in response to citizen pressure, to take measures to address a threat that had exceeded acceptable boundaries. The failure of Rome to authorize military operations capable of effectively suppressing piracy subsequent to the Third Macedonian War and the conquest of Greece in 146 B.C. may be attributed to the challenges associated with governing a swiftly expanding empire, which resulted in the relegation of pirates to a lower level of priority as a threat. The issue of piracy became impossible to overlook when the pirates posed a direct threat to Rome.²⁸ To address the escalating danger, the Republic resorted to the implementation of the "Lex Gabina", which was named after Senator Aulus Gabinus, its proponent. The purpose of that legislation was to personify the menace of piracy by formally designating pirates as "hostes gentium," or "enemies of humanity."²⁹

In a passage from his work *De Officiis*, Cicero discusses the issue of piracy as a universal problem affecting humanity as a whole.

*«il pirata non rientra fra i legittimi nemici di guerra,
ma è il comune nemico di tutto il genere umano»
(Cicerone, De Off., III, 107)*

Around 70 B.C., the emergence of Cilician pirates posed a significant threat, as evidenced by their repeated assaults on merchant vessels transporting grain to Rome, thereby prompting the attention of both the authorities and the populace. Several

²⁸ Alfred S. Bradford, Illustrated by Pamela M. Bradford, "Flying the Black Flag, A brief history of piracy", 2007, p.54-66

²⁹ Lopez, Miguel Ángel Novillo . "Pompeo Magno Sconfigge i Pirati Dell'Asia Minore." National Geographic. February 2023. https://www.storicang.it/a/pompeo-magno-sconfigge-i-pirati-dellasia-minore_15998.

unsuccessful expeditions were launched during the early first century B.C. in an attempt to impede their ascent. Nevertheless, the issue could no longer be disregarded, necessitating a drastic course of action.³⁰

In the year 67 B.C., following a pirate assault in Ostia, the Roman republican officials granted Gnaeus Pompey Magnus unrestricted authority under the "Lex Gabinia" to eliminate the rampant piracy in the Mediterranean. To effectively execute the mission, he was designated as preconsul and granted ultimate military authority for the expedition. Once more, Plutarch furnishes a depiction, albeit potentially exaggerated, of the pirates that Pompey was poised to encounter. According to the account of the Greek philosopher, the Cilician pirates were reported to have fortified bases of operations situated along the Anatolian coastline and were believed to possess a fleet comprising over a thousand vessels.³¹ The impact of the Cilician pirates on the Roman Empire was significant, as on Plutarch's account. It is even suggested that these raiders played a role in the introduction of the Iranian Mithraic cult into the empire, albeit indirectly.³²

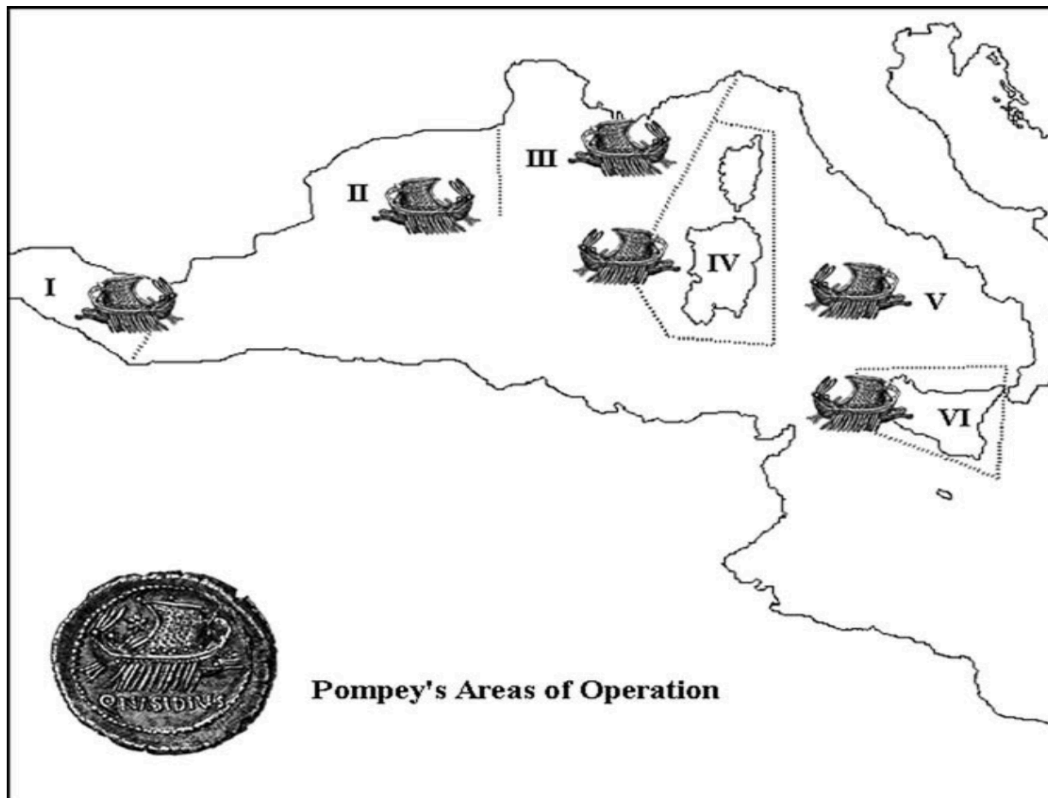
Pompey was granted a sum of six thousand Attic talents to finance the special military operation.³³ He was also equipped with formidable military power, comprising twenty legions consisting of 120,000 foot soldiers, 4,000 cavalry, and 270 warships.

³⁰ Lopez, Miguel Ángel Novillo . "Pompeo Magno Sconfigge i Pirati Dell'Asia Minore." National Geographic. February 2023. https://www.storicang.it/a/pompeo-magno-sconfigge-i-pirati-dellasia-minore_15998.

³¹ Plutarco, Vita di Pompeo, Vite Parallele

³² Beck, Roger. "The mysteries of Mithras: a new account of their genesis." The Journal of Roman Studies, 1998, p.115-128.

³³ Attic talents were a unit of measurement used in ancient Greece to quantify monetary value. They were named after the city of Athens, where they were originally minted as silver coins. Later, the term was also used to indicate the weight of a specific quantity of silver. The exact value of an Attic talent varied over time and according to the regions where it was used, but it usually corresponded to about 26 kg of silver.



(Figure 3)



(Figure 4)

Pompey's Legates and Their Areas of Operation, Western Mediterranean³⁴

I.	Nero	- To close off the straits	VII.	Lentulus	- The upper Adriatic
II.	Torquatus	- The Balearic Islands and the coast of Spain	VIII.	Varro	- The Ionian Sea
III.	Pomponius	- Gaul and Liguria	IX.	Sisenna	- The coast of Greece including Macedonia
IV.	Atilius	- Corsica and Sardinia	X.	Lollius	- The Aegean
V.	Gellius	- The west coast of Italy	XI.	Piso	- The Propontis and the Black Sea
VI.	Varus	- Sicily	XII.	Metellus	- The southern coast of Asia Minor and Phoenicia
			XIII.	Marcellinus	- The north African coast

The initial objective of Pompey Magnus strategic plan was to safeguard the transportation of grain to Rome in order to prevent the looming threat of famine. Consequently, he prioritized the protection of the trade routes that facilitated the delivery of grain to the city.³⁵ To ensure efficient garrisoning of the Mediterranean, the sea was partitioned into 13 zones (as depicted in Figures 3 and 4). Each zone was assigned a commander who led a fleet responsible for its security. The formidable military force of the imperial army and the swiftness of Pompey maneuvers proved sufficient in intimidating the pirates, who withdrew to their own fortified strongholds and secured ports within a span of approximately forty days. Despite Rome's lack of investment in a naval garrison, a comprehensive operation was undertaken to eliminate the threat of piracy in its waters. Therefore, the mere retreat of the pirates was deemed insufficient by Pompey Magnus, who proceeded to execute the second phase of the plan, the eradication of the pirate threat. The outcome of the event was an unparalleled triumph. The Roman commander approached the coastal region of Cilicia, where the pirates had established their stronghold, and positioned his formidable armada in front of their fortresses. As a result of the overwhelming display of military might, a significant number of the pirates were daunted and capitulated, seeking clemency.³⁶ However, as per sources from Plutarch, the ultimate count was approximately 10,000 pirates who perished and 20,000 who were captured. The majority of individuals who capitulated by relinquishing their possessions were granted clemency and subjected to humane treatment. Ultimately, the campaign proved to be an immense triumph. After successfully eliminating the pirate threat over the course of three months, Pompey the Great triumphantly returned to Rome with the spoils of his victory. These included approximately 400 vessels, 20,000 captives, and a wealth of treasures amassed by the pirates over a considerable period of time, comprising valuable gems, artisanal works, and armaments.³⁷ Plutarch's scrupulous efforts in documenting these occurrences have enabled us to possess such precise and comprehensive knowledge up until the present time. Following this expedition, the

³⁴ Fred S. Brsdford, Illustrated by Pamela M. Bradford , “Flying the Black Flag, A brief history of piracy”, 2007, pag. 52-53

³⁵ Lopez, Miguel Ángel Novillo . “Pompeo Magno Sconfigge i Pirati Dell’Asia Minore.” National Geographic. February 2023. https://www.storicang.it/a/pompeo-magno-sconfigge-i-pirati-dellasia-minore_15998.

³⁶ Plutarco, Vita di Pompeo, Vite Parallele

³⁷ Henry A. Ormerod, Piracy in the Ancient World, 1997, p.222

phenomenon of piracy underwent a significant transformation. It is noteworthy that piratical incidents in the Mediterranean have persisted without significant interruption since their emergence during the Lower Bronze Age. Despite his military prowess, Alexander the Great was unable to completely eradicate piracy. However, he was able to temporarily suppress it in order to continue his eastward expedition. Throughout the course of piracy's history, Gnaeus Pompey Magnus stands out as the sole individual capable of effectively eliminating piracy from the Mediterranean basin. Following his successful efforts, centuries of tranquility followed, and the organized piracy that had previously plagued the region during the first century B.C. did not resurface until more contemporary times. It is worth noting, however, that the Mediterranean was not the sole location where pirates engaged in their illicit activities.

The phenomenon of Viking piracy

The development of similar habits among people and individuals who have not had any prior contact is not a coincidental occurrence. As previously stated, piracy has been intertwined with the inception of trade and is an inherent aspect of maritime commerce, thus serving as its adversary. According to the historian Philip Gosse's work titled "History of Piracy", "Like murder, piracy is one of the oldest human manifestations of which traces are preserved".³⁸ Therefore, it is unsurprising that this phenomenon emerged and progressed concurrently in various civilizations, including those that did not have any contact with one another. As previously mentioned, following the intervention of Pompey the Great, the incidence of large-scale indigenous pirate activities in the Mediterranean region significantly decreased. However, in the subsequent centuries, piracy emerged as a new threat in northern Europe and other areas. The term Vikings, which refers to Scandinavian pirates, became widely recognized in the western regions of Europe in addition to the appellation Norsemen (Northmen). The earliest known instance of the term "wīcing" (Viking) in its Old English form can be traced back to an Anglo-Saxon glossary that dates back to the early 8th century. Subsequently, the designation "wīcingsceaþa" was employed to denote a particular cohort. The second component of the aforementioned term, "-sceaþa", connotes a perpetrator or malefactor, a definition that bears a striking

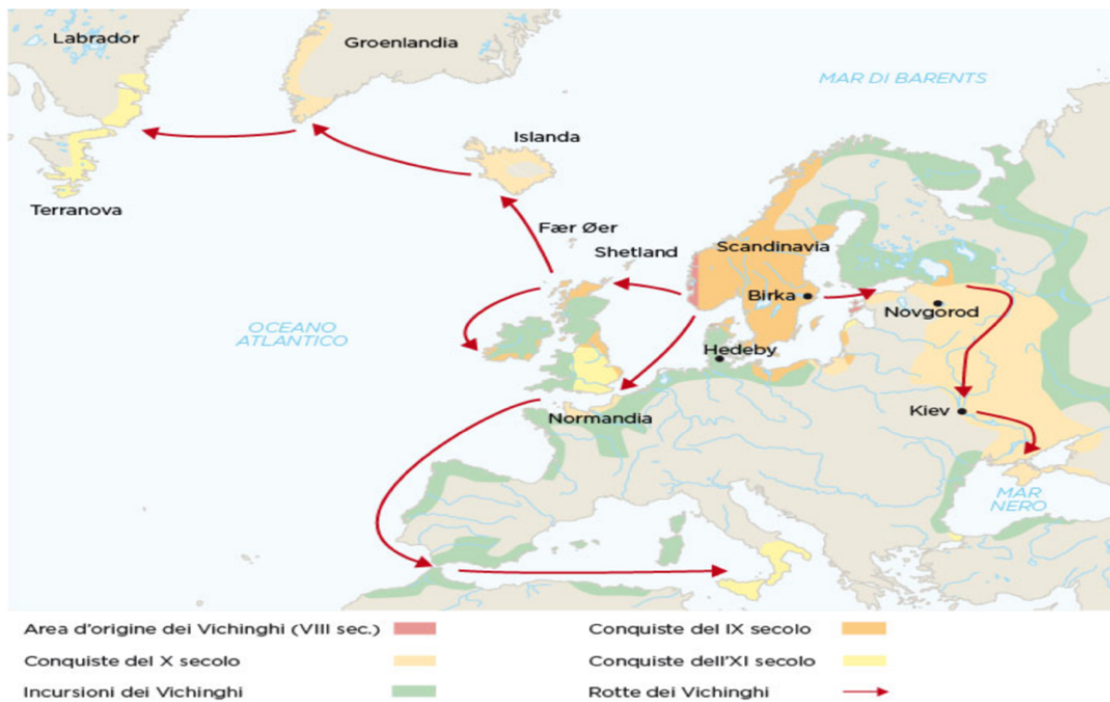
³⁸ Gosse P., Storia della Pirateria, Odoia, 2008, p.17

resemblance to the semantic import of the Greek root *πειράω* (from which the word “pirate” derives, check page 7), specifically that of inciting or attacking. The inclusion of the suffix “-sceaþa” in conjunction with the term “wīcing” implies a plausible association between the negative connotation of “wīcingsceaþa” and the aforementioned suffix. Consequently, it can be inferred that the term “wīcing” or Viking, was primarily applicable in the context of maritime activities.³⁹ The genesis of Viking history, however, can be traced back to acts of piracy. The Scandinavian pirate era commenced in 793 B.C. when the monastery of Lindisfarne, situated on the English island of the same name, was sacked. This era persisted for approximately three centuries until its culmination in 1066, marked by the demise of the last English king, Harold Godwinson Wessex, at the Battle of Hastings, where he was defeated by the Normans under the leadership of William the Conqueror.⁴⁰ Beginning with their raids on English monasteries, the Vikings expanded their sphere of influence to the North Sea, North Atlantic, and Mediterranean, eventually even settling on the North African and North American coasts (figure 5). What distinguished their raids from actual acts of war was, as with the Sea Peoples, their limited interest in conquering territory not for expansionist purposes but rather to seize the resources of the plundered locations. In addition to valuable goods, it appears that the Vikings initially set sail for England due to a potential scarcity of women in their native regions.

The Viking raids were frequently characterized as violent and destructive, as Scandinavian pirates plundered coastal cities and villages, took hostages and slaves, and destroyed local properties. However, despite their reputation as raiders, the Vikings were also renowned for their navigational skills and proficiency in trade. They frequently engaged in commerce with the lands they had previously plundered, thereby extending their sphere of influence. Their aggression in raids diminished following a process of conversion to Christianity; however, their influence has forever altered the social geography of northwestern Europe.

³⁹ Hofstra, Tette. "Changing views on Vikings." *Tijdschrift voor Skandinavistiek* 2003.

⁴⁰ Alfred S. Brsdford, Illustrated by Pamela M. Bradford, “Flying the Black Flag, A brief history of piracy”, 2007, p.57-64



(Figure 5)

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The Barbary corsairs, birth and development

While it is possible that sporadic occurrences of the distinction between pirates and corsairs existed in the past, it is from the current generation onward that this differentiation is clearly established. The primary distinction between a privateer and a pirate pertains to the legality or illegality of their respective undertakings. Typically, a privateer operated with the authorization of their respective government or a friendly state, and their objectives were adversary vessels or merchant ships affiliated with foreign nations. Furthermore, privateers were historically employed during times of war to engage in acts of aggression against enemy vessels, thereby disrupting their trade and supply operations. Conversely, pirates were deemed individuals who acted outside the law, lacking any formal authorization to engage in their pursuits, and would assail any vessel they came across, irrespective of its flag or intended use. In addition, during times of peace, pirates engaged in activities such as raiding vulnerable merchant vessels and occasionally attacking coastal settlements. The Barbarians were known to engage in both

⁴¹ Conquiste e spedizioni dei Vichinghi, Zanichelli, 2013

privateering corsairs' actions and piracy. Their ascent in the Mediterranean started around 1400 A.D.⁴², approximately four centuries subsequent to the cessation of the Viking incursions. The primary factor contributing to centuries of relative peace can be attributed to economic considerations. The period commonly referred to as the "Dark Age" commenced with the fall of Rome in 476 A.D. and persisted until the 10th century A.D. During this epoch, European societies appeared to have undergone a phase of stagnation and decline. The aforementioned phenomenon resulted in a significant slowdown in trade, leading to a cessation of piracy-related incidents, with the exception of occasional Viking raids. During the era marked by the emergence of the Barbary pirates, there were instances of tension and conflict between the dominant European powers and the Ottoman Empire. These were largely due to the collapse of the Eastern Roman Empire and the recurrent role of the pirates as a destabilizing force.

Within the annals of piracy, the most known figure that has become emblematic of this subject is Barbarossa. This appellation pertains not solely to an individual pirate but to a collective entity, of which the two most notable and earliest to be awarded this appellation were the siblings Oruç (also recognized as Aruj) and Aricodemus (also recognized as Khair ad-Din). The first one, who was born in the year 1474 A.D., is renowned in historical records for having significantly augmented the quantity and prominence of Barbary pirates.⁴³ His contribution was significant in aiding the Muslim migrants who were seeking refuge from Spain during the latter half of the 15th century. In 1492, the Spanish Catholic monarchs Isabella and Ferdinand, following the conclusion of the "Reconquista", enforced the expulsion of Muslims and Jews from the Iberian Peninsula. This decision resulted in a significant influx of refugees who sought to flee religious persecution. Oruç, who had established a base of operations in the port of Algiers, identified a prospect for earning the goodwill of the Muslim refugees by assisting them in their flight. The individual in question proffered his fleet for the purpose of ferrying migrants from Spain to Algeria and other North African ports, thereby allowing them to circumvent the surveillance of Spanish vessels in the Mediterranean. The act of solidarity

⁴² Feijoo, Ramiro. "I Corsari Di Algeri, Il Terrore Del Mediterraneo." National Geographic, May 2021. https://www.storicang.it/a/i-corsari-di-algeri-il-terrore-mediterraneo_15202.

⁴³ Alfred S. Brsdford, Illustrated by Pamela M. Bradford, "Flying the Black Flag, A brief history of piracy", 2007, p.119-128

made a significant impact within the Muslim community, leading to an increase in the number of migrants and residents of port cities who joined the fleet.⁴⁴ Oruç utilized the increasing influence of the Barbary pirates and their partially autonomous territory, known as the Regency of Algiers⁴⁵, to offer a secure and lucrative alternative to a destitute and subjugated existence in Spain. Numerous Muslim refugees who had established themselves in Algiers secured employment and security in the roles of seafarers, military personnel, and dock laborers. Oruç and his brother, the renowned admiral and pirate Khair ad Din Barbarossa, established the foundation for a formidable naval fleet, which posed a tuff challenge for Spanish vessels and all Christian nations in the Mediterranean during the subsequent years.

For almost three centuries, Algiers served as the primary impetus behind Barbary. This was not solely due to the significant number of privateers it harbored but also due to the social paradigm it established. Following the demise of Ferdinand the Catholic in 1516, the Emir of Algiers solicited the assistance of Oruç Barbarossa, who had been actively engaged in the Western Mediterranean region for an extended period, in liberating himself from the Spanish Crown's vassalage. As previously noted, Barbarossa was not solely a privateer but rather commanded a formidable fleet. His reputation in Barbary was established through his assistance to the Muslim populace, who were seeking refuge from Spain. Upon his arrival in Algiers, Oruç proceeded to expel the Spanish occupants, and, as some sources suggest, he also eliminated the emir, reportedly by means of manual strangulation. Together with his brother Aricodemus, Oruç subsequently assumed authority over the city. Following Oruç's demise during the Spanish counteroffensive, his sibling resolved to establish and fortify a counteracting force against the Christian community situated across the Mediterranean. Consequently, he consented to designate Algiers as a protectorate of the Ottoman Empire and extended his dominion into the adjacent North African regions.⁴⁶ The Ottoman Empire allocated minimal military

⁴⁴ Feijoo, Ramiro. "I Corsari Di Algeri, Il Terrore Del Mediterraneo." National Geographic, May 2021. https://www.storicang.it/a/i-corsari-di-algeri-il-terrore-mediterraneo_15202.

⁴⁵ The regency of Algiers was the main point of reference for the Ottoman Empire in the Maghreb province, but due to its remoteness from the power centre of the empire, it soon obtained a virtually independent status.

⁴⁶ Feijoo, Ramiro. "I Corsari Di Algeri, Il Terrore Del Mediterraneo." National Geographic, May 2021. https://www.storicang.it/a/i-corsari-di-algeri-il-terrore-mediterraneo_15202.

resources towards safeguarding the Berber Coast, with the exception of a contingent of elite soldiers known as the Janissaries. The primary objective of the Janissaries was to impart military training to subsequent generations. The remarkable achievement of this formidable band of pirates was the establishment of a semi-autonomous and irreligious territory during the zenith of the Spanish monarchy, under the rule of the devoutly Catholic Charles V, whose empire was said to be so vast that the sun never set upon it. An instance of the unethical conduct of the pirates can be observed in the year 1504, when Oruç Barbarossa seized one of the galleys belonging to Pope Julius II in the area of the island of Elba. Such an act of derision towards the leader of the Catholic Church had the potential to provoke a strong response from the Christian nations that were known to comply with the papal directives without much hesitation. The Island of Elba was not exempt from privateer raids into Italy, which were highly prevalent in the 16th century A.D. due to the political geography of the region. Presently, there is substantial evidence of Barbary passage in the form of fortified towers along the southern coasts of the peninsula.⁴⁷

The edifices, commonly referred to as “coastal towers” or “Saracen towers”, were constructed at tactically significant locations along the coastline and served the purpose of detecting the arrival of marauding pirates and alerting nearby settlements. Frequently, they were strategically placed in such a manner as to facilitate visual contact and enable communication via fire, smoke, or light-based signaling methods. The reporting mechanism was structured in such a manner that, in the event of a potentially dubious vessel being observed, notification was transmitted to the subsequent coastal tower. Thus, the dissemination of information regarding the piracy menace occurred expeditiously, enabling the governmental entities to coordinate the safeguarding of seaside municipalities.⁴⁸

The Italic peninsula was subjected to raids by Barbaresque privateers who were initially allied with the Ottoman Empire and later with France under Francis I. Italy, known as the birthplace of Christianity, was one of the primary targets of these raids. One of the

⁴⁷ The siege of Otranto in 1480 is famous in this sense

⁴⁸ Obinu, Arianna. “Torri Costiere e Invasioni Saracene e Barbaresche: La Resilienza Dei Sardi.” *Migrazioni, Islam e Mondo Arabo*, July 2022.

benefits that privateering offered the Barbarians was the opportunity to engage in the slave trade. According to estimates, the group in question had enslaved over a million individuals of European descent over the course of its history, with the majority of these individuals identifying as Christians.⁴⁹ To provide an illustration of the phenomenon, it suffices to consider the incursion on Ischia in 1544, during which Aricodemus Barbarossa seized the island and took approximately 4,000 individuals into slavery. This number constituted nearly the entire populace of the island, which remained sparsely inhabited for a considerable period.

The Buccaneers - Pirates of the Caribbean

The phenomenon of piracy in the Caribbean region can be traced back to the 16th century, coinciding with the onset of European exploration and colonization of the Americas. Vessels hailing from Spain and Portugal, which were heavily laden with valuable commodities sourced from their colonies, swiftly became alluring targets for individuals who engaged in acts of piracy. The British, French, and Dutch, who possessed prior knowledge of navigating the Atlantic and trade routes of Africa, capitalized on the absence of Spanish and Portuguese control in the region to exploit the resources of the New World and diminish the strength of their adversaries. Initially, a significant number of pirates subsisted by engaging in hunting activities and vending tobacco. It was only subsequently that they coalesced into groups and established themselves on Caribbean islands such as Tortuga and Providence Island, from where they launched assaults on Spanish and Portuguese commercial vessels. The act of piracy swiftly emerged as a highly profitable means of generating revenue for numerous individuals, proliferating rapidly amongst seafarers and inhabitants of various islands.⁵⁰

Numerous pirates gained notoriety and instilled fear, with the most prominent figures including Francis Drake, William Kidd, and Edward Teach, who was commonly referred to as Blackbeard. The duration of their activities spanned approximately two centuries

⁴⁹ Zanichelli. "Schiavi Bianchi Negli Stati Barbareschi (Secoli XVI-XIX)." *Zhistorica - Centro Studi Storici*, August 2015. <https://zweilawyer.com/2015/08/10/schiavi-bianchi-negli-stati-barbareschi/>.

⁵⁰ Alfred S. Brsdford, Illustrated by Pamela M. Bradford, "Flying the Black Flag, A brief history of piracy", 2007, p.85-118

until the mid-18th century, at which point European powers initiated more robust opposition against them and safeguarded trade routes through the use of warships and armed escorts. The epoch under consideration was commonly known as the golden age of piracy. This designation was contingent upon the availability of traded commodities and, for a certain duration, the absence of maritime patrols due to the Spanish War of Secession. This circumstance allowed pirates to operate with impunity in the Caribbean region. As observed previously, piracy is a phenomenon that exhibits a correlation with the magnitude of maritime commerce, reaching its zenith during the commencement of the utilization of resources from the New World. The Caribbean pirates exhibited a diverse array of characteristics, including varying origins and social backgrounds. They operated both independently and on behalf of European monarchies in the capacity of privateers. The aforementioned trio of English pirates were among the most renowned:

- **Francis Drake** served as a privateer under the patronage of Queen Elizabeth I of England. During the 16th century, England experienced a significant rise in its maritime and commercial influence, which led to a substantial expansion of its fleet. In this era, Queen Elizabeth I endeavored to advance England's commercial expansion, particularly in the New World. Nevertheless, England was engaged in competition with other maritime powers, namely Spain and Portugal, who had already established significant colonies and trade routes in the Americas. Drake had previously attained notoriety for his assaults on Spanish settlements in Central and South America and had demonstrated his proficiency in navigation and effectiveness in leadership. Queen Elizabeth I perceived Drake as a valuable ally in her efforts to advance England's commercial expansion. In 1577, Queen Elizabeth I appointed Drake to lead an expedition aimed at disrupting Spanish trade routes in the Americas. On December 13, 1577, a fleet consisting of five vessels set sail from Plymouth Harbor with the objective of circumnavigating the earth and engaging in hostile actions against Spanish ports, ships, and coastal settlements situated along the South American coastline. Throughout the expedition, Sir Francis Drake and his fleet engaged in acts of aggression against various Spanish vessels and conducted raids on multiple settlements situated along the South American coastline. Upon Drake's arrival in 1580, he brought with him a substantial amount of plunder that exceeded the biennial income of England's coffers. It is worth noting that half of this loot was attributed to the

queen. The spoils that Drake acquired upon his return served as evidence to the English monarchy regarding the susceptibility of the Spanish empire and the plentiful resources that were available in the New World. As a gesture of appreciation for his contributions during the expedition, he was bestowed a knighthood by the monarchy.⁵¹

- **William Kidd**, a renowned English pirate of the 17th century, differed from Drake in that he primarily operated in the Indian Ocean rather than the Caribbean. In 1696, Kidd received a commission from the English government to spearhead a mission aimed at suppressing piracy in the Indian Ocean. The crew was comprised of sailors hailing from both England and the United States. The individual in question embarked on a voyage aboard his vessel, the Adventure Galley, of which he held the position of captain. Regrettably, the expedition did not yield the desired outcome, as only a limited number of pirates were apprehended. Furthermore, the crew of Kidd's ship rebelled due to the excessive number of individuals on board and the prevalence of illnesses that resulted in the loss of numerous sailors' lives. Consequently, the captain was compelled to seek sanctuary in Madagascar. Kidd's dire circumstances compelled him to assume leadership of his crew, whom he had previously pledged renown and plunder, and direct them towards engaging in acts of piracy. The document granted to Kidd by the British monarchy, commonly referred to as the race letter, did not confer upon him the authority to engage in hostilities against vessels displaying national ensigns. Rather, its scope was limited to the pursuit and capture of pirate vessels or those belonging to the French, with the aim of securing tactical benefits for the War of the Augustan League, a conflict in which the two aforementioned nations were engaged in enmity. Kidd's actions were not limited to attacking solely British ships; he engaged in indiscriminate attacks. This resulted in him being pursued by authorities and becoming a fugitive. Nevertheless, his exploits and reputation for successful looting became widely known and celebrated. The individual in question was apprehended and subsequently condemned to capital punishment by hanging. His remains were then exhibited in a state of restraint for a duration of three years, suspended along the banks of the Thames, with the intention of

⁵¹ Alessandro Barbero, "Sir Francis Drake Doc", Rai Storia, 2015

serving as a deterrent to other individuals who may have been considering engaging in piracy. It is imperative to note that the allegation of piracy leveled against Kidd has frequently been a topic of dispute and conjecture. Certain academics have posited that he was potentially subject to a political plot, whereas alternative theories suggest that Kidd's amassed wealth was acquired through lawful means rather than illicit endeavors.⁵²

- **Edward Teach**, known by his alias Blackbeard, is believed to have been born in England in 1680. Limited information is available regarding his upbringing and familial background. However, historical records indicate that he commenced his piracy vocation circa 1716, upon enlisting in the ranks of the renowned pirate Benjamin Hornigold. Blackbeard is widely regarded as the most emblematic pirate in the annals of piracy, owing not to his accomplishments but rather to his way of life as perceived in the popular consciousness. Blackbeard and Hornigold embarked on a joint expedition across the Caribbean and the Atlantic coastline of the American colonies, whereby they engaged in piracy by raiding merchant vessels and coastal communities. In the year 1717, Hornigold made the decision to retire from his piratical activities and subsequently transferred ownership of his vessel, the *Queen Anne's Revenge*, to Blackbeard⁵³. By acquiring the *Queen Anne's Revenge*, Blackbeard escalated his assaults on English, French, and Dutch merchant vessels, thereby cementing his reputation as one of the most dreaded pirates in the Caribbean. The individual in question engaged in aggressive behavior towards over 140 vessels, resulting in the accumulation of a significant amount of wealth. During the period spanning from 1716 to 1718, he exercised permanent control over the Caribbean Sea, owing to his extensive fleet and

⁵² Alfred S. Brsdford, Illustrated by Pamela M. Bradford , “Flying the Black Flag, A brief history of piracy”, 2007, p.111-118

⁵³ Alfred S. Brsdford, Illustrated by Pamela M. Bradford , “Flying the Black Flag, A brief history of piracy”, 2007, p.117-118

alliances. In 1718, the Royal Navy was responsible for his demise. In contrast to Drake and Kidd, Blackbeard did not engage in privateering via mail⁵⁴.

As previously noted, this era is widely regarded as the pinnacle of piracy, during which numerous privateers, buccaneers, and marauders played a significant role in shaping contemporary pirate mythology. It is noteworthy to mention the "Pirate Republic," a league governed by pirates that operated from Nassau, located on the island of New Providence in the Bahamas. This league established its social and legal framework on the "pirate code" and served as a significant hub for piracy during its time. The aforementioned code prescribed that the spoils of war were to be distributed equitably and that the selection of captains and representatives of the republic was to be conducted democratically via a fair and impartial popular vote. Benjamin Hornigold and Henri Jennings were identified as the primary leaders among the pirate community. However, Edward Teach, commonly known as Blackbeard, held a significant presence within the socio-political landscape of the republic. The aforementioned unacknowledged territory was comprised solely of seasoned pirates, privateers who were rendered jobless as a result of the conclusion of the Spanish War of Secession, and seafarers in pursuit of their fortunes. The fact that a group of criminals was able to establish a democratic republic is a thought-provoking matter, particularly when considering the persistence of social inequalities that plagued European nations for the following 250 years. King George I sent Woodes Rogers, a British privateer, with the specific mission of driving the pirates out of the Bahamas, and it was his intervention that put an end to the dream. Rogers not only accomplished this objective but also reclaimed control of the archipelago and was subsequently appointed as its governor.⁵⁵

⁵⁴ Fonzo, Erminio. "Chi Era Barbanera: La Vera Storia Del Pirata Che Dominò i Caraibi All'inizio Del '700" *GeoPop*, December 2022. <https://www.geopop.it/chi-era-barbanera-la-vera-storia-del-pirata-che-dominio-i-caraibi-allinizio-del-700/>.

⁵⁵ Atlante Treccani. "Barbanera e l'epoca d'oro Della Pirateria," November 2018. https://www.treccani.it/magazine/atlane/cultura/Barbanera_e_l_epoca_d_oro_della_pirateria.html.

The end of the Barbarians Pirates

The Barbary corsairs, serving as the Ottoman navy's armed wing, had a significant impact on the Mediterranean's history for approximately 450 years. Their actions redefined piracy and established a lasting legacy as the most influential pirate dynasty in the region's maritime commerce. They were able to modify the trajectory of Renaissance history and alter the distribution of power among the various forces involved. The primary cause of their downfall can be attributed to six key factors:

- The increasing naval prowess of European nations, specifically Spain, France, and Britain, resulted in a notable decrease in the Barbarians' ability to engage in privateering.
- The Ottoman Empire's ascent in the political arena and its inclination towards fostering friendly ties with European nations resulted in the progressive waning of Turkish backing for Barbary corsairs.
- The 19th century witnessed the abolition of slavery in a significant portion of Europe and the Americas. This development had a profound impact on the Barbary corsairs, whose primary source of income was the trade of slaves.
- The submergence of the Algerian naval forces in the year 1816.
- The French occupation of Algeria in 1830 that marked the beginning of the end of the independence of the North African barbarian states.
- The Barbary Wars against the United States.

Further elaboration is warranted for the final point. The Barbary Wars refer to a sequence of hostilities that occurred between the United States and North African nations, with a particular focus on Tripolitania, Algeria, Morocco, and Tunisia, during the latter part of the 18th century and the early part of the 19th century. The regions of Tripolitania, Algeria, and Morocco were historically considered the Berber Coast, which encompassed

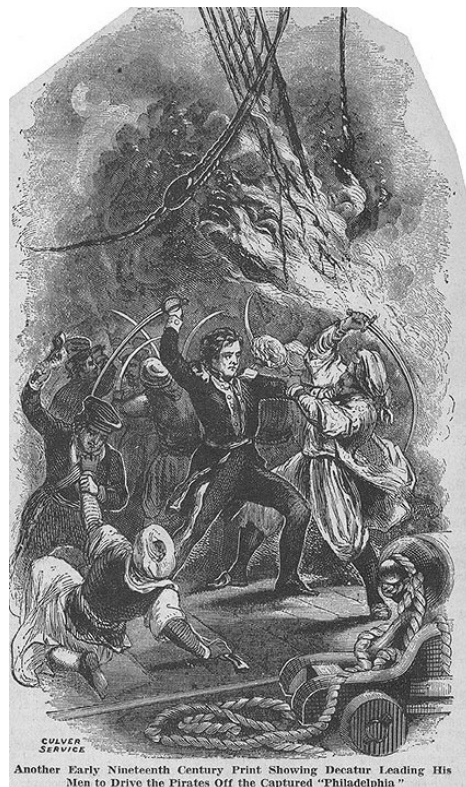
the amalgamation of various North African states characterized as barbarian. These nations had established a lengthy practice of attacking foreign merchant vessels and abducting their crews for monetary gain, primarily originating from the trade of commodities between South America and European colonial powers, as previously noted.⁵⁶ Following their attainment of independence, the United States commenced trading with Europe, albeit encountering obstacles in the form of Barbary pirates. Following some acts of piracy perpetrated against American merchant ships, President George Washington made an agreement with the Berber Coast countries. The Treaty of Tripoli was executed, stipulating the payment of \$60,000 on a yearly basis from the United States to the nations of Tripolitania, subject to the condition that they desist from assaulting American commercial vessels.⁵⁷ It is possible to classify the United States' payment as an act of extortion. However, it was made with the intention of preventing conflict and safeguarding the well-being of American merchants. The Treaty of Tripoli gained notoriety due to the inclusion of Article 11, which explicitly declared that the United States government was not established on the basis of the Christian religion. This clause emphasized the secular character of the American state and the significance of refraining from entering into agreements with Christian states, which had been engaged in hostilities and pillaging with the Berber Coast nations for four centuries prior.

The initial Barbary War was instigated in 1801, as a result of Tripolitania's declaration of war against the United States, following President Thomas Jefferson's resolution to terminate payments for safeguarding U.S. vessels from Barbary pirate attacks. The conflict was ultimately resolved through a peace accord in 1805. An incident of significance during the conflict took place in the year 1803, when the USS Philadelphia, a frigate belonging to the United States Navy, was seized by Barbary pirates in the waters near Libya. The vessel had become stranded on a shallow area of the sea floor during its attempt to intercept a hostile vessel, providing an opportunity for the Barbary corsairs to launch an assault and take control of the personnel. During the month of February in the year 1804, Stephen Decatur assumed leadership of a contingent of naval personnel and infantrymen in an unexpected military maneuver. The military personnel successfully

⁵⁶ Alfred S. Brsdford, Illustrated by Pamela M. Bradford, "Flying the Black Flag, A brief history of piracy", 2007, p.149-159

⁵⁷ Alfred S. Brsdford, Illustrated by Pamela M. Bradford, "Flying the Black Flag, A brief history of piracy", 2007, p.151-154

penetrated the harbor and initiated a conflagration on the vessel named Philadelphia, resulting in its obliteration and thereby obstructing its permanent acquisition by the adversary.⁵⁸ In accordance with a prior agreement, the United States dutifully fulfilled its payment obligations until 1815. However, upon the commencement of renewed hostilities, the United States, leveraging its naval capabilities, ultimately succeeded in terminating the conflict during the Second Barbary War. As a result of this victory, the United States successfully eradicated the threat posed by piracy. In 1816, the British and Dutch navies jointly entered the port of Algiers and effectively destroyed the majority of the pirate fleet. Similarly, in 1830, the French employed the tactic of sinking privateer ships and suppressing piracy as a means to occupy and colonize Algeria, thereby bringing an end to the era of Barbary pirates.⁵⁹



⁶⁰ (Figure 6)

⁵⁸ Alfred S. Brsdford, Illustrated by Pamela M. Bradford , “Flying the Black Flag, A brief history of piracy”, 2007, p.153-155

⁵⁹ Alfred S. Brsdford, Illustrated by Pamela M. Bradford , “Flying the Black Flag, A brief history of piracy”, 2007, p.179-181

⁶⁰ Naval History and Heritage Command National Museum of the U.S. Navy, “Burning of USS Philadelphia, 16 February 1804“, Reproduction of a 19th Century engraving, depicting Lieutenant Stephen Decatur leading his men as they recaptured the Philadelphia in Tripoli harbor, prior to setting her afire. Published in the American Weekly supplement to the Washington Times-Herald, circa March-April 1940, illustrating an article by Harold T. Wilkins. U.S. Naval History and Heritage Command Photograph. Catalog #: NH 50528

International Relations Theories applied on the History of Piracy

- **Realism:** Of all the theories of international relations, realism is probably the one that can claim the strongest relationship with the historical concept of piracy. In ancient times, pirates assumed the attitude of a people. This is the case of the Sea Peoples, it is the case of the pirates of Cilicia who were defeated with an army by Pompey the Great, it is the case of the Vikings who often settled in the lands they conquered, it is even more the case of the Barbary pirates who had a real nation for a few centuries. The first pirates seen historically not as a people but as individuals acting for personal ends were probably the Pirates of the Caribbean, although as seen they too made an attempt to establish a nation with the Pirate Republic. The realism that sees bellicosity as the dominant character of the relationship between nations as the basis of its doctrine is thus easily applicable in historical piracy from its earliest beginnings with the Sea Peoples. The latter even partly caused the Bronze Age Collapse due to their extreme belligerence and interference in the equilibrium of the time. Moving on, the Cilician pirates were confronted by the Romans exactly as if they were clashing against another nation, which depended on the threat they had brought to Rome and risked putting the empire into extreme crisis. The same applies to the Barbary pirates who founded a real nation and put the Italian peninsula to the sword for centuries, using important fleets they partly dominated the Mediterranean until the 19th century. Realism therefore describes the pirates as a national and popular force that has historically played its game with violence, demonstrating that, at least in ancient times, realist theory found application not only in the actual clash between nations but also between pseudo-states or peoples who, with the right aggression, have been protagonists of Mediterranean history on several occasions. Today, however, realism is hardly concerned with the phenomenon of piracy. Although pirates, as we shall see later, can still disrupt international balances (e.g. by threatening the global economy), they no longer have effective control over any land and no longer have the status of a people or nation. The force used in the repression of the phenomenon is in fact proportionate to the threat, the fight against piracy is treated as a fight against crime, not as a war fought against an army, which is why the destructive force that would be used in the case of war is not used, and which

historically has been used on several occasions, as in the case of Pompey the Great. The theory of realism thus finds extreme applicability in the historical context in which piracy developed.

- **Idealism:** This theory is quite far from ancient piracy but closer to modern piracy. If the aspiration of perpetual peace was inapplicable in ancient times, it is somewhat more so in modern times despite being globally still far away. In this scenario, ancient piracy is at the antipodes to idealism in that for the latter to apply, the presence of at least a series of coordinated regimes is essential; the phenomenon of piracy was instead, by intrinsic definition, an aggressive assault that would under no circumstances allow it to coexist with the principles of idealism. In modern times, the situation changes at least conceptually. While in ancient times, people were often pirates by birth, in modern times, as analysed below, piracy is a phenomenon closely linked to poverty. In the utopia of a world supported by the idealist principle, social inequality should be absent or at least minimal, piracy would consequently not exist. Placing the human being at the centre of the international scenario in order to pursue common goods also means sharing such wealth acquired in the sharing of interests, in such a world piracy would undoubtedly be one of the most ostracised phenomena ever as the damage it could potentially cause would be immense, but as said in such a world piracy would probably not exist.
- **Marxism:** The analysis of Marxism in relation to piracy is more complicated and multifaceted. It must first be said that it is probably like realism the theory best suited to piracy, if realism applies primarily to ancient piracy Marxism is the theory best suited to modern piracy. Since the birth of capitalism, Marxism sees a clear division in the world between states with knowledge and capital and states without these elements and therefore exploited by the former. Piracy fits into this scenario by playing a double role, on the one hand it is the fruit of that part of the world that is exploited and therefore its very existence is defined by Marxism, on the other hand it promotes an action in part of social justice, going to damage that same market and those same powers that exploit the states from which the pirates themselves have been generated because of the exploitation promoted by that economic system that the pirates damage.

- **Constructivism:** The fourth and final theory, just like idealism, does not sit particularly well with either the ancient or modern history of piracy. While constructivism describes international relations as social constructs and not as inevitable consequences of human nature, piracy is a pure consequence of human nature, both historically and in modern times, albeit for different reasons. While in ancient times piracy, as repeatedly emphasised, was an activity of a community or an entire people, in modern times it is often poverty that induces people to commit this crime. In the first case, it is the human nature to overpower and dominate, as well as the will to survive that has led such peoples to commit acts of piracy, in the second case, it is the will to turn their lives around from the misery that wars and oppression have brought. Both these two cases, though different, are linked by the fact that they are behaviours intrinsic to human nature. The desire to overpower derives from the will to improve one's own condition and that of one's people, the desire to attack ships and demand ransoms (as Somali pirates do) also derives from the will to improve one's condition. Both piracy, ancient and modern therefore, are sides of the same coin and both are driven by behaviour inherent in human nature, which is why constructivist theory has no place in defining piracy.

Chapter 2

International antipiracy cooperation

Disclaimer

Prior to delving into an explanation of contemporary anti-piracy measures, it is crucial to establish a fundamental differentiation between piracy and terrorism. For several decades, piracy has been a persistent problem on the most heavily trafficked trade routes. Numerous merchant and cargo vessels fall prey to unscrupulous pirates who aim to rob a portion of the ships' cargo or extort ransoms in return for the release of goods and the safety of crew personnel. Although piracy and terrorism are separate forms of criminal activity, there are certain similarities that can be observed between them. Both phenomena can encompass the utilization of physical force, the intentional victimization of non-combatants and economic entities, and the interference with global trade and business activities. According to international law, piracy is characterized as an act of theft or criminal violence that takes place at sea. The modus operandi of pirates involves locate commercial vessels and their cargo as their preferred targets, with the primary objective of appropriating high-value merchandise or coercing monetary compensation via ransom. In contrast, terrorism is characterized as the utilization of force and coercion to achieve political or ideological objectives. Terrorists have been known to selectively target non-combatant civilians, high-ranking government officials, and crucial infrastructure in order to instill a sense of terror, disrupt societal stability, or further their ideological agenda. Although piracy can involve violent acts and the abduction of hostages, it is typically classified as a criminal offense rather than an act of terrorism. The primary objective of pirates is to generate revenue, as opposed to promoting a political or ideological motive. Nonetheless, there exist instances wherein piracy is employed as a mechanism to fund additional unlawful or extremist undertakings or when pirates are affiliated with other illicit or extremist groups. In such instances, the differentiation between acts of piracy and terrorism may become less unequivocal. One instance is the Somali-based extremist organization Al-Shabaab, which has reportedly profited from piracy by levying taxes on pirate groups operating within its jurisdiction. Furthermore,

the group has been reputed to offer assistance to individuals engaging in piracy, encompassing the provision of safeguarding measures and secure locations for pirate vessels and captives.⁶¹ It is noteworthy that various legal instruments have been adopted by the international community, including the "United Nations Convention on the Law of the Sea (UNCLOS)" and the report of the Monitoring Group on Somalia and Eritrea by the United Nations Monitoring Group on Somalia and Eritrea (UNSOM) in 2015. The international community has implemented the "United Nations Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA)" in an effort to counter piracy. However, there is currently no singular international legal mechanism that is tailored to address piracy as a manifestation of terrorism. It is necessary to acknowledge that terrorist groups have the capability to conduct operations via maritime means, although this does not categorize them as pirates. Following the September 11, 2001, attacks in the United States of America, reports emerged revealing that Osama bin Laden, the leader of al-Qaeda, possessed a fleet of approximately twenty merchant ships. This collection of vessels was subsequently dubbed 'The al-Qaeda Navy' by certain media. Maritime terrorism is a occurrence that has disrupted the peace and stability of the waters in Southeast Asia. According to Admiral Ferdinando Sanfelice di Monteforte's publication titled 'Guerra e Mare', the GAM (Gerakan Aceh Merdeka) extremists⁶², who are believed to have affiliations with al-Qaeda, engaged in a series of assaults on vessels traversing near the Sumatran shoreline. These attacks were directed at both cargo and passenger ships. In the year 2000, it was mandated that commercial vessels be required to remit a fee in order to traverse the Strait of Malacca.⁶³ Acts of piracy are not recognized under international law when they involve the forced control of certain sea areas for the purpose of extortion or the assault of vessels for ideological reasons, as explained by the aforementioned justifications. The present compilation exclusively pertains to international cooperation endeavors, resolutions, and legislation that solely address acts that can be attributed to piracy. It is important to note that such acts are distinct from terrorism in all its manifestations, including maritime terrorism.

⁶¹ United Nations Monitoring Group on Somalia and Eritrea (UNSOM) "Report of the Monitoring Group on Somalia and Eritrea" (2015)

⁶² Il GAM è un movimento separatista attivo nella regione di Aceh, in Indonesia. Fondato nel 1976, il GAM ha l'obiettivo di ottenere l'indipendenza della provincia di Aceh dal governo centrale indonesiano.

⁶³ Ferdinando Sanfelice di Monteforte; "Guerra e Mare, conflitti, politica e diritto marittimo", 2015 p.201-207

Birth of international anti-piracy cooperation

The contemporary efforts to combat piracy, which encompass both domestic and global measures, emerged in the 20th century as a reaction to the escalation of pirate operations that posed a significant threat to worldwide maritime trade. As evidenced earlier, the endeavor to combat piracy is a phenomenon with historical roots that extend back several centuries and even millennia. Contemporary anti-piracy measures have undergone a notable transformation and escalation of activities in the past few decades, particularly due to the emergence of piracy-related incidents in specific global areas, such as the Horn of Africa and the Gulf of Guinea.

During the 1990s, the issue of piracy, particularly in the waters surrounding Somalia, garnered heightened global scrutiny. The incidence of piracy in the area escalated to a critical level during the initial ten years of the 21st century, posing a threat to both commercial shipping and maritime security. The emergence of Somali piracy prompted the creation of a global alliance aimed at mitigating its impact. This involved the implementation of collaborative naval initiatives, including the United Nations-sponsored Combined Task Force 151 (CTF-151) and the European Union's Operation Atalanta.

Concurrently, the escalation of piracy incidents in the Gulf of Guinea, a crucial zone for maritime transportation and the petroleum sector, has prompted the establishment of local and global endeavors aimed at combating piracy within the region. Regional entities such as the West Africa Regional Maritime Security Centre (CRESMAO) and the Gulf of Guinea Commission have facilitated collaboration and synchronization among nations within the vicinity to combat piracy.

Apart from military and security operations, international measures have been implemented to combat maritime piracy. The 1982 United Nations Convention on the Law of the Sea (UNCLOS) primarily provides the legal framework for addressing maritime piracy and establishing principles of international jurisdiction and cooperation. Furthermore, the International Maritime Organization (IMO) and the International Chamber of Commerce (ICC) have been instrumental in facilitating the coordination of anti-piracy initiatives, fostering the dissemination of information, formulating guidelines, and enhancing awareness of the risks of maritime piracy. The contemporary endeavor to

combat piracy is a worldwide undertaking that encompasses a diverse array of stakeholders, such as governmental bodies, regional and global institutions, the maritime sector, and non-state organizations. The ongoing battle against piracy at sea presents a dynamic and complex issue that demands continual attentiveness and global collaboration in order to safeguard maritime routes and preserve worldwide concerns.

The United Nations Convention on the Law of the Sea (UNCLOS)

The United Nations Convention on the Law of the Sea (UNCLOS) is an international intergovernmental agreement that delineates the menace of contemporary piracy and, significantly, establishes the basis for counter-piracy measures. The aforementioned is a global agreement that sets forth a lawful structure for the administration of oceanic resources and nautical territories. The United Nations Convention on the Law of the Sea (UNCLOS), which was officially adopted in 1982, is widely regarded as the primary international agreement that regulates maritime affairs. The compilation comprises numerous articles that address a diverse array of topics such as the entitlements and obligations of coastal nations, demarcation of sea borders, seafaring and marine transportation, safeguarding of the oceanic ecosystem, preservation of marine reserves, piracy, scientific inquiry, and additional themes. The United Nations has seen widespread ratification of UNCLOS by numerous member states, yet the United States of America remains conspicuously absent from the list of signatories.⁶⁴ The already mentioned treaty serves as the primary regulatory mechanism for overseeing human activities within oceanic and transnational aquatic environments.

The United Nations Convention on the Law of the Sea establishes a fundamental principle regarding the sovereignty of coastal states over their territorial waters. This sovereignty extends up to 12 nautical miles from the coastal baseline, which is also known as the contiguous belt. Furthermore, the aforementioned document delineates maritime zones

⁶⁴ Ferdinando Sanfelice di Monteforte; “Guerra e Mare, conflitti, politica e diritto marittimo”, 2015 p.154-155

and spaces, including the continental shelf⁶⁵ and the exclusive economic zone (EEZ),⁶⁶ which has a maximum extent of 200 nautical miles from the coastal baseline. Section VII of this convention is primarily dedicated to the topic of maritime piracy. It outlines the regulations and protocols for addressing and penalizing instances of piracy while also promoting global collaboration in the effort to combat this detrimental issue. There are a total of nine articles that address the aforementioned phenomenon, specifically articles 100 through 107 and 110.⁶⁷

- Article 100 stipulates that the adhering nations are obligated to engage in maximum cooperation to combat piracy. The article, while lacking specificity, implies that the details of this cooperation were to be determined through subsequent international agreements on the matter.
- Article 101 provides a comprehensive definition of piracy, which is delineated through the following enumerated points:
 - (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

⁶⁵ Definition of continental shelf from the Treccani encyclopaedia: "According to the United Nations Convention on the Law of the Sea (Montego Bay, 1982). It is the submerged part of the continents that extends, with an average slope of 0.1°, from the coastline to a depth established by convention. Constituting a natural extension of the mainland, the extent of each state's continental shelf depends on the geological conformation of its coastline." <https://www.treccani.it/enciclopedia/piattaforma-continentale>

⁶⁶ Definition of Exclusive Economic Zone from the Treccani encyclopaedia: "In international law, an exclusive economic zone is defined as the portion of sea adjacent to territorial waters, which may extend up to 200 miles from the baselines from which the breadth of the territorial sea is measured. Established by the 1982 United Nations Convention on the Law of the Sea, the exclusive economic zone becomes effective upon its formal proclamation by the coastal state." <https://www.treccani.it/enciclopedia/zona-economica-esclusiva>

⁶⁷ Caffio Fabio, Ronzitti Natalino; "La pirateria: che fare per sconfiggerla?", Roma, Camera dei deputati, n.44 aprile 2012 p.2 - 3

- (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 of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).⁶⁸
- According to Article 102, the act of a military vessel seizing a private ship does not qualify as an act of piracy unless the same military personnel subsequently employ the seized ship to engage in acts of piracy after a mutiny has occurred.
 - According to Article 103, in the event of an act of piracy, it is permissible to seize a private ship and apprehend the individuals responsible for the act.
 - Article 104 elucidates that a vessel or aircraft utilized for the commission of piracy may maintain its national identity provided that its confiscation or deprivation falls within the purview of the legal systems of the respective states whose flags the vessel or aircraft is flying.
 - Article 105 explain the steps to take that in the event that a state's armed forces intercept a pirate vessel on the open seas. The article specifies that the state in question is authorized to determine the appropriate punitive measures to be taken against the pirates, as well as the manner in which the confiscated vessel, aircraft, and any seized goods are to be handled.
 - Article 106 pertains to the allocation of responsibilities by a state that chooses to detain individuals for acts of piracy in the event that the evidence against the suspects is deemed insufficient. The article elucidates that the respective state bears the responsibility to provide compensation in the event of an error of this nature.
 - Article 107 stipulates that only the means and personnel affiliated with a state's police force or military possess the entitlement to apprehend ships or aircraft on allegations of piracy.

⁶⁸ United Nations Convention on the Law of the Sea, art. 101,
https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

- Article 110 delineates the responsibility of the state in situations where it has erroneously attributed a given circumstance to acts of piracy. In contrast to Article 106, this provision specifies that if a ship has been detained and the resulting delay has caused financial harm or gain to the shipowner, the state responsible for the detention must provide compensation.⁶⁹

The protection of the international free market by sea

Safeguarding the global free market via maritime means against piracy is an essential operation to guarantee the security and steadiness of international trade pathways. Given its effectiveness, international cooperation is a widely used tool to combat this threat. States engage in collaborative efforts through agreements and conventions to synchronize their anti-piracy endeavors and exchange intelligence on potential threats. Multinational naval forces are frequently dispatched to perilous waters to combat the escalation of criminal activities aimed at disrupting commercial pathways. The maritime security operations encompass a range of activities, including patrols, surveillance, convoy escorts, and direct intervention against piracy. Prominent endeavors to combat piracy comprise the European Union's mission EUNAVFOR Operation Atalanta, which is conducted along the coast of Somalia, and NATO's Operation Ocean Shield, which is also executed in the same area. Commercial vessels also implement self-defense measures to safeguard themselves, such as deploying armed guards on board vessels, implementing the Best Practices for maritime security procedures, installing warning systems, and conducting voyages in high-risk zones in convoys or under the protection of naval vessels. Furthermore, certain states, predominantly in Africa, have instituted specialized courts with the sole purpose of prosecuting piracy-related offenses in accordance with legal frameworks. Kenya was the pioneer in this regard by instituting the Mombasa Piracy Court, which specializes in the adjudication of piracy incidents committed off the coast of Somalia, predominantly by Somali pirates.⁷⁰ Moreover, it is important to specify that

⁶⁹ Caffio Fabio, Ronzitti Natalino; "La pirateria: che fare per sconfiggerla?", Roma, Camera dei deputati, n.44, aprile 2012 p.2 - 3

⁷⁰ A cura dell'Ufficio Legale del COI, Difesa alla Ribalta Unione Europea - Operazione Atalanta. Esercizio della giurisdizione nell'operazione Atalanta.
https://www.difesa.it/InformazioniDellaDifesa/periodico/IIPeriodico_AnniPrecedenti/Documents/Unione_Europea_-_Operazione_Atala_665Atalanta.pdf

the maritime transportation of commodities constitutes over 80% of worldwide trade. The occurrence of disruptive operations in ports or shipping lanes can impede the delivery of essential commodities such as food, energy, and medicine to their destination. This can lead to substantial price hikes for both producers and consumers.⁷¹ Typically, vessels engaged in the commercial transportation of such commodities tend to follow established maritime routes to reach their intended ports of call. The port of Rotterdam serves as the primary distribution hub for goods in Europe. To avoid the significant increase in transportation costs and time associated with circumnavigating Africa, goods shipped from Asia typically pass through the Strait of Malacca and the Suez Canal up to their final destination. The aforementioned locations are widely recognized as pirate havens due to their geographical features. In order to protect the global economy and maintain reasonable shipping expenses, concerned nations have implemented specific measures. These nations are primarily invested in the smooth functioning of the free market, as it aligns with their interests. Such actions have been taken even before the nations from which the pirates originate, which are often situated in challenging socio-economic circumstances and typically do not actively participate in international trade, Somalia serves as a prime illustration of this phenomenon, as it lacks any tangible, proactive, and concrete incentive to curtail piracy operations since it does not suffer direct harm from them. The Somali military is motivated to engage in active patrolling to prevent piracy by nations that have invested in the region. As previously stated, the primary mechanism available for addressing piracy is Section VII of UNCLOS. However, this provision grants states complete discretion in responding to the piracy issue without offering specific directives for a collective approach. As per the Montego Bay Convention, sovereign states possess the authority to apprehend and handle pirates in a manner that aligns with their own discretion. However, this approach has proven inadequate in combating the issue of organized piracy. Preserving the integrity of one's own seas or adjacent coasts could prove advantageous. However, investing in an anti-piracy initiative in distant waters is likely to result in substantial costs and minimal returns for any given nation. The goal of international cooperation is to use the UNCLOS framework to effectively address the issue of preserving the maritime economy, which has a significant impact on numerous nations worldwide. The commencement of anti-piracy measures has

⁷¹ UNCTAD. "Review of Maritime Transport 2022".
<https://unctad.org/rmt2022>

been observed through the issuance of diverse resolutions by the United Nations Security Council and the establishment of international garrisons and missions aimed at protecting national interests by countering piracy. Similar to other regions of the continent, the Horn of Africa has a long history of social inequality, poverty, and political instability. In 2008, these factors reached a threshold that resulted in a regional rupture, commonly referred to as the “Horn of Africa crisis.” Within a geopolitical context, a significant number of individuals, 13 million in total, have been forced to vacate their homeland due to the occurrence of armed conflicts, droughts, and famines. In 2008, the region experienced the most severe drought in six decades, coupled with an unprecedented famine, the worst in the last two decades.⁷² Despite efforts towards international humanitarian cooperation, these endeavors have been unsuccessful. Under such circumstances, it can be argued that the political and governmental entities have relinquished their authority over the state of affairs in the region, assuming that they had any appearance of control to begin with. Under such circumstances, piracy is not deemed to be among the most pressing issues and is permitted to propagate and expand. According to some theories, the local population's growing desperation is what is driving the piracy phenomenon in Somalia and the Horn of Africa. The large merchant vessels carrying valuable goods bound for the Western market that traverse the Gulf of Aden along the Somali coast and via to the Suez Canal are particularly attractive targets for piracy, especially for those who have been forced to leave their homeland or engage in unlawful activities in order to sustain themselves. The emerging geopolitical situation has initiated a significant challenge to the security of global markets. As per the data provided by the ICC International Maritime Bureau (IMB), the year 2008 witnessed a significant surge in the frequency of pirate attacks and seizures. The year 2008 witnessed a surge in piracy incidents in the Horn of Africa, with a total of 293 attacks being recorded, indicating an 11% rise from the preceding year (as illustrated in Figure 7). In the same year, the International Maritime Bureau reported a total of 49 instances of ship hijacking, resulting in the abduction of 889 crew members. Furthermore, it was reported that 46 vessels were subjected to firearm assaults. The aforementioned attacks led to the harm of 32 individuals who were part of the crew, the demise of 11 individuals, and the current absence of 21 individuals who are

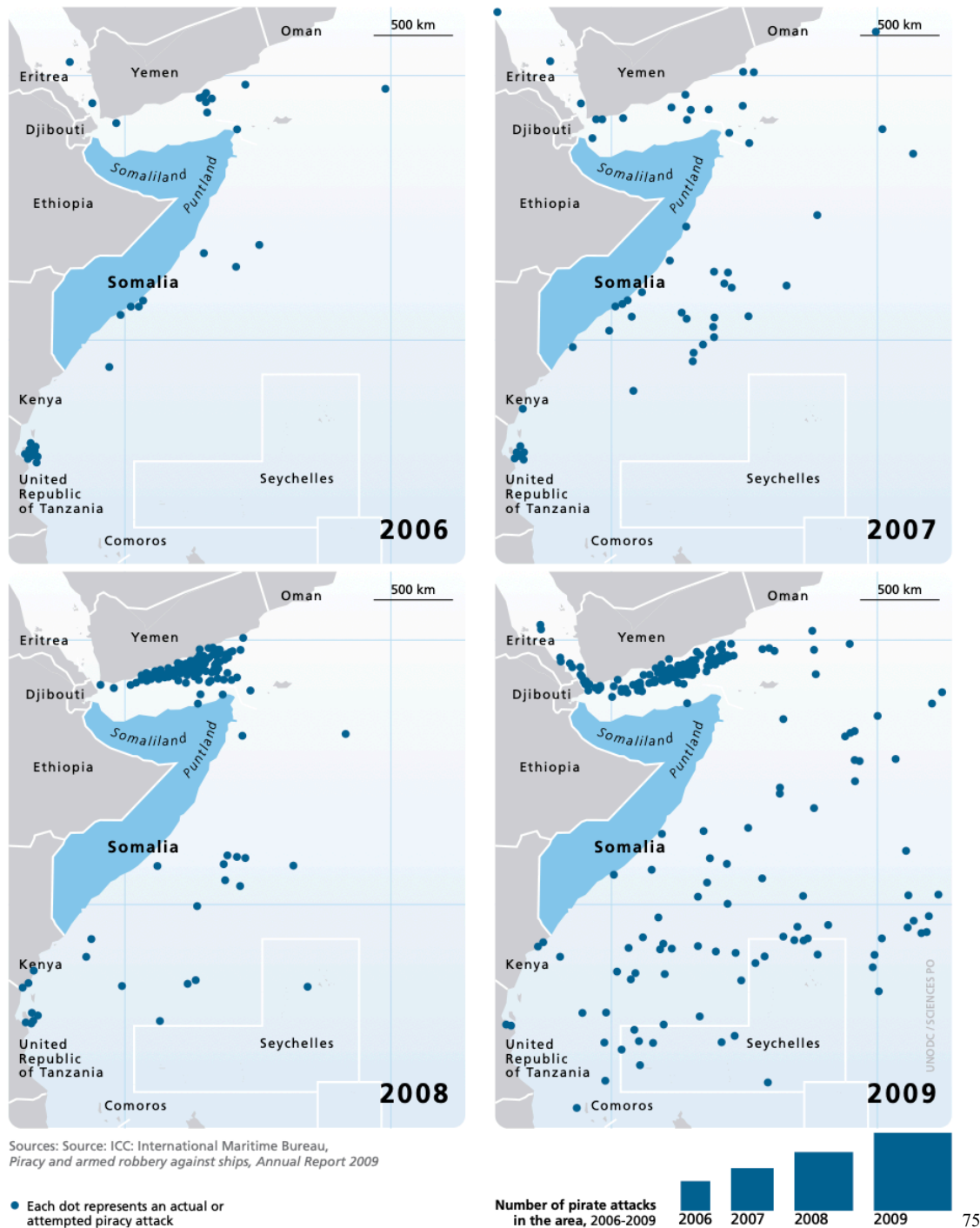
⁷² Marco Zupi, *La Crisi del Corno d'Africa*, Osservatorio di politica internazionale, A cura del CeSPI (Centro Studi di Politica Internazionale), n.43 Novembre 2011
<https://www.parlamento.it/application/xmanager/projects/parlamento/file/repository/affariinternazionali/osservatorio/approfondimenti/PI0043App.pdf>

dispersed, believed to have died.⁷³ The IMB's report in Figure 7 shows a sharp rise in the number of incidents attributed to acts of piracy between 2006 and 2009, which reached critical levels in 2009. It is a disconcerting reality that the incidence of assaults is projected to rise until the year 2013, after which it is expected to exhibit a downward trend. The global community has responded to this crisis by presenting a unified front through initiatives such as Operation Atalanta and Ocean Shield. However, it took several years before these efforts yielded tangible results. To mitigate the menace of piracy, the CoS issued up to 15 resolutions between 2008 and 2011. As per what reported from Admiral Caffio and Professor Ronzitti in their comprehensive research titled “La Pirateria: che fare per sconfiggerla?” published by the International Policy Observatory, the measures advocated by the CoS (Council of Security) are not the outcome of scrupulous and pragmatic analysis but rather a hasty response to an unanticipated threat. The in-depth study highlights that the aforementioned resolutions pertain to pre-existing and enforced norms of international law, thereby lacking practical solutions to the problem. Additionally, the study notes the promotion of judicial capacity-building projects in the Horn of Africa region, including the establishment of special courts to combat piracy. However, the implementation of such initiatives is challenging, and their effectiveness is hindered by the socio-political conditions in the region.⁷⁴ International collaboration may not always be the most coherent option; however, as demonstrated below, the effort to combat piracy has proven to be a successful endeavor.

⁷³ “IMB Reports Unprecedented Rise in Maritime Hijackings - ICC - International Chamber of Commerce.” ICC - International Chamber of Commerce, January 16, 2009. <https://iccwbo.org/news-publications/news/imb-reports-unprecedented-rise-in-maritime-hijackings/>

⁷⁴ Caffio Fabio, Ronzitti Natalino; "La pirateria: che fare per sconfiggerla?", Roma, Camera dei deputati, n.44, aprile 2012 p.3-4

PIRACY INCIDENTS ATTRIBUTED TO SOMALI PIRATES, 2006-2009



(Figure 7)

⁷⁵ United Nation Office on Drugs and Crime 2010; ICC: International Maritime Bureau, *Piracy and armed robbery against ships, Annual Report 2009*
https://www.unodc.org/documents/data-and-analysis/tocta/9.Maritime_piracy.pdf

International security policies to protect the free maritime market

As previously stated, there are multiple international operations and missions with the objective of eliminating the piracy threat. Apart from Operation Atalanta, initiated by the EU, which will be further elaborated in the subsequent section, there are other international collaborative forces that are engaged in ensuring the protection of maritime trade. An example of International cooperation effort established in the area in order to maintain security in the Indian Ocean is the CMF (Figure 8).



(Figure 8) ⁷⁶

The Combined Maritime Forces (CMF) is a multinational entity that conducts operations in various crucial maritime regions, such as the Indian Ocean, the Persian Gulf, the Red Sea and the Arabian Sea. Established in 2001 and headquartered in Bahrain, this coalition comprises 34 member states, rendering it the most extensive maritime cooperation

⁷⁶ Combined Maritime Forces (CMF). “Combined Maritime Forces (CMF),” <https://combinedmaritimeforces.com/>

alliance globally. The Combined Maritime Forces is a coalition of naval assets and warships from multiple member nations that collaborate to combat diverse maritime hazards, such as piracy, maritime terrorism, arms trafficking, and drug smuggling. The operations of the Combined Maritime Forces (CMF) encompass a range of activities such as maritime surveillance, escorting merchant vessels, counter-piracy operations, and monitoring the shipping lanes of the region. The area in question, due to its high volume of maritime traffic, is especially susceptible to criminal activities. As illustrated in Figure 8, the CMF comprises four Combined Task Forces (CTFs) that serve as the operational nucleus of the coalition. The one of most interest to us the Combined Task Force 151 (CTF-151) which has particular significance as it is the one responsible for addressing the issue of maritime piracy in collaboration with the other operation of the area such as Operation Atalanta and before being dismissed Ocean Shield.

i. Combined Task Force 151 (CTF-151)

As detailed on the task force's own webpage, CTF 151 was established in January 2009 with a specific anti-piracy mission-based mandate, currently endorsed by UN Security Council Resolution 2608 (2021),⁷⁷ in order to help protect the free flow of commerce.⁷⁸ The main mission of CTF-151 is to provide naval presence and deterrence against piracy by protecting crucial sea lanes, ensuring the safety of merchant ships, and ensuring free navigation in the affected waters. CTF-151 works closely with other regional and international naval forces, regional maritime authorities, and local actors to coordinate efforts and share information to counter pirate activities. Although they turn out to be two separate entities, CTF-151 works closely with EUNAVFOR, virtually expanding the pool of international cooperation to more than the 34 officially recognized member states. This is clearly due primarily to the fact that both task forces work in contiguous territories and, in addition, because they pursue the same goals. CTF-151 proudly reports its achievements in the field. As with the rest of the anti-piracy operations, since its establishment, the number of pirate attacks has decreased. In the recent past, the results

⁷⁷ “Security Council Resolution 2608 - UNSCR,” <http://unscr.com/en/resolutions/2608>

⁷⁸ Combined Maritime Forces (CMF). “CTF 151: Counter-Piracy,” September 17, 2010. <https://combinedmaritimeforces.com/ctf-151-counter-piracy/>

achieved were far more than satisfactory. In the region of operation of CTF-151 and the other anti-piracy missions, in fact, the last attack operated by Somali pirates turned out to be in 2019 (foiled), while the last two successful attacks occurred in 2017 and before that only backwards since 2012.⁷⁹

ii. Ocean Shield

NATO conducted Operation Ocean Shield, a military anti-piracy operation, from 2009 to 2016. Similar to CTF-151, Ocean Shield conducted operations in the same regions of concern and with comparable objectives, namely, the reduction of piracy at sea along the trade routes traversed by commercial ships.



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(Figure 9)

⁷⁹ Combined Maritime Forces (CMF). "CTF 151: Counter-Piracy," September 17, 2010. <https://combinedmaritimeforces.com/ctf-151-counter-piracy/>

⁸⁰ "Operation OCEAN SHIELD,"

Similar to previous anti-piracy initiatives, this operation was established in response to the crisis in the Horn of Africa, which had a significant impact on Somalia and neighboring countries, leading to a surge in piracy activities along the Somali coast and in the broader Indian Ocean region. The primary aim of Operation Ocean Shield was similar to that of other anti-piracy endeavors in the region, which was to safeguard commercial merchant vessels and their crews from acts of piracy. The operation encompassed a range of tasks such as providing protection to naval convoys, carrying out maritime patrols, monitoring the area, and promptly responding to any reported incidents of piracy. In summary, the primary distinction among these operations pertains to the arrangement of states in collaboration. Specifically, Operation Ocean Shield was spearheaded by NATO; Operation Atalanta is a naval mission of the European Union; and CTF-151 is a multinational force comprising naval forces from various nations. These three operations share a common objective of combating piracy at sea. Due to their similar *modus operandi*, comparable duration of operations, and nearly identical mandates, one could argue that it would be erroneous to classify these three operations as overlapping. The achievement of success can be attributed to the collaboration of three distinct entities, which effectively aligned their efforts with the latest United Nations resolutions. Together, they were able to combat the widespread issue of piracy, which posed a significant threat not only to the safety of crews and cargo but also to the fundamental stability of nations that rely on the unrestricted flow of goods.



⁸¹ (Figure 10)

<https://mc.nato.int/missions/operation-ocean-shield.aspx>

⁸¹ Logo “Operation OCEAN SHIELD,”

iii. Europe's role in the international security of the seas

Europe is actively and devotedly engaged in the fight against piracy. To counter the piracy threat and promote maritime security in affected regions, Europe employs a range of military resources, policies, strategies, and international cooperation initiatives. Operation Atalanta, which the European Union started in 2008 in response to the threat of piracy in the Gulf of Aden and the western Indian Ocean, is the main strategy it uses to combat the problem of piracy. The operation entails the collaboration of warships and aircraft from diverse European Union member states to safeguard naval convoys, accompany commercial vessels, and quell piracy operations. Operation Atalanta has been prolonged and has accomplished noteworthy outcomes in its efforts to combat piracy and guarantee maritime safety within the area. Apart from military operations, the European Union actively engages in promoting maritime security in regions affected by piracy through the implementation of specific policies and strategies. The EU's Operation Atalanta endeavors to enhance the capacity of local authorities to combat piracy by providing assistance, training, and capacity-building programs to the armed forces and humanitarian organizations operating in the affected territories.

- EU NAVFOR Somalia - Operation Atalanta as a pioneering model of international cooperation

Operation Atalanta, an international anti-piracy mission that the European Union launched in 2008 with the intention of preventing, obstructing, and repressing piracy activities in the Gulf of Aden and the Somali coastline, began operations that year. The aforementioned objectives of the mission are carried out under the mandate of the Common Security and Defence Policy (CSDP) of the European Union, and its supervision is entrusted to the EU Naval Force (EU NAVFOR) in Somalia.

The primary aims of the mission are:

- The safeguarding of vessels belonging to the World Food Program (WFP) that are involved in the transportation of food assistance in Somalia

- The protection of vessels belonging to the African Union Mission in Somalia (AMISOM).
- Deterring and disrupting piracy
- Enhance the capabilities of neighboring nations in combating piracy.
- Safeguarding international maritime commerce and fishing activities

To achieve these objectives, the operation has several activities, including:

- Maritime surveillance and reconnaissance
- Boarding and inspections
- Escort of merchant ships
- Training and capacity building for regional naval forces
- Coordination with other international naval forces and organizations
- Legal action against suspected pirates

a) Inside the mission, some data:

The multinational operation is currently underway and involves a diverse array of ships, aircraft, and personnel from various European nations. This effort is being supported by several global organisations, including the United Nations, NATO, and the World Food Programme. The assessment and adaptation of operational procedures are necessary to align with the dynamic security landscape. The United Nations Office on Drugs and Crime (UNODC) reported in 2016 that an estimated 20,000 vessels pass through the Gulf of Aden each year. The majority of these vessels are used for commercial maritime transportation purposes, conveying commodities such as crude oil, liquefied natural gas, and refined products.

The Gulf of Aden has experienced a significant increase in maritime traffic in recent years. This can be attributed to the growth of global trade and the expansion of the Suez Canal, resulting in a higher volume of vessels passing through the area.

The followings are approximations of the monetary worth of commodities that traverse the Gulf of Aden:

- According to the World Bank, the value of goods transiting the Gulf of Aden and the Indian Ocean is estimated to be around \$7 billion per day.⁸²

- It's estimated that around 15% of the world's trade by volume and around 30% of the world's trade by value passes through the Gulf of Aden and the Indian Ocean.⁸³

- The UNODC report also states that the Gulf of Aden is a key transit point for oil exports from the Middle East, with around 11% of the world's oil exports passing through the area.⁸⁴

Regarding the topic of piracy, the prevalence of piracy in the Gulf of Aden and its adjacent regions has had a significant economic impact on both the shipping industry and the countries located in the area. According to a 2012 World Bank report, the prevalence of piracy in the area caused an annual financial deficit for the global economy of between \$7 billion and \$12 billion. As per approximations, piracy incurs direct costs, including increased security measures and ransom payments, that sum up to around \$3 billion on a yearly basis. The projected yearly indirect costs arising from the effects of the rise in insurance premiums and the redirection of vessels were estimated to range from USD 4

⁸² World Bank report "Pirates and Seafarers: The Political Economy of Piracy off the Horn of Africa" (2012)

⁸³ United Nation Office on Drugs and Crime 2010; ICC: International Maritime Bureau, Piracy and armed robbery against ships, Annual Report 2009
https://www.unodc.org/documents/data-and-analysis/tocta/9.Maritime_piracy.pdf

⁸⁴ United Nation Office on Drugs and Crime 2010; ICC: International Maritime Bureau, Piracy and armed robbery against ships, Annual Report 2009
https://www.unodc.org/documents/data-and-analysis/tocta/9.Maritime_piracy.pdf

to USD 9 billion. As per the 2016 report published by the United Nations Office on Drugs and Crime (UNODC), the aggregate cost incurred due to piracy in the region amounts to an estimated \$18 billion on an annual basis.⁸⁵ The aforementioned estimation encompasses the costs associated with military engagement, increased insurance premiums, and the redirection of shipping routes. Additionally, it takes into account the costs incurred by neighbouring countries as a result of fewer opportunities for trade and investment.

b) The effectiveness of the operation

As aforementioned, the prevalence of piracy in the Gulf of Aden has had a significant impact on the global economy and the security of the region. The costs linked to acts of piracy encompass not only the direct expenses incurred during the attack, such as the ransom payment, but also the additional expenses, such as the increased insurance premiums, the diversion of ships to safer routes, and the deployment of naval resources to combat piracy. According to the International Maritime Bureau's (IMB) research, there was a notable increase in piracy attacks in 2011 within the Gulf of Aden and the Indian Ocean, with a cumulative total of 237 reported incidents.⁸⁶ Following the commencement of Operation Atalanta by the European Union in 2008, there was a notable reduction in the frequency of assaults. The data available from 2013 to 2019 demonstrates a gradual decline in the frequency of piracy occurrences. The reported incidents of attacks were recorded as 29 in 2013, 20 in 2014, 14 in 2015, 4 in 2016, 2 in 2017, 5 in 2018, and 4 in 2019.⁸⁷ The available empirical data clearly demonstrates that Operation Atalanta had a positive impact on reducing the frequency of piracy incidents in the Gulf of Aden. The frequency of piracy incidents underwent a notable decrease from its peak of 237 in 2011, with only 4 occurrences in 2016 and 2 in 2017. Subsequently, the incidence of piracy has remained relatively low in subsequent years. The statement posits that the efforts of the

⁸⁵ World Bank report "Pirates and Seafarers: The Political Economy of Piracy off the Horn of Africa" (2012)

⁸⁶ ICC International Maritime Bureau . "Piracy and Armed Robbery Against Ships 1st Jan - 31st Dec.", January 2012.
<https://www.safety4sea.com/wpcontent/uploads/2014/09/pdf/IMB%20REPORT%202011.pdf>.

⁸⁷ ICC International Maritime Bureau database

international community, through Operation Atalanta, have successfully deterred and prevented piracy in the Gulf of Aden.

There are multiple reasons for Europe's interest in preserving the Gulf of Aden from piracy. The Gulf of Aden plays a pivotal role as a maritime corridor connecting the Red Sea with the Arabian Sea and the Indian Ocean. The aforementioned route holds considerable significance for ships navigating between the continents of Europe and Asia. A significant portion of Europe's commercial operations with Asia, the Middle East, and Africa pass through this area, and the presence of piracy in the Gulf of Aden could hinder this trade and increase the costs associated with transporting of goods. Another pertinent aspect to take into account is that the incidence of piracy in the Gulf of Aden has the capacity to compromise the safety and security of those European citizens that work on the ships. The maritime sector in Europe employs a substantial workforce, and the presence of piracy in the area poses a noteworthy hazard to the well-being of these ⁸⁸individuals. Moreover, the act of piracy can function as a financing mechanism for terrorist organisations, thus presenting a potential security hazard for Europe. The European nations hold a significant stake in promoting stability and security within the region, owing to the possible detrimental impacts of piracy on the economies of the states in the neighbors. Consequently, this may intensify the issue of poverty and have a hand in fostering political instability.



(Figure 11) ⁸⁸

⁸⁸ Logo Operazione Atalanta, Marina Militare Italiana, “EUNAVFOR Atalanta: la missione europea per contrastare la pirateria al largo delle coste della Somalia”; <https://www.marina.difesa.it/cosa-facciamo/per-la-difesa-sicurezza/operazioni-in-corso/Pagine/atalanta.aspx>

iv. Operation EMASOH

Operation EMASOH, acronym for European-led Maritime Awareness in the Strait of Hormuz, is a multinational maritime mission aimed at ensuring security and stability in the Strait of Hormuz region, a major maritime route for oil and natural gas transportation. The mission was proposed by France, subsequently approved in 2020, and is coordinated by a pool of several European states. The Strait of Hormuz region has been the subject of geopolitical tensions due to strategic interests, energy resources, and territorial disputes. International naval operations such as EUNAVFOR Atalanta and CTF-151 have demonstrated the importance of a military presence to protect maritime security. However, the European approach required in-depth analysis to ensure an effective and coordinated response. Unlike Operation Atalanta, EMASOH was not the result of the European Union as the guarantor of the common interests of member states but started on the spontaneous initiative of the states that decided to join. France is actually the leading nation in the operation, both because it was the one who proposed it and because it has a privileged channel for interlocuting with Iran. The goal of EMASOH is to create a parallel European operational space to the U.S. Operation Sentinel. On the ground, this mission is also distinguished by the way it is coordinated; if France has assumed the role of architect of the operation, each individual frigate participating in operations will follow the ROEs (rules of engagement) imposed by its state. The common interest in garrisoning the area is therefore present, but it is not unified under single directives and rules promoted by the European Union but is at the discretion of individual states. The Strait of Hormuz is in fact a powder keg with the risk of exploding; majorly because of the small size of the passage (21 nautical miles at its narrowest point) (Figure 12) and because of the co-presence in the waters of the region of Iranian and U.S. ships (present as part of Operation Sentinel).⁸⁹

⁸⁹ Fabio Caffio, *Analisi Difesa*, “La Francia guiderà la missione navale europea (ma non Ue) ad Hormuz: ci sarà anche l’Italia”; Gennaio 2020
<https://www.analisedifesa.it/2020/01/la-francia-guidera-la-missione-navale-europea-ma-non-ue-ad-hormuz-con-la-partecipazione-dellitalia/>



(Figure 12)

The protection of national interests justifies Italian presence in the Persian Gulf region, according to Admiral Fabio Caffio's article in "Analisi Difesa" from January 2020. However, it is important to note that this area has historically posed challenges for Western nations. Therefore, the presence of international personnel in the strait can be seen as a proactive measure to safeguard the shared interests of European states. The European presence in the area is characterized by an economic and trade safeguard factor, in contrast to the United States, whose presence is primarily aimed at safeguarding national security. The Pasdaran's⁹¹ potential for harm remains a concern, and the Iranian special forces navy has been involved in notable incidents such as the abduction of British naval personnel in 2007 and encounters with American vessels in subsequent years. The potential for escalation is a persistent concern, particularly in light of the geographic characteristics of the region. The strait serves as a prime location for inadvertent confrontations and may be viewed as an ideal setting for a *casus belli*. According to Admiral Fabio Caffio's analysis in the aforementioned article, Iran has

⁹⁰ Fabio Caffio, *Analisi Difesa*, "La Francia guiderà la missione navale europea (ma non Ue) ad Hormuz: ci sarà anche l'Italia"; 27 Gennaio 2020
<https://www.analisdifesa.it/2020/01/la-francia-guidera-la-missione-navale-europea-ma-non-ue-ad-hormuz-con-la-partecipazione-dellitalia/>

⁹¹ The Pasdaran, officially known as the Islamic Revolutionary Guard Corps (IRGC), is a paramilitary force and security organisation of Iran. They were established in 1979 after the Islamic Revolution to protect the revolutionary system and promote the ideals of the Islamic Republic of Iran.

frequently used the Strait of Hormuz to intimidate other major powers despite the fact that it is a part of international waters under the rules of international maritime law. Iran has issued multiple warnings regarding the possibility of obstructing the transportation of commodities and amenities via a naval blockade in the strait.⁹² This would result in the⁹³ cessation of the conveyance of approximately 20% of the global oil supply. The geopolitical landscape in the Persian Gulf region is multifaceted and intricate. However, the presence of the European military force in the vicinity is anticipated to potentially simplify the dynamics of this intricate game.



(Figure 13)

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⁹² Simone Pasquazzi, “Attività di interesse della Difesa: superamento dei tradizionali confini geografici europei nella scia di un incremento dell’impegno nazionale, nella dimensione trans-regionale. Nuove sfide legate al crescente interesse verso il Golfo di Guinea, lo stretto di Hormuz e la regione artica”, *Centro Alti Studi per la Difesa, IRAD*, 2022, p.77-78

⁹³ Fabio Caffio, *Analisi Difesa*, “La Francia guiderà la missione navale europea (ma non Ue) ad Hormuz: ci sarà anche l’Italia”; 27 Gennaio 2020
<https://www.analisdifesa.it/2020/01/la-francia-guidera-la-missione-navale-europea-ma-non-ue-ad-hormuz-con-la-partecipazione-dellitalia/>

⁹⁴ Logo EMASOH, Marina Militare Italiana, EMASOH – AGENOR;
<https://www.marina.difesa.it/cosa-facciamo/per-la-difesa-sicurezza/operazioni-in-corso/Pagine/EMASOH.aspx>

v. *AESAN Framework in Southeastern Asia*

The Association of Southeast Asian Nations (ASEAN) is an intergovernmental organization comprising ten Southeast Asian countries. Established in 1967, the primary aim of ASEAN is to foster political, economic, and social collaboration among its constituent nations while also striving to achieve regional peace, stability, and progress. The participating nations in this particular group are Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar (Burma), the Philippines, Singapore, Thailand, and Vietnam. Additionally, Papua New Guinea and Timor-Leste are present in an observer capacity. The Association of Southeast Asian Nations (ASEAN) has established a diverse interforce of collaborative efforts encompassing regional security, economic integration, trade and investment facilitation, social and cultural cooperation, education and training, and counterterrorism and anti-piracy measures. Over the past few decades, ASEAN has been instrumental in promoting regional stability and collaboration. The organization has effectively addressed territorial conflicts, fostered economic and social progress, facilitated commerce, and enhanced diplomatic ties both within its member states and with external nations.

a) **ASEAN antipiracy measures**

There is currently no dedicated agency or body within the ASEAN that is specifically tasked with addressing issues related to piracy. Nevertheless, the matter of piracy at sea has been tackled. The ASEAN has endeavored to foster regional collaboration in order to tackle maritime security challenges, such as piracy, by means of diverse mechanisms and strategies. An example is the June 2003 declarations of the “ASEAN Regional Forum (ARF) on cooperation against piracy and other threats to maritime security” and the “Work Programme for the Implementation of the ASEAN Action Plan to Combat Transnational Crime” endorsed by the January 2004 Ministerial Meeting of Member Countries on Transnational Crime which recognised the need to address challenges to maritime security, including piracy, through regional cooperation.⁹⁵ In addition to the

⁹⁵ Bradford, Lieutenant John F. “THE GROWING PROSPECTS FOR MARITIME SECURITY COOPERATION IN SOUTHEAST ASIA.” *Naval War College Review* 58, no. 3 (2005): 63–86. <http://www.jstor.org/stable/26394205>

these measures, subsequent years have witnessed further efforts to mitigate the threat. Although Operation Atalanta was successful, it is important to note that the ASEAN-promoted interregional collaboration seems to be effective only occasionally. In contrast to the situation in the Gulf of Guinea, which will be addressed below, Southeast Asian nations find themselves, as in the case of the Gulf of Aden, faced with the need to deal with piracy in a strait where there is a direct passage of goods and ships. The Strait of Malacca and the Strait of Singapore are considered the most vulnerable areas due to their geographical locations. Despite the ease of control and surveillance in these regions, anti-piracy measures have not been entirely successful in facing the number of attacks, which remain relatively high. The primary cause of this phenomenon can be ascribed to the comparatively less severe and less harmful assault techniques employed by the perpetrators, in contrast to the tactics employed by Somali pirates. As a result, the economic cost of facing this issue may be deemed excessive, thereby rendering the decision to suppress it unjustifiable.

The Straits of Malacca and Singapore (SOMS) serve as a crucial conduit for approximately 40% of worldwide cargo traffic, in addition to facilitating the transportation of over 15 million barrels of oil daily and accommodating more than 50,000 merchant ships annually.⁹⁶ ASEAN is actively engaged in initiatives that seek to eliminate piracy in the area between the island of Sumatra and the Malacca Peninsula. This is primarily due to the detrimental impact of piracy on the regional economy. Additionally, the Malacca Strait serves as the sole navigable route for maritime trade between China, Japan, and other global markets, thereby posing a significant threat to the global maritime economy. The Figure 14 illustrates the progress made in interregional collaboration between 2004 and 2016 through a series of initiatives that began at the national level and later expanded to the international level.⁹⁷ Despite these efforts, however, the issue of piracy has yet to be effectively addressed.

⁹⁶ ARF ASEAN Regional Forum . “Tackling Piracy and Sea Robbery in the Region.” Singapore, February 2015. <https://aseanregionalforum.asean.org/wp-content/uploads/2019/10/Annex-10-Session-24-Presentation-by-Singapore.pdf>

⁹⁷ ARF ASEAN Regional Forum . “Tackling Piracy and Sea Robbery in the Region.” Singapore, February 2015. <https://aseanregionalforum.asean.org/wp-content/uploads/2019/10/Annex-10-Session-24-Presentation-by-Singapore.pdf>

Year	Event
2004	Malacca Straits Sea Patrol launched by Indonesia, Malaysia and Singapore
2005	"Eyes-in-the-Sky" combined maritime air patrols initiative launched
2005	Thailand joins as an observer
2006	Signing of the Malacca Straits Patrol Joint Co-ordinating Committee Terms of Reference and Standard Operating Procedures
2006	Malacca Straits Patrol Intelligence Exchange Group launched
2008	Inaugural Malacca Straits Patrol Information Sharing Exercise conducted
2008	Thailand becomes a full member of the Malacca Straits Patrol
2010	2nd Malacca Straits Patrol Information Sharing Exercise
2011	1st Malacca Straits Patrol Exercise
2013	2nd Malacca Straits Patrol Exercise
2014	3rd Malacca Straits Patrol Exercise
2016	4th Malacca Straits Patrol Exercise

(Figure 14) ⁹⁸

The primary concern pertains to the fact that the endeavors shown do not constitute military operations or missions and do not possess any obligatory nature with regards to the member states of AESAN. Diverse nations exhibit varying interests and disproportionately allocate subsidies to combat piracy.⁹⁹ Furthermore, certain ASEAN member states reject the notion of collaborating with other nations beyond Southeast Asia due to concerns that external actors may intervene and attempt to globalize a resource as crucial both strategically and economically as the Straits of Malacca and Singapore. Instances have arisen where Malaysia and Indonesia have firmly declined the involvement of the United States of America via the RMSI (Regional Maritime Security Initiative) and Japan through the ReCAAP agreement (Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia).¹⁰⁰ The primary harm

⁹⁸ MINDEF Singapore. "Fact Sheet: The Malacca Straits Patrol." Singapore Government Agency Website, April 2015. <https://www.mindef.gov.sg/web/portal/mindef/news-and-events/latest-releases/article-detail/2016/april/2016apr21-news-releases-00134/>

⁹⁹ Saeri, M. "Challenges in Coordinating a Security Arrangement in Malacca Strait", Indonesian Journal of International Relations, 2019, p.17-29.

¹⁰⁰ Pangemanan, Naletha. "Securing the Maritime Corridors in the 'ASEAN Way': The Dynamics, Challenges and Prospects." STEAR Student Think Tank for Europe-Asia Relations, May 2021. <https://www.stearthinktank.com/post/securing-maritime-aseanway-dynamics-challenges-prospects>

that may arise is obstructionism toward international collaboration. The majority of ASEAN nations lack significant military resources that are capable of effectively monitoring the impacted region. Despite the considerable investments made by foreign nations, such as the U.S., since 2015, the policy of near-complete non-cooperation poses challenges to antipiracy operations. Over the course of two years, the United States has allocated \$250 million towards enhancing the efficacy of the naval capabilities of Southeast Asian nations.¹⁰¹

b) The ReCAAP (Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia)

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) is a multilateral agreement that aims to combat incidents of maritime piracy and armed robbery in the Southeast Asian and China Sea regions. The agreement covers a wide range of areas, including the Sea of Japan, East and South China Seas, Gulf of Siam, Sulu Sea, Celebes Sea, Philippine Sea, Java Sea, Straits of Malacca and Singapore, Andaman Sea, and Bay of Bengal. The Singaporean signing of the agreement on November 11, 2004, denotes a collaborative endeavor among participating nations to enhance maritime security, facilitate information exchange, and foster operational collaboration. The primary aim of the agreement is to enhance maritime security by facilitating prompt and efficient countermeasures against potential hazards to shipping. At the time of its signing, the ReCAAP agreement primarily consisted of member countries from East and Southeast Asia, including Brunei, Cambodia, China, the Philippines, Japan, South Korea, Laos, Malaysia, Myanmar, Singapore, Thailand, and Vietnam. Additionally, Bangladesh and India were also included among the signatories. Subsequently, in order to safeguard their economic concerns pertaining to commerce with Asia, a consortium of countries, including Norway, Sri Lanka, the United States of America, Denmark, the Netherlands, the United Kingdom, and Germany, among others,

¹⁰¹ US Embassy & Consulates in Indonesia . “Fact Sheet: U.S. Building Maritime Capacity in Southeast Asia.” U.S. Embassy Jakarta, <https://id.usembassy.gov/our-relationship/policy-history/embassy-fact-sheets/fact-sheet-u-s-building-maritime-capacity-in-southeast-asia/>

acceded to the treaty, thereby bringing the total number of participating nations to 21.¹⁰²

As stated in its manifesto, the objectives of ReCAAP are:

- To enhance collaboration in addressing the escalating issue of piracy by enabling the smooth flow of information.
- Produce a critical analysis of the phenomenon of piracy and armed robbery at sea in the Asian region in order to understand the genesis of the phenomenon and eradicate the problem from the beginning.
- Support the capacity-building of its member navies to improve their capabilities to counter piracy.

The operationalization of the ReCAAP agreement was initiated in 2006 with the successful launch of its Information Sharing Center (ISC). The ReCAAP ISC is a treaty that primarily focuses on facilitating international communication and cooperation for the purpose of providing assistance. This initiative differs from military operations such as Atalanta in that it involves a collaborative effort aimed at exchanging critical information to facilitate prompt responses to piracy incidents and enhance operational standards. Interactions occur between nations as well as between nations and private entities. The ReCAAP ISC has established four distinct categories for classifying attacks, with the assignment of a particular category being based solely on the level of threat severity.¹⁰³

¹⁰² ReCAAP Information Sharing Centre. "Report by the ReCAAP Information Sharing Centre for the Ninth Meeting of the United Nations Open-Ended Informal Consultative Process on Oceans and the Law of the Sea." Singapore, January 30, 2007.

¹⁰³ ReCAAP Information Sharing Centre. "Report by the ReCAAP Information Sharing Centre for the Ninth Meeting of the United Nations Open-Ended Informal Consultative Process on Oceans and the Law of the Sea." Singapore, January 30, 2007.

Category	Description
CAT 1	CAT 1 incidents involved large number of perpetrators; more than 9 men in four out every 10 incidents and 4-9 men in the other six incidents. The perpetrators were mostly armed with guns and knives, and the crew is likely to suffer some form of injury or physical violence such as being assaulted or tied up or threatened. In term of losses, the ship was either hijacked or the cargo on board was stolen, for example siphoning of cargo oil.
CAT 2	Majority of CAT 2 incidents involved 4-9 men who are likely to be armed with knives/machetes and in 1/4 of the incidents, armed with guns. The crew is likely to be threatened or held hostage temporarily to allow the perpetrators to steal the crew's cash and ship's property including engine spares. In a few cases, the crew suffered some form of injury or physical violence but less severe in nature compared to CAT 1 incidents.
CAT 3	The number of perpetrators involved in CAT 3 incidents usually involved groups of between 1-6 men. At times, the perpetrators were armed with knives/machetes/others or other items such as sticks, rods, bats etc. The crew was not harmed, although there were cases of crew subject to duress during the incident but not harmed physically. In almost half of the CAT 3 incidents, the perpetrators were unable to steal anything from the vessel, but in cases where losses were reported, stores and engine spares were the commonly targeted items.
CAT 4	The perpetrators were not armed and the crew not harmed. More than half of CAT 4 incidents involved 1-3 men who escaped empty-handed upon sighted by the crew.

This classification of incidents allows the ReCAAP ISC to provide some perspective of the piracy and armed robbery situation in Asia and to facilitate the maritime community to carry out risk assessment.

¹⁰⁴. (Figure 15)

Nel 2022 ad esempio sono stati riportati n°:

CAT1: - CAT2: 4
CAT3: 21 CAT4: 55.



(Figure 16)

¹⁰⁴ ReCAAP ISC “Classification of Piracy and Armed Robbery against Ships Incidents,” https://www.recaap.org/classification_of_incidents

Private Maritime Security Companies

As previously mentioned, Operation Atalanta and Task Force-151 are two specialized international anti-piracy forces that have been patrolling the Horn of Africa's maritime region. In recent times, there has been a proliferation of institutions aimed at enhancing coordination, including the Shared Awareness and De-Conflict (SHAde) for states and the Maritime Security Centre-Horn of Africa (MSCHOA) for the maritime industry.¹⁰⁵ International cooperative operations offer strategic assets that provide merchant vessels with a sense of security when transporting their goods to their intended destinations. In addition, private militias frequently assume the responsibility of safeguarding ships by serving as task forces. The current discourse surrounding piracy has undergone a transformation, moving away from the debate over the appropriateness of engaging private maritime security companies (PMSCs) in the fight against maritime criminal activity and instead focusing on the exploration of strategies for ensuring the safe utilization of such organizations. The International Chamber of Shipping (ICS) altered its stance on Feb. 15, 2011, to endorse the deployment of private armed guards, despite the International Maritime Organization's declaration that the utilization of private maritime security companies should not be viewed as a substitute for existing piracy regulatory measures. Consequently, there has been a noteworthy surge in the employment of private armed militias on ships, with approximations suggesting that the proportion escalated from roughly 10 percent to 50 percent solely in the year 2011.¹⁰⁶ Nevertheless, certain noteworthy apprehensions persist, encompassing matters of state sovereignty and the monopolization of violence by governmental bodies. Notwithstanding the various initiatives undertaken, it appears that the level of public investment allocated towards mitigating the issue of piracy remains insufficient. The area where piracy is rife is 1.5 times larger than the continent of Europe. While international collaborative efforts have demonstrated efficacy in tackling piracy, it is important to acknowledge that such measures may not yield immediate results. The act of stationing naval forces in the ocean and overseeing and protecting maritime activities is unquestionably crucial for preserving

¹⁰⁵ Polepalli, Sindhura Natesha. "Floating Armories and Privately Contracted Armed Security Personnel on Board Ships: Balancing Coastal State Security Concerns Against Navigational Freedom." *J. Territorial & Mar. Stud.* 6, 2019 p. 69-71

¹⁰⁶ Hespen, Ilja Van. "Protecting merchant ships from maritime piracy by privately contracted armed security personnel: A comparative analysis of flag state legislation and port and coastal state requirements." *J. Mar. L. & Com.* 45, 2014, p.361

the well-being of seafaring traffic. However, it is worth noting that in the event of a pirate attack, it may take a considerable amount of time for the closest naval vessel to arrive at the location and intervene. It can be inferred that the pirates may have gained control of the vessel during the that period. Given the presence of hostages, a military attack on the commandeered ship is likely not a viable course of action.¹⁰⁷ Private militia forces play a significant role in such a scenario. While the implementation of Best Practices can serve as a valuable measure in ensuring the protection of ships that may be vulnerable to attack, their efficacy falls short of that of armed militias who are physically present on the vessel and prepared to take action in the event of an assault. The increasing use of private maritime security companies is a result of the armed forces' limited accessibility and potential incapacity for deployment. The aforementioned matter brings forth significant legal concerns that require attention. These include the requirement of obtaining permits for weapon usage and the employment of armed guards, delineating the geographical regions where such permits hold validity, instituting a certification procedure for PMSCs and their staff, setting boundaries for the application of force, specifying the duties of the private security force commander concerning the ship's master, third-party insurance, and efficient monitoring and regulation to ensure criminal accountability in case of a disagreement. Before 2008, the majority of flag states imposed a ban on the transportation of arms on commercial vessels. However, it is noteworthy that none of the prominent countries with open registry fleets have expressly forbidden the deployment of weapons by PMSCs.¹⁰⁸ In 2010, over 700 private security firms signed the International Code of Conduct for Private Security Service Providers (ICoC). This document outlines the commitments that signatories must adhere to in order to ensure the protection of personal security and the promotion of human rights. The IMO plays a crucial role in regulating the use of private militias in maritime security, despite differing opinions on their employment. The Maritime Safety Committee (MSC),¹⁰⁹ a branch of the IMO, has amended regulations to provide a legal framework for Private Maritime Security

¹⁰⁷ Hespen, Ilja Van. "Protecting merchant ships from maritime piracy by privately contracted armed security personnel: A comparative analysis of flag state legislation and port and coastal state requirements." *J. Mar. L. & Com.* 45, 2014, p.361-363

¹⁰⁸ Hespen, Ilja Van. "Protecting merchant ships from maritime piracy by privately contracted armed security personnel: A comparative analysis of flag state legislation and port and coastal state requirements." *J. Mar. L. & Com.* 45, 2014, p. 372-376

¹⁰⁹ Polepalli, Sindhura Natesha. "Floating Armories and Privately Contracted Armed Security Personnel on Board Ships: Balancing Coastal State Security Concerns Against Navigational Freedom." *J. Territorial & Mar. Stud.* 6, 2019, p. 82-84

Companies to address tensions related to coastal security and national waters of affected states. This has facilitated the use of PMSCs on merchant vessels and encouraged shipowners to invest in anti-piracy security systems.

- *Pros and cons of using PMSCs to patrol on board merchant ships*

It is evident that there are advantages to private militias that can be elucidated. As previously noted, the utilisation of this operation is highly advantageous and efficient in addressing the issue of piracy during the actual occurrence of such incidents, particularly in cases where pirates successfully navigate through the heavily guarded areas designated for high-risk maritime activities. The shipowner's heightened sense of security provided by PMSCs pertains to an additional guarantee of protection for the crew, cargo, and vessel. While the advantages of employing private militias may seem apparent, the drawbacks they entail are not as readily apparent. The proliferation of PMSCs may lead to a situation where pirates, perceiving a threat, may resort to indiscriminate firing without adhering to any specific criteria in the event they suspect the presence of armed personnel. This could potentially escalate the risk of fatal incidents instead of peaceful resolutions. The weaponry employed by pirates can be significantly more hazardous in such instances, as their aim is not to seize vessels with unarmed crew members, who may only have access to barbed wire or water cannons at most, but rather to confront trained and armed personnel who are on board with the explicit purpose of thwarting their pillaging efforts. In addition, there is a significant logistical issue. In general, it is observed that a merchant vessel with an unarmed crew can navigate through national waters without encountering any issues, however, if the crew is armed, the passage of such vessels, despite being merchant ships, may be perceived as a belligerent act, and consequently, certain nations may not permit it. The aforementioned scenario pertains to the nations situated in the Horn of Africa, where they have impeded the transit of ships carrying individuals equipped with weapons. The resolution of this matter appears to lack logistical feasibility.

¹¹⁰Either the armaments must be prepared for use before traversing through regions with high piracy susceptibility and transported to a secure port under the jurisdiction of a state that permits such activities, or they must be conveyed through vessels that are appropriate

¹¹⁰ Polepalli, Sindhura Natesha. "Floating Armories and Privately Contracted Armed Security Personnel on Board Ships: Balancing Coastal State Security Concerns Against Navigational Freedom." *J. Territorial & Mar. Stud.* 6, 2019, p.70-71

for this purpose. The use of private militias on ships is solely intended as a preventive and defensive measure.¹¹¹ It is important to note that, regardless of the circumstances, these militias are not authorised to apprehend suspicious vessels. Even if they possess certainty that such vessels are classified as pirates according to Article 100 of UNCLOS, the act of arrest is strictly prohibited for a private body. Hence, it would be erroneous to assume that the solution to piracy solely lies in the deployment of private militias. In the absence of states anti-piracy operations, the hypothetical scenario of PMSCs being the sole actors in countering piracy would have severe and potentially catastrophic consequences. It is plausible to surmise that in the event of a lack of authoritative figures possessing the capability to detain pirates, the latter would equip themselves more extensively to confront PMSCs, thereby escalating piracy to a greater degree of brutality. Currently, the deployment of warships in high-risk areas under the coordination of international anti-piracy missions is considered the most efficacious measure to deter the resurgence of piracy. Without such measures, it is estimated that piracy levels could return to those observed during the four-year period spanning from 2008 to 2011 within a few months of the pirates' potential return to port. In contemporary society, the use of violence alone is not considered a viable solution to the issue of piracy. Therefore, it is unrealistic to expect that a short-term operation, such as the one conducted by Pompey the Great in 67 B.C., which successfully eradicated piracy, would be effective in modern times. As will be demonstrated shortly, a potentially effective strategy for countering piracy involves prioritising investments in development and prevention measures in the upstream regions of the Horn of Africa. Would this approach be advisable?

Prevention: On Land and Off Shore, social welfarism and investment VS permanent garrisons and patrols

As mentioned before, the act of piracy frequently originates from impoverished conditions, limited economic prospects, and inadequate governance in coastal areas. By investing in the socio-economic development of communities through the provision of

¹¹¹ Hespén, Ilja Van. "Protecting merchant ships from maritime piracy by privately contracted armed security personnel: A comparative analysis of flag state legislation and port and coastal state requirements." *J. Mar. L. & Com.* 45, 2014, p.376-377

job opportunities and the improvement of living conditions, it is possible to decrease the incentive for individuals to participate in illicit activities, such as piracy. At present, international collaboration has resulted in significant investments and endeavours towards the prevention of pirate attacks. The maintenance of high-quality international operations and missions, coupled with unwavering vigilance, has proven to be a relatively straightforward approach. However, it is important to note that this strategy addresses the symptoms of piracy rather than its root cause. The emergence of piracy can be attributed to socio-economic and socio-political factors. Specifically, poverty and despair are identified as the primary drivers of this phenomenon. Addressing the root cause of piracy rather than merely treating its symptoms requires robust international cooperation. Managing extensive territories like the Horn of Africa or the Gulf of Guinea poses significant challenges. Operation Atalanta has incurred an average maintenance cost of 8.5 million euros annually¹¹² since its establishment. While this expense cannot be considered negligible, it is significantly lower than the potential economic damage that piracy could inflict. Specifically, piracy in the Gulf of Aden region alone could result in losses ranging from \$7 billion to \$12 billion per year.¹¹³ The states involved in international cooperation efforts to combat piracy in endemic regions would need to make significant investments, potentially ranging from tens to hundreds of billions of dollars. Such investments may be deemed unsustainable.

When discussing prevention, it is imperative to make a clear distinction. The current efforts of international cooperation can be considered preventative measures. However, if we were to discuss the idealistic notion of operations aimed at rehabilitating the root causes of piracy, the discourse would take a markedly different trajectory. Several international missions adopt an approach that aims to tackle political instabilities in the specific regions they focus on. An example is the African Union Transition Mission in Somalia (AMISOM) was operational in Somalia from 2007 to 2022. As of April 2022, that was later transformed into the African Transition Union Mission in Somalia

¹¹² Hesperen, Ilja Van. "Protecting merchant ships from maritime piracy by privately contracted armed security personnel: A comparative analysis of flag state legislation and port and coastal state requirements." *J. Mar. L. & Com.* 45, 2014, p.364

¹¹³ Bowden, Anna . "The Economic Cost of Maritime Piracy 2010." *One Earth Future* , January 2011. <https://onearthfuture.org/publication/economic-cost-maritime-piracy-2010>.

(ATMIS)¹¹⁴ in accordance with UN Security Council Resolution 2628¹¹⁵. Somalia serves as a pertinent example in this regard. The aim of this mission has been and remains to endeavour to reestablish stability within the nation through collaboration with regional and global entities. The entity in question performs its duties in compliance with the guidelines and resolutions set forth by the United Nations and collaborates with other international missions present in the region, such as Operation Atalanta. The primary aim of the ATMIS initiative is to facilitate the re-establishment of peace and security in Somalia. This is to be achieved through the safeguarding of government institutions, the stabilisation of regions that have been reclaimed from armed groups, and the enhancement of the capabilities of Somali security forces. The mission is involved in providing humanitarian aid and facilitating political dialogue and reconciliation between different regional factions.¹¹⁶ Notwithstanding the geopolitical configuration of Somalia, it is plausible for international entities and missions to achieve strategic objectives through operations of significant scale. However, the insufficiency of human resources at their disposal may impede their ability to significantly alter the balance of power. The possibility of achieving a more decisive balance through operations like AMISOM and ATMIS could be enhanced by an increase in international investment. However, as previously noted, the economic investment required for this option is significantly disparate compared to the opportunity to persist with the same *modus operandi* of the past fifteen years. Consequently, this option is not considered a serious contender, and both the Western and Eastern regions seem to be content with the *status quo*. From an ethical standpoint, it is imperative that international cooperation shift its focus away from the sea and towards inland areas. However, economic considerations may necessitate a different approach. At the regional level, non-governmental organisations (NGOs) are the sole providers of welfare, albeit inadequately and lacking a long-term investment focus.

¹¹⁴ L'ATMIS nata nel 2022 basa il suo mandato su due risoluzioni del Consiglio di Sicurezza dell'ONU, la Risoluzione 2628 <https://atmis-au.org/wp-content/uploads/2022/04/atmis-adopted-res-e.pdf> e la Risoluzione 2670 <https://atmis-au.org/wp-content/uploads/2023/01/scr-2670-2022-on-somalia-atmis-adopted-res-e-93.pdf>

¹¹⁵ "AMISOM," <https://amisom-au.org/>

¹¹⁶ African Transition Mission in Somalia (ATMIS),"2023. <https://atmis-au.org/>

The role of NGOs in fighting piracy

Non-governmental organisations (NGOs) have a distinctive and noteworthy function in addressing the issue of maritime piracy. Their endeavours centre on diverse facets, encompassing the dissemination of knowledge, fostering collaboration and alliances, and formulating particular initiatives and schemes, particularly in situ. NGOs are committed to increasing awareness and providing education to local communities, seafarers, and maritime operators regarding the dangers associated with piracy and the appropriate self-protection measures to be implemented. These organisations utilise training programmes, seminars, and information materials to increase awareness regarding maritime piracy and promote the implementation of suitable security measures. The objective is to mitigate instances of piracy and safeguard the well-being and assets of individuals engaged in maritime operations. NGOs have a responsibility to foster collaboration and partnership among diverse stakeholders in the fight against maritime piracy. This is achieved through joint efforts with government authorities, maritime security forces, international organisations, and other NGOs. The objective is to facilitate the exchange of information, share the Best Practises, and optimise the use of available resources. The collaboration facilitates the synchronisation of measures against piracy, enhances the effectiveness of reactions, and optimises collective endeavours to combat piracy.

Probably the most important role they play, however, is to provide assistance through projects that may relate to the economic and social development of vulnerable coastal communities, improving maritime security capabilities, supporting the justice and legal system to prosecute pirates, and promoting regional cooperation to address the threat of piracy. Through such initiatives, NGOs contribute to the promotion of sustainable maritime security and the development of communities affected by piracy.

- Is Sea Shepherd a pirate NGO?

The Sea Shepherd Conservation Society, commonly referred to as Sea Shepherd, is a non-governmental organisation that is dedicated to the preservation and safeguarding of the world's oceans and its marine fauna. Established in 1977, this organisation is recognised for its forceful and occasionally aggressive behaviors to counteract illicit fishing,

whaling, and other activities that pose a threat to the marine ecosystem. In the second phase of its initiative, commonly referred to as the ‘Whale War’, spanning from 2007 to 2016, the Sea Shepherd group frequently encountered circumstances where it resorted to forceful tactics against whaling vessels in pursuit of its primary objective of safeguarding cetaceans. These measures were deemed by certain parties to be acts of piracy. The initial allegation of piracy directed towards this specific non-governmental organisation occurred on February 25th, 2013, in relation to their ‘Operation Relentless’ aimed at protecting whales in the Antarctic Sea. This accusation was made by the U.S. Court of Appeals for the Ninth Circuit, which addressed Sea Shepherd in the following instance:

“When you ram ships; hurl containers of acid; drag metal-reinforced ropes in the water to damage propellers and rudders; launch smoke bombs and flares with hooks; and point high-powered lasers at other ships, you are, without a doubt, a pirate.”¹¹⁷

The legal charges were founded upon an elucidation of Article 101 of the United Nations Convention on the Law of the Sea, it is stipulated that point (a) of UNCLOS designates ‘any illegal acts of violence or detention’ as constituting piracy. The ongoing inquiry into the attacks on whaling vessels has revealed that the incidents involved the deliberate disruption of hunting activities through the use of metallic chains to impede and damage engine propellers. Additionally, coercive measures, including the deployment of smoke bombs and other tactics, were employed to halt whaling operations, resulting in significant harm to the targeted ships. Nonetheless, the allegation was dismissed due to its failure to adhere to the essential criterion for characterising an instance of piracy, as stipulated in the paragraph on Chapter 1 “Disclaimer”, which precludes any association with political objectives, a factor that applies to Sea Shepherd's situation. Paradoxically, the charge of maritime terrorism could be considered the most accurate, as noted in the legal notebook of the NGO’s representatives. This charge was initially brought forth by

¹¹⁷ Berube, Claude. *Sea Shepherd: The evolution of an eco-vigilante to legitimized maritime capacity builder*. NAVAL WAR COLLEGE NEWPORT RI, 2021. p. 25-26

the Director-General of the Institute of Cetacean Research in 2005, although it was later dismissed.¹¹⁸



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(Figure 17)

Modern threats and new technologies to tackle piracy

Since 2008, there has been a discernible progression in the efforts to combat piracy, wherein global powers have collaborated to collectively address and mitigate the threat. The outcomes achieved indicate that the exertion expended has been fruitful. As previously observed, certain pirate factions may have affiliations or connections with terrorist organisations or cells that provide financial support for their missions in exchange for a portion of the profits, while some other individuals fund their operations through extorted payments and goods stolen from prior expeditions. The magnitude of the ransoms is considerable and contingent upon the significance of the loot and the vessel commandeered. The remuneration, which is typically denominated in US dollars, frequently exceeds the socioeconomic conditions of the pirates' native territories to such an extent that the acquisition of the booty is deemed worth jeopardising one's own life. In contemporary historical discourse, numerous instances of pirate assaults culminated in the death or arrest of the perpetrators. However, there exist a high number of cases where,

¹¹⁸ Berube, Claude. *Sea Shepherd: The evolution of an eco-vigilante to legitimized maritime capacity builder*. NAVAL WAR COLLEGE NEWPORT RI, 2021. p.26

¹¹⁹ Logo Sea Shepherd; <https://www.seashepherd.it>

despite the global cooperation, the pirates achieved remarkable feats that would have been deemed implausible if not been substantiated by documented evidence. The attack on the *Sirius Star*, a VLCC (Very Large Crude Carrier) measuring 322 metres in length and possessing a displacement of nearly 320,000 tonnes, stands out as a prominent instance. Vessels possessing such a magnitude are infrequent in occurrence (comprising slightly more than a few dozen globally), and their dimensions preclude them from transiting through the Suez Canal. According to Massimo Annati's account in his publication “*Pirati di Ieri e di Oggi*”, the *Sirius Star* had the capacity to convey an amount of oil that would be sufficient to sustain a community of 100,000 residents for a duration of four years. This quantity is equivalent to one-fourth of Saudi Arabia's daily production of crude oil. The vessel's overall worth amounted to \$150 million, while the cargo's value was \$100 million. Additionally, the crew's value, which is incalculable, was factored into the pirates' ransom demand, which was initially set at \$25 million. After negotiations, a settlement was ultimately reached for \$3 million. The incident occurred at a considerable distance of 400 nautical miles from the Kenyan coastline. Following the successful acquisition of the loot, the pirates, who were segregated into multiple factions, proceeded to retreat towards the mainland. Unfortunately for them, one of the vessels overturned during the retreat, leading to the deaths of five individuals and the loss of a portion of the ransom that got lost in the sea.¹²⁰ Numerous instances of similar nature have occurred in the annals of contemporary piracy, one such instance being the confiscation of the cargo vessel *Faina*, which was flying the flag of Belize, in September of 2008. The ship was transporting a significant quantity of armaments and military equipment, including 33 T-72 tanks, with the stated destination being Kenya but with a higher probability of being intended for the Sudanese rebels. The pirates' initial lack of awareness regarding the cargo contents is evident. Upon realising the valuable nature of the cargo, they proceeded to accept a ransom of \$3.2 million, although it is speculated that additional funds were exchanged covertly.¹²¹

It is clear from the aforementioned examples that piracy can result in sizable profits if the acts of boarding are successful. As a result, it is imperative for pirates to consistently seek

¹²⁰ Annati, Massimo, and Fabio Caffio. *Pirati Di Ieri e Di Oggi*. Edited by Ministero della Difesa. *Rivista Marittima*, 2009 p.145-147

¹²¹ Annati, Massimo, and Fabio Caffio. *Pirati Di Ieri e Di Oggi*. Edited by Ministero della Difesa. *Rivista Marittima*, 2009 p.144-145

out new technologies and vessels to sustain their attacks. Simultaneously, it is equally imperative for international forces to maintain a competitive edge to impede the proliferation of this phenomenon. Upon examining recent anti-piracy data, it appears that international cooperation efforts have yielded positive outcomes. Notably, advancements in naval and military technology have contributed to this success.



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(Figure 18)

- *The use of new technological systems' applications in various domains*

As previously stated, the allocation of public funds towards international cooperation to combat piracy is substantial. However, in comparison to the potential losses that would ensue in the absence of such operations, the current expenditure remains relatively modest. The act of paying ransoms is not the sole concern in maritime piracy, as it also encompasses the unlawful seizure of vessels and cargo, in addition to the potential peril

¹²² MV Sirius Star Oil Tanker Released by Pirates - Wikinews, the Free News Source," January 10, 2009. By Air Crewman 2nd Class David B. Hudson

https://en.wikinews.org/wiki/MV_Sirius_Star_oil_tanker_released_by_pirates.

In the photo of the Sirius Star it is possible to see in the red circle the parachute with which the ransom money was sent to the pirates on board.

posed to crew members. According to reports, the international missions dedicated to combating piracy in the Gulf of Aden region and its surrounding areas a total of \$228 million in 2016.¹²³ While this amount may not be considered exorbitant relative to the potential losses, there is a possibility of leveraging technological advancements to modernise operational strategies and reduce costs. In the field, there are three primary technological advancements that can be employed, namely the use of Unmanned Aerial Vehicles (UAVs), satellites, and the Automatic Identification System (AIS). Each of these three technological resources possesses the potential to offer strategic assistance, yet they also exhibit strategic vulnerabilities.

- **UAVs (unmanned aerial vehicles)** possess the capacity to offer substantial advantages to monitoring and deterrence tactics. Specifically, drones facilitate uninterrupted and meticulous aerial observation of maritime regions that are susceptible to piracy. Autonomous vehicles have the capability to conduct extensive surveillance of vast oceanic areas, facilitating the immediate detection of any dubious undertakings. This expedites the response time of the pertinent law enforcement agencies. In addition, these vessels may be outfitted with sophisticated detection technologies, such as thermal cameras and high-resolution sensors, which enable them to identify potentially suspicious vessels or atypical conduct. The capacity to offer instantaneous visual representation facilitates enhanced coordination of military personnel and supports an initial evaluation of potential hazards. Differentiating between pirates, poachers, or migrants can be a challenging task. Frequently, the number of occupants aboard a vessel can provide insight into the nature of their activities. Specifically, if the number of individuals falls within the range of 2 to 3, it is likely that they are engaged in fishing. Conversely, if the number of occupants is approximately 10 or more, it is probable that they are migrants. Finally, if the number of individuals falls within the range of 4 to 6, it is likely that they are engaged in piracy.¹²⁴ In addition, the drones' cameras possess a resolution of sufficient quality to discern the dimensions of vessels' engines and the presence of weaponry or aluminium ladders, which serve

¹²³ Nyman, Elizabeth. "Techno-optimism and ocean governance: New trends in maritime monitoring." *Marine Policy* 99, 2019, p30-33

¹²⁴ Annati, Massimo, and Fabio Caffio. *Pirati Di Ieri e Di Oggi*. Edited by Ministero della Difesa. *Rivista Marittima*, 2009 p.138-139

as indicators of piracy. Unmanned aerial vehicles, commonly known as drones, have the potential to serve as a deterrent, minimise the hazards associated with human operators, and lower expenses in maritime surveillance endeavours. Additionally, the employment of drones may marginally mitigate the environmental impact of operations by decreasing the frequency of boat movements. Furthermore, advanced technological systems were tested during anti-piracy operations in the Horn of Africa to fulfil their intended purpose. The US Navy conducted an inaugural trial of the ScanEagle UAV drone, specifically engineered for these purposes, on a destroyer vessel. The aircraft's technical capabilities enable it to achieve a flight endurance of 22 hours and facilitate the concurrent dissemination of real-time imagery to multiple commands within a 100-kilometre radius. The initial instance of employing this apparatus occurred during the seizure of the Alabama Maersk¹²⁵, whereby the unmanned aerial vehicle was deployed from the American destroyer Mahan. The mission culminated in a dramatic conclusion marked by the elimination of three individuals identified as pirates.¹²⁶

- **Satellite technology** allows for the surveillance and safeguarding of crucial regions, such as oil rigs or significant transportation pathways. In “Techno-optimism and Ocean Governance: New Trends in Maritime Monitoring”, Nyman and Elizabeth discuss the utilisation of space assets for the purpose of combating piracy. They provide a significant contribution. Satellites provide the capability for comprehensive visual monitoring of expansive regions while adhering to established international legal standards. Satellite data procurement is comparatively inexpensive, rendering this technology highly cost-efficient. The data has the potential to be utilised in various practical applications, including but not limited to identifying the origins of pirates and assessing the dimensions of their watercraft. Nevertheless, it is imperative to acknowledge that the utilisation of said devices constitutes merely a fraction of the wider endeavours aimed at

¹²⁵ The hijacking of the Alabama Maersk occurred in 2009. The ship, owned by the Danish company Maersk Line, was hijacked off the coast of Somalia by a group of pirates. A film called 'Captain Phillips' was also made to faithfully tell the story, in which the main character is played by the American actor Tom Hanks.

¹²⁶ Annati, Massimo, and Fabio Caffio. Pirati Di Ieri e Di Oggi. Edited by Ministero della Difesa. Rivista Marittima, 2009 p.136-137

combating piracy concerning the functionality of this particular technology. The analysis of extensive data and satellite imagery presents a formidable challenge without a pre-existing understanding or framework for identifying the whereabouts of pirate encampments or their ships. Moreover, the volume of data collected is too substantial to be feasibly processed through manual means. The level of specificity in the preliminary information directly correlates with the reduction in manual data analysis time. However, this also results in a decrease in the efficacy of the technology.¹²⁷

- **The Automatic Identification System (AIS)** is widely regarded as the most user-friendly technological system; however, its implementation is not without logistical security challenges. Initially, it is important to elucidate the function of AIS. This system is an automated means of identification that facilitates the exchange of pertinent information regarding identity, location, velocity, and other relevant data among maritime entities, including ships. The communication system in question employs radio frequencies and VHF signals to facilitate data transmission between maritime vessels and coastal stations. The AIS is a fundamental equipment for large vessels, as its primary function is to prevent collisions with other ships, particularly in congested or confined maritime regions such as major trade routes. The Automatic Identification System transmits data to onshore receivers, such as harbour masters, and to other vessels at sea. This information is subsequently made publicly accessible and can be obtained by any individual with a compatible device. Nevertheless, the International Maritime Organisation exercises prudence in the use of said devices by the military due to the same logic.¹²⁸ Although it may facilitate the identification of piracy operations, malefactors can also access the publicly available information transmitted by the device on the military vessels. The utilisation of this technology by certain pirates for the purpose of route and strategy planning is not a fortuitous

¹²⁷ Nyman, Elizabeth. "Techno-optimism and ocean governance: New trends in maritime monitoring." *Marine Policy* 99, 2019

¹²⁸ Nyman, Elizabeth. "Techno-optimism and ocean governance: New trends in maritime monitoring." *Marine Policy* 99, 2019, p.30-33

occurrence. The acquisition of an AIS device is relatively uncomplicated and can be procured at the Mogadishu market for a nominal fee of USD 200.¹²⁹

Pirates employ various technologies, such as GPS devices and satellite phones. However, in contrast to the military, they face financial constraints and limited access to advanced technological resources, which contribute to the effective containment of piracy in contemporary times. This discrepancy in technological capabilities between the opposing forces is a significant factor in the suppression of piracy. Despite the current limitations in the utilisation of unmanned aerial vehicles (UAVs) and satellites as primary units rather than auxiliary ones, the swift technological progress in the military sector may alter the current approach and application of these devices within a few years.



(Figure 19)

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¹²⁹ Annati, Massimo, and Fabio Caffio. *Pirati Di Ieri e Di Oggi*. Edited by Ministero della Difesa. *Rivista Marittima*, 2009 p.137

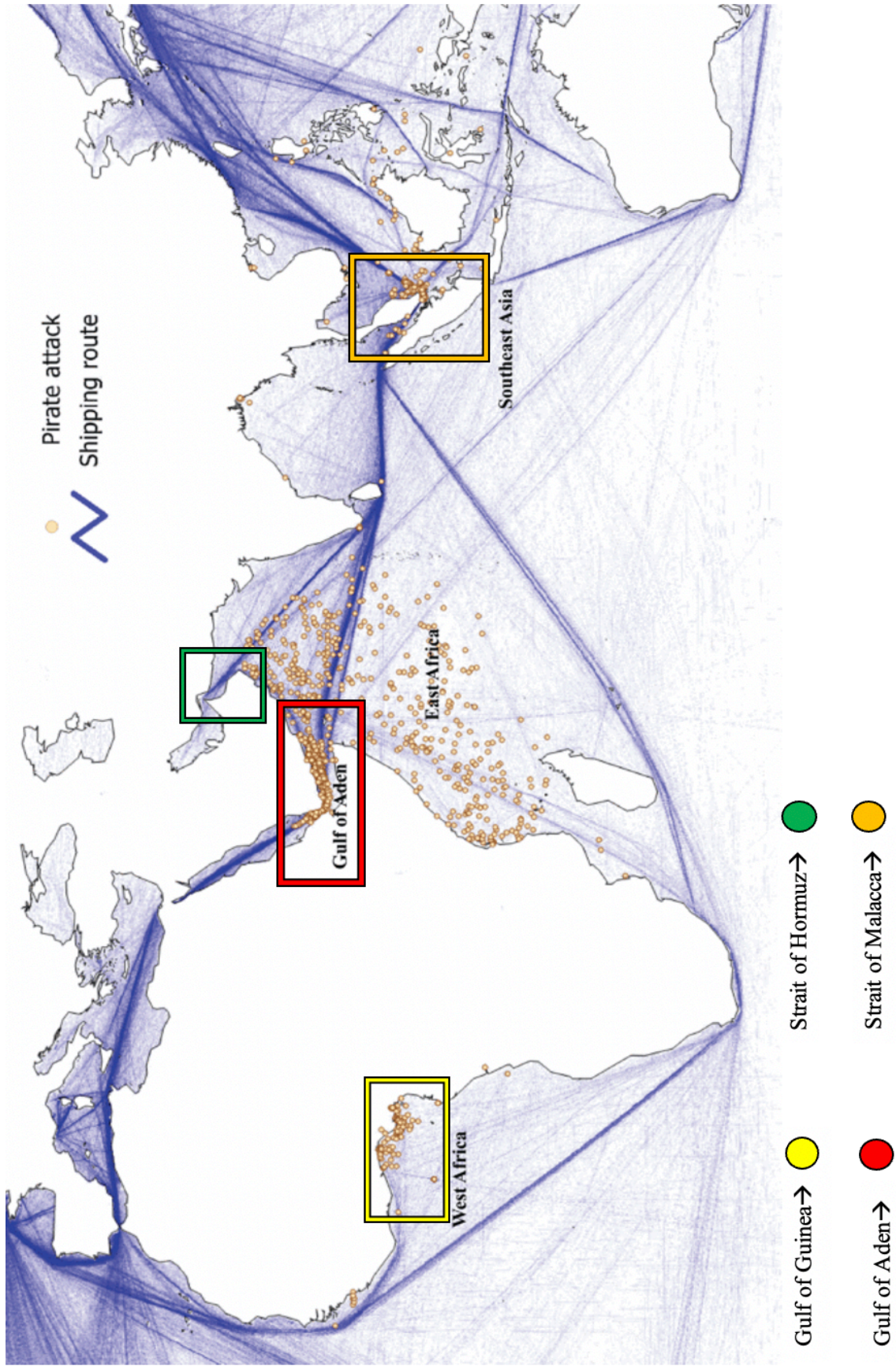
¹³⁰ Pictured is the EagleEye UAV drone, it is launched from the ground but the launch device is mobile and is also used on warships

Chapter 3

The Geopolitics of Piracy Worldwide

The contemporary occurrence of piracy has experienced a significant upsurge in the Gulf of Aden area, albeit not being exclusively limited to this region. Presently, this region garners significant attention as a result of the recent crisis in the Horn of Africa, particularly due to its direct implications for the European continent. Nonetheless, there are additional maritime regions worldwide that are afflicted by piracy. However, as some of them have not undergone recent geopolitical events and do not directly affect the European economy massively, they receive comparatively less coverage in the chronicles of the Old Continent. Piracy has been observed as a widespread phenomenon that has impacted the entire southern region of the Indian Ocean that washes the Arabian Peninsula, the coasts of East Africa up to Madagascar. If the phenomenon in that part of the Indian Ocean seems to be sized, there are two other primary areas of concern nowadays. Firstly the Gulf of Guinea, primarily off the shores of Cameroon, Nigeria, Benin, Togo, Gambia, Ghana, and the waters adjacent to Sao Tome and Principe, and secondly the Strait of Malacca, which links the Java Sea to the Andaman Sea via the island of Sumatra and the Malacca peninsula, with its southern entrance located in the Singapore Strait. The Strait of Hormuz is a region that experiences frequent incidents that even though they look like so, can't be really defined as piracy for varying reasons. Political entities such as the Iranians Pasdaran are often the driving force behind these attacks, they are not formally acknowledged as pirates since they operate for a political ideology, they could be called modern corsairs, but their behaviors are closer to terrorism than to piracy. The subsequent page displays an image that delineates all instances of pirate attacks that transpired from 2008 to 2013. Additionally, the image denotes the trade routes of commercial vessels and highlights the regions where piracy is most prevalent.

Pirate attacks and shipping lanes between 2008 and 2013



131 (Figure 20)

The situation in the Gulf of Guinea

The Gulf of Guinea region's historical narrative is marked by a confluence of colonial inheritances, cultural customs, independence movements, socio-political predicaments, and the influence of natural resources, specifically petroleum. These regions persist in encountering intricate developments and confronting obstacles such as governance, maritime security, destitution, political instability, and corruption. Throughout the colonial era, numerous territories within the Gulf regions were subjected to European domination and subsequently renamed to align with the colonial powers' interests. Several instances of this phenomenon include:

- The Gold Coast, during the colonial era, was the region of present-day Ghana that was under British control, it was named like so due to the abundant gold mines located within the area.
- The Slave Coast, during the colonial era, was the area that currently encompasses Benin and Togo was commonly referred as so due to its significant involvement in the transatlantic slave trade. This region was under the control of multiple colonial powers such as United Kingdom, France, and Portugal.
- The Ivory Coast, a region that was formerly under French colonial rule, has maintained its colonial name to the present day. The name is believed to have originated from the region's rich supply of ivory. The Ivory Coast gained independence from French rule in 1960.¹³²
- The region currently known as Liberia was historically referred to as the Pepper Coast, owing to the significant trade in this spice facilitated by the Portuguese. In the 19th century, a group of African-American individuals chose to repatriate to

¹³¹ Health Geomatics Lab, "Pirate attacks and shipping lanes between 2008 and 2013"

¹³² Pasquazzi, Simone , Centro Alti Studi per la Difesa, and Istituto di Ricerca Analisi della Difesa. "Attività Di Interesse Della Difesa: Superamento Dei Tradizionali Confini Geografici Europei Nella Scia Di Un Incremento Dell'impegno Nazionale, Nella Dimensione Trans-Regionale. Nuove Sfide Legate al Crescente Interesse Verso Il Golfo Di Guinea, Lo Stretto Di Hormuz e La Regione Artica," December 2021.

this area and establish an independent African Free State, which ultimately led to the formation of present-day Liberia.¹³³

The map (Figure 20) reveals that the Gulf of Guinea is not a primary route for a considerable quantity of commercial vessels. Instead, these ships opt to navigate through the South Atlantic Ocean, starting from the Cape of Good Hope and concluding off the coast of Dakar, Senegal. Throughout this journey, the ships maintain a distance of hundreds of kilometers from the West African coastline. The prevalence of pirate attacks in the region is notably high and can be attributed to the limited degree of international collaboration, particularly when compared with the level of cooperation observed in the Gulf of Aden. This phenomenon can be primarily attributed to the absence of substantial economic incentives for Western nations to safeguard a region that does not witness significant trade activity, which is certainly not commensurate with the volume of trade passing through the Suez Canal. Hence, it can be observed that international collaboration plays a pivotal role in mitigating the menace posed by piracy. While the issue of piracy in Somalia has exhibited a reduction in severity since 2012 and appears to have been largely eliminated at present, the situation in the Gulf of Guinea region remains persistently active. This can be attributed, in part, to the actions of major multinational oil corporations that operate within the area. While the region does not currently have operations on the scale of Atalanta or Ocean Shield, several states independently deploy military vessels to safeguard their national interests and ensure the security of their national flag carriers operating in the area. Italy has significant stakes in Nigeria, particularly due to the presence of the Nigerian Agip Oil Company, a crucial ENI oil and gas extraction center.

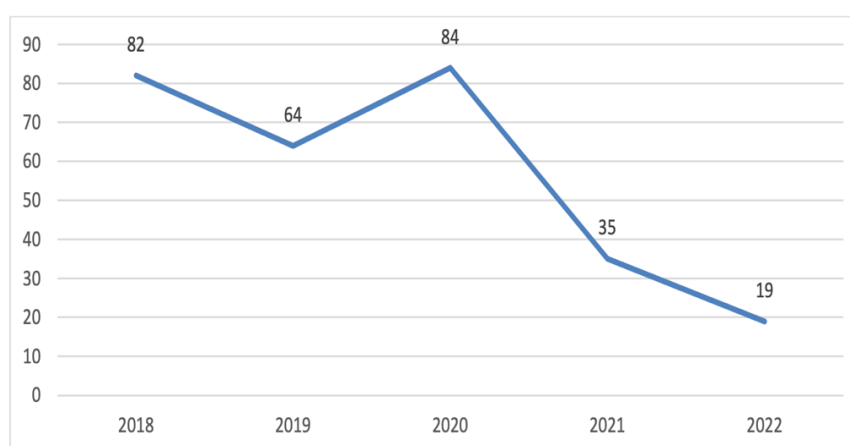
i. Some data on piracy the region

The Gulf of Guinea, which the International Maritime Bureau has identified as the area with the highest incidence of piracy-related incidents globally, has now drawn the IMB's attention away from the Gulf of Aden. Furthermore, the data substantiates the stance of the IMB:

¹³³ "Costa Del Pepe Nell'Enciclopedia Treccani," <https://www.treccani.it/enciclopedia/costa-del-pepe>

- In the year 2020, a total of 195 piracy attacks were recorded globally, with 84 of these incidents taking place in the Gulf of Guinea. This region accounted for 43% of the total number of piracy attacks that occurred worldwide.
- In the year 2020, the Gulf of Guinea region witnessed a significant number of crew members being abducted for ransom. The total number of such incidents in this region alone was 130, which accounts for 95% of the global total of individuals kidnapped by pirates. According to a joint study by the non-governmental organization Stable Seas and the United Nations Office on Drugs and Crime (UNODC), the total value of ransomed crews has increased to roughly 23,050,000 Nigerian Naira per year, or \$5 million. Furthermore, as per the aforementioned study, the yearly financial detriment inflicted upon countries in the region by piracy amounts to approximately \$1.9525 billion.
- There are indications of modest progress, as evidenced by a decrease in the incidence of attacks to 35 in the current year and a corresponding reduction in the number of kidnappings, which has not exceeded 57. The Security Council Report published in November 2020 stated that the IMB credits the decline in attacks to enhanced international collaboration, which has resulted in a higher number of military vessels patrolling the aforementioned sea area.¹³⁴

Gulf of Guinea-Number of Reported Incidents January-December 2018-2022



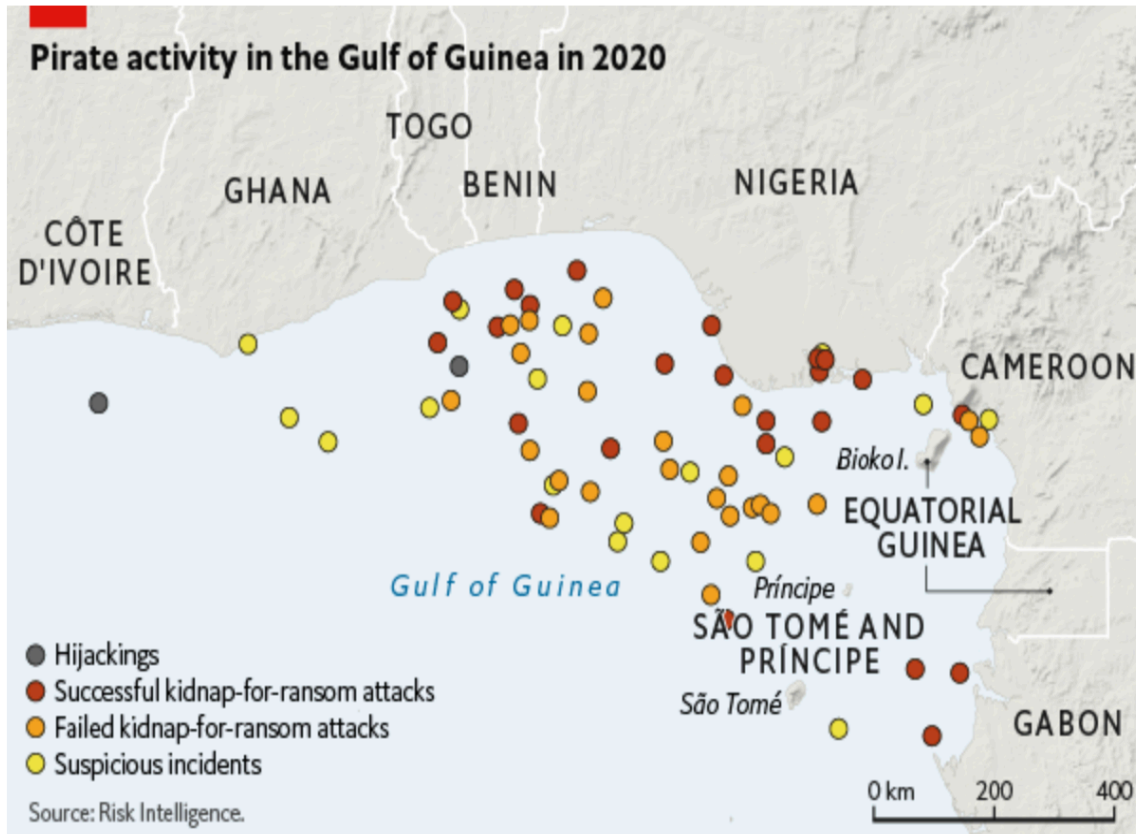
(Figure 21)

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¹³⁴ Security Council Report. "Gulf of Guinea Piracy," October 31, 2022

¹³⁵ ICC International Maritime Bureau. "Piracy and Armed Robbery Against Ships Report for the Period 1 January - 31 December 2022." London, United Kingdom, January 2023.

The chart depicting the frequency of attacks over the last four years reveals that 2020 witnessed the highest number of incidents, with a total of 84. It is noteworthy that a significant proportion of these attacks took place in close proximity to ports, which were either within or in close proximity to territorial waters. The occurrence of such incidents is contingent upon several factors.



¹³⁶ (Figure 22)

The initial aspect pertains to the morphological characteristics of the Niger River delta area, which has been historically recognized as a ‘sanctuary’ for numerous groups of pirates. The Niger River Delta bifurcates into a densely vegetated mangrove forest that inherently creates intricate waterways, facilitating the river’s discharge into the ocean. Despite the presence of military controls, pirates, possessing an exceptional level of familiarity with the geographical features of the region, are capable of concealing themselves and strategizing assaults. The restricted and superficial channels created by the mangrove vegetation at the river’s estuary make it unfeasible for pirate groups to

¹³⁶ Economist Intelligence, “Gulf of Guinea continues to be global piracy hotspot in 2020”, February 2021 <http://country.eiu.com/article.aspx?articleid=1030651286>

employ bigger vessels that are capable of traversing the open ocean. The second rationale pertains to the tactical expediency of employing such a vessel. In light of the delta's existence, watercraft with a capacity of 7-8 individuals and high velocity called *speed boats* are frequently favored. These vessels are typically constructed from wood or fiberglass, making them elusive to radar detection. The Gulf of Guinea pirates have developed a particular expertise in the act of oil theft, whereby they are looting up to 20% of the extracted oil and subsequently sold it on alternative markets at reduced rates.¹³⁷ This practice was notably prevalent until 2014, at which point the oil price crisis engendered a decline in such activity. The pinnacle of this practice was observed until the year 2010, during which the pilfered petroleum was sourced from pipelines situated in the Niger Delta and subsequently transferred onto tankers that were moored in close proximity to the shoreline. The categorization of such incidents as piracy is not common official practice. Rather, these assaults, which occur in territorial waters, are typically classified as instances of armed robbery and subject to prosecution under domestic law rather than international law.¹³⁸

ii. International Cooperation

At the global level, it is evident that comparable measures have not been implemented to address piracy in the Gulf of Guinea region, as has been done in the case of Somali piracy. The most recent resolution on piracy in this region is Resolution 2634, dated May 31, 2022. Prior to this, as noted by Harold Adlai Agyeman, the representative of Ghana and Norway to the United Nations Security Council, the last resolution on this issue was Resolution 2039, which was passed in 2012.¹³⁹ Despite some recent improvements since 2021, there remains a notable lack of collaboration among Western and Asian nations in the region, with no discernible joint mission or international operation in place. Conversely, the primary origin of West African global collaboration concerning

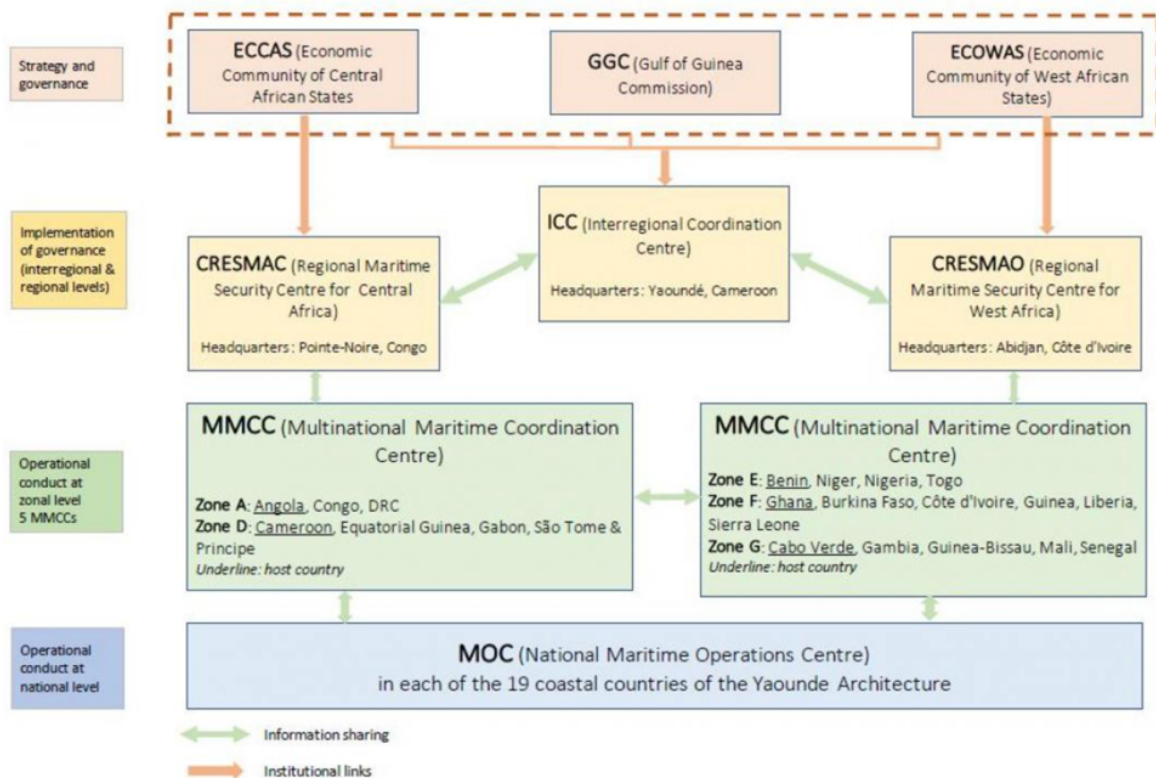
¹³⁷ Bertrand Monnet, "Piracy in Nigeria People & Power", Al Jazeera documentary, 2016

¹³⁸ Contrammiraglio Chiappetta Francesco. "Pirateria Marittima e Furti Armati in Mare." *Rivista Marittima*, March 2023

¹³⁹ UN Press. "Adopting Resolution 2634 (2022), Security Council Calls on Gulf of Guinea Countries to Criminalize Piracy, Armed Robbery at Sea under Domestic Laws | UN Press," May 31, 2022. <https://press.un.org/en/2022/sc14915.doc.htm>.

safeguarding endeavors and maritime protection within the Gulf of Guinea dates back to 2013, with the establishment of the Yaoundé Code of Conduct. During the Heads of State Summit in 2013, 25 countries from the West and Central African regions supported this agreement. Subsequent to the implementation of this code, several regional frameworks have been instituted to oversee the designated regions, including the Regional Centre for Maritime Security of West Africa (CREMAO), situated in Abidjan, Côte d'Ivoire, and the Regional Centre for Maritime Security of Central Africa (CRESMAC), located in Pointe-Noire, Congo.¹⁴⁰ These bodies are in any case multiple and their specific scope of action is described in the scheme below.

Maritime safety and security architecture in the Gulf of Guinea (Yaoundé Architecture)

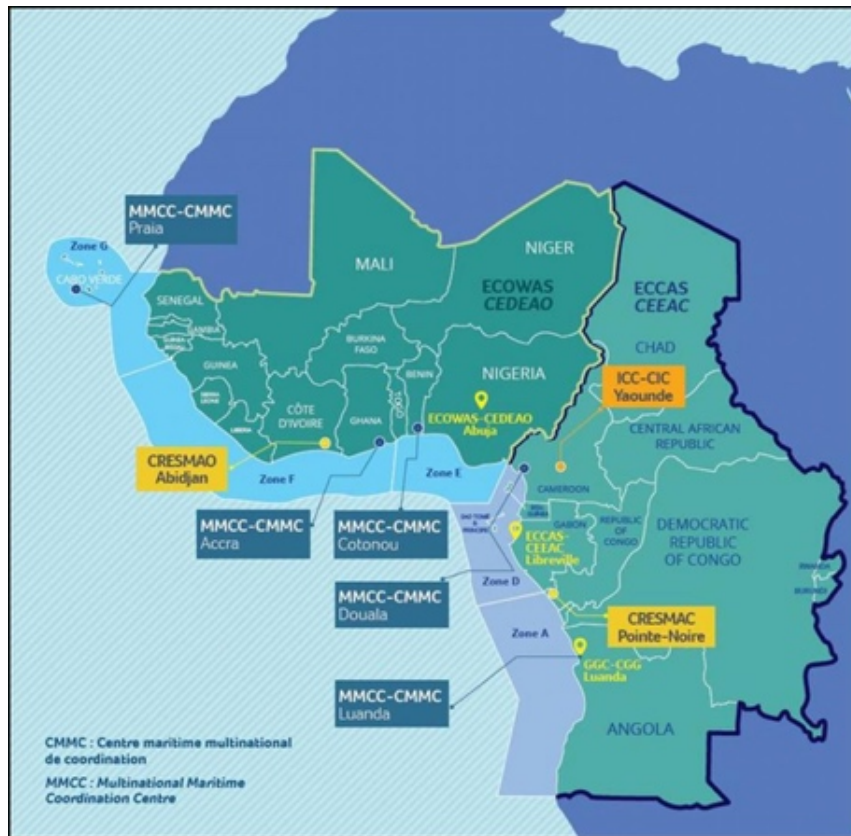


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(Figure 23)

¹⁴⁰ Security Council Report. “Gulf of Guinea Piracy,” October 31, 2022

¹⁴¹ EU Maritime Security Factsheet: The Gulf of Guinea | EEAS. “EU Maritime Security Factsheet: The Gulf of Guinea | EEAS,” n.d. https://www.eeas.europa.eu/eeas/eu-maritime-security-factsheet-gulf-guinea_en.



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(Figure 24)

Similar to other codes of conduct, the act of signing the treaty does not necessarily entail a legally enforceable obligation. As a result of the prevailing socio-economic conditions in several Central and West African nations, the level of investment in the project has been insufficient. This has led to a lack of progress in reducing the frequency of pirate attacks, with the trend remaining stagnant since 2013. The use of armed forces is the most effective strategy for reducing the incidence of piracy in aerial transportation, as recent events have shown. In 2011, a bilateral agreement known as Operation Prosperity was initiated between Nigeria and Benin. This agreement granted the Nigerian Navy the authority to conduct anti-piracy inspections within Benin’s territorial waters. The deployment of military vessels in the region resulted in a reduction in the number of piracy incidents during the operation.¹⁴³ The European Union's role, however, seems to

¹⁴² EU Maritime Security Factsheet: The Gulf of Guinea | EEAS. “EU Maritime Security Factsheet: The Gulf of Guinea | EEAS,” n.d. https://www.eeas.europa.eu/eeas/eu-maritime-security-factsheet-gulf-guinea_en.

¹⁴³ “Golfo Di Guinea, Le Risposte Internazionali e Regionali Alla Pirateria Marittima.” Report Difesa, February 19, 2020. <https://www.reportdifesa.it/le-risposte-internazionali-regionali-alla-pirateria-nel-golfo-guinea/>

be relatively inactive and predominantly political rather than efficacious. In 2014, the union endorsed and provided backing for the Yaoundé Code of Conduct and identified four key strategic objectives to be pursued with the aim of enhancing the situation in the region. These objectives encompassed raising awareness regarding the existence of the phenomenon, facilitating economic development, establishing dedicated regional anti-piracy entities, and providing support to pre-existing structures.¹⁴⁴

The subsequent paragraph will demonstrate that the Gulf of Guinea region is currently experiencing a distressing geopolitical, socio-political, and socio-economic situation, which is the primary catalyst for the emergence of piracy. Nonetheless, similar to the Gulf of Aden, it would be disadvantageous to allocate resources towards narrowing the social and economic disparity with the West. This is particularly true in this scenario, as the Western states' interests in the region are even less significant than those in the Horn of Africa. As emphasized in UN Security Council Resolution 2634, dated May 31, 2022, the region in question should require significant investment. However, the intervention of US Ambassador to the UN Linda Thomas-Greenfield during the meeting was succinct, stating that "2022 was a year in which maritime crimes decreased in the region due to international cooperation." For her this implies that the resolution of the issue may require the use of armed forces.¹⁴⁵ The issue at hand pertains to the insufficiency of global collaboration, despite the fact that, unlike the states in the Horn of Africa, the West African states have established a structure through the Yaoundé Code of Conduct. However, the absence of adequate resources has hindered the effective implementation of this framework.

¹⁴⁴ "Golfo Di Guinea, Le Risposte Internazionali e Regionali Alla Pirateria Marittima." Report Difesa, February 19, 2020. <https://www.reportdifesa.it/le-risposte-internazionali-regionali-alla-pirateria-nel-golfo-guinea/>

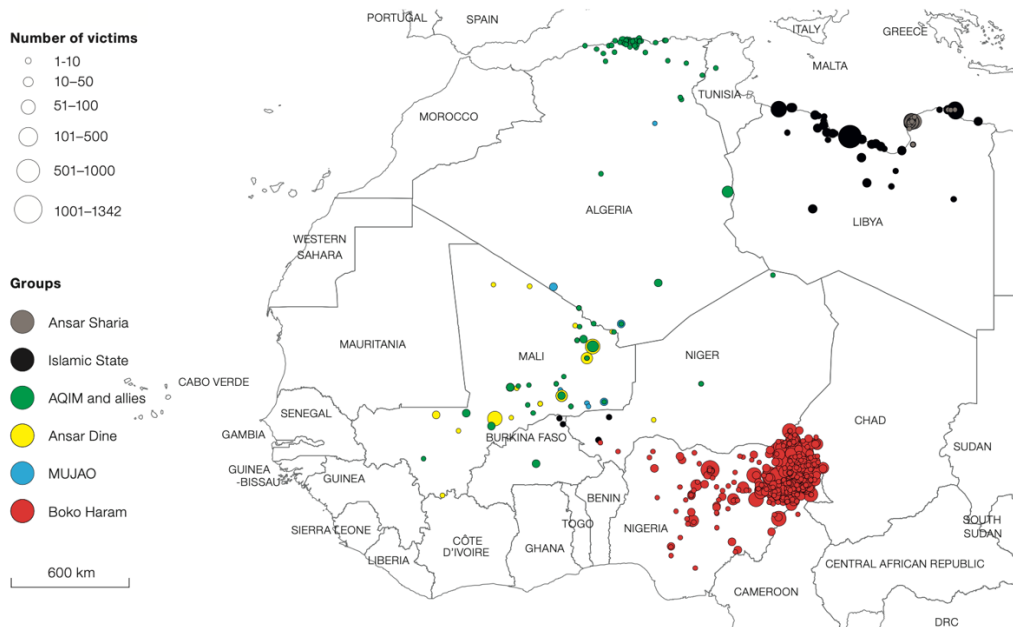
¹⁴⁵ UN Press. "Adopting Resolution 2634 (2022), Security Council Calls on Gulf of Guinea Countries to Criminalize Piracy, Armed Robbery at Sea under Domestic Laws | UN Press," May 31, 2022. <https://press.un.org/en/2022/sc14915.doc.htm>.

iii. Geopolitical scenario of the Gulf of Guinea region - focus on Nigeria

The geopolitical landscape of the Gulf of Guinea is highly intricate. The majority of nations within the region continue to face obstacles to development as a result of their colonial legacy. The dearth of investment, coupled with internal uprisings, results in poverty and a bleak outlook for the future. Instances of political violence and terrorism have led to significant political and social instability. In Nigeria, religious conflicts frequently escalate into violent outbreaks perpetrated by Boko Haram terrorists. However, widespread corruption among the region's politicians and military leaders hinders the possibility of economic advancement and improved welfare. As highlighted in Resolution 2634 dated May 31, 2022, piracy has been frequently associated with domestic terrorism in neighboring states. A case in point is the notorious Nigerian pirate and terrorist, John Togo, who was the historical leader of the Niger Delta Liberation Front (NDLF) militia. Before his death in 2011, Togo was considered Nigeria's most wanted individual.¹⁴⁶

U

Victims of the main terrorist groups 2012-2016



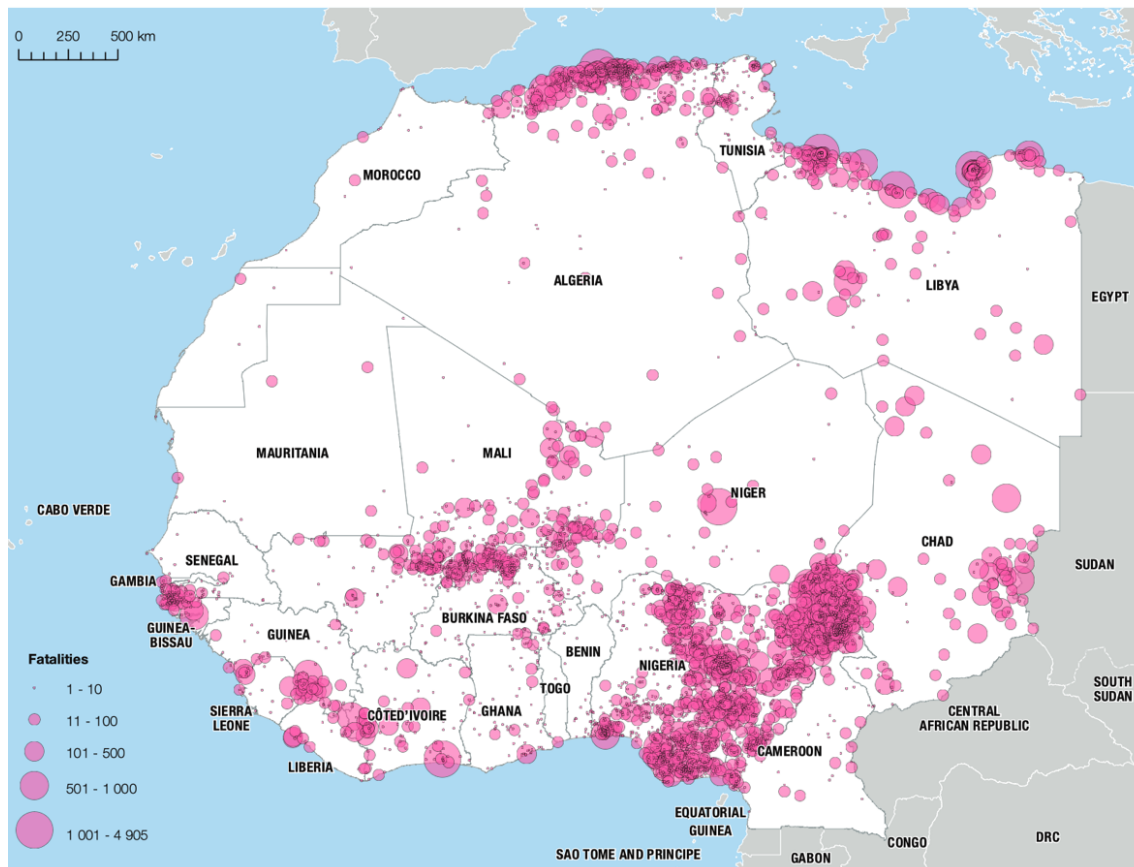
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(Figure 25)

¹⁴⁶ Bertrand Monnet, "Piracy in Nigeria People & Power", Al Jazeera documentary, 2016

¹⁴⁷ Walther, O. (2017), "Wars and Conflicts in the Sahara-Sahel", West African Papers, No. 10, OECD Publishing, Paris, <https://doi.org/10.1787/8bbc5813-en>.

Victims of Political Violence in North and West Africa 1997-2019



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(Figure 26)

The map (Figure 25) indicates that the north-eastern region of Nigeria, which is historically significant as the birthplace of the African Kanem-Bornu Empire, is currently experiencing heightened activity from the Boko Haram terrorist group. This region was Islamized towards the end of the 11th century, following the ascension of the Sayfawa dynasty to the throne. The dissolution of the empire was not realized until the end of the 19th century. The militiamen affiliated with Boko Haram perceive themselves as the custodians of the Islamic identity of the area and endeavor to introduce the Arab Spring to Nigeria.¹⁴⁹ Their existence is associated with a destructive and lethal force that, in conjunction with other factors, contributes to a situation in which institutions, frequently

¹⁴⁸ OECD/SWAC (2020), "Mapping political violence in North and West Africa", in *The Geography of Conflict in North and West Africa*, OECD Publishing, Paris, <https://doi.org/10.1787/0b97bd15-en>

¹⁴⁹ Walther, O. (2017), "Wars and Conflicts in the Sahara-Sahel", *West African Papers*, No. 10, OECD Publishing, Paris, <https://doi.org/10.1787/8bbc5813-en>

characterized by corruption, encounter difficulties in managing the circumstances. This creates an environment in which pirates can thrive and develop. The next map (Figure 26) highlights a considerably more concerning scenario, particularly when linked with the previous map. The map in figure 25 highlights the prevalence of political violence in the north-eastern region of Nigeria, primarily attributed to the actions of Boko Haram. However, the subsequent map reveals a concerning level of instability in the Gulf of Guinea, which was not evident in the former depiction. This instability is associated with political violence and has led to the emergence of piracy in the region. The second map depicts a concentration of political violence-related crimes along the coastal regions of North Africa. This phenomenon can be attributed to the concentration of population and economic activities in these areas if associated with political instability. The coastal regions serve as the primary access points for states to the global community. As such, it is reasonable to expect a concentration of such phenomena in these areas. However, Boko Haram represents an anomaly in this regard, as it is situated further inland. This can be attributed to the fact that the group draws upon the ideological legacy of an ancient empire that was located in that region. The maps illustrate numerous tensions within the region, which can be attributed to the colonial legacy that partitioned African states without regard for the diverse ethnic groups inhabiting the region. In some instances, historically adversarial groups and tribes were consolidated under a single flag. The Casamance region in Senegal for example has been embroiled in a long-standing conflict involving the Movement of the Democratic Forces of Casamance, an armed independence group. The group has been engaging in attacks and reprisals against Senegalese state entities with the aim of establishing an autonomous state or region. This conflict is one of the oldest and most persistent issues in Senegal.

The Niger Delta presents a comparable scenario, wherein several terrorist and paramilitary groups aim to secure autonomy for the region by resorting to forceful and aggressive measures against the regional administration and the federal government. The activities taking place in the Niger Delta region are of particular interest due to their direct association with piracy operations. In some cases, piracy may take advantage of the asymmetry that political unrest creates. However, in the Niger Delta, the pirates frequently have control over the paramilitary organizations instigating political disorder. These pirates employ a combination of piracy and terrorism to pursue their objectives. As previously noted, John Togo, who led the Niger Delta Liberation Front, was among the

primary figures associated with this movement, which could be characterized as a hybrid of secessionist, terrorist, and pirate activities. According to a video interview conducted shortly before his passing and featured in the Al Jazeera documentary "Piracy in Nigeria: People and Power," the individual in question was primarily driven by ideological rather than political factors in his actions. Specifically, he was concerned with the role of major oil multinationals in the intricate geopolitical landscape of Nigeria, a concern that persists even 12 years after his death. The documentary under consideration features an interview with Fred Obuguru, the community chief of a village in the Niger Delta and the leader of a pirate group known as 'Black Devil'.¹⁵⁰ Both individuals provide insights into this particular function. The issue at hand concerns Western corporations' exploitation of oil and natural gas reserves in Nigeria's delta region without providing any benefits to the local population, as all three individuals have highlighted. The companies in question are alleged to have engaged in agreements with corrupted political figures, these politicians would grant permits and concessions to the companies for their own personal benefit without taking into account the interests of the locals. One of the primary sources of community dissatisfaction is the exploitation of Nigerian resources and waters by companies that do not employ local workers. The Niger Delta community harbors a profound aversion towards the large oil corporations, whom they perceive as adversaries to be defeat in order to reclaim their land. This sentiment has given rise to militant and separatist groups, as well as the proliferation of piracy. In the aforementioned documentary, the pirate leader known as 'Black Devil' asserts that his group, consisting of 45 individuals, is motivated by their frustration towards the administration and oil companies. The group believes that these entities fail to reinvest in the local territory or provide employment opportunities to the citizens, instead opting to extract resources and transfer wealth to the West while employing Westerners. The community chief in question was queried about the prevalence of piracy in the Niger Delta and responded by attributing it to the poverty that has resulted from the exploitation of resources by oil companies, which have failed to provide employment opportunities for local residents. As previously noted, this phenomenon gives rise to conflicts and the formation of militant factions that operate along with their beliefs, seeking to safeguard their region and aspiring to secede from the perceived corrupt governing body, which they hold accountable for the prevailing socio-economic circumstances in the locality. The dim

¹⁵⁰ Bertrand Monnet, "Piracy in Nigeria People & Power", Al Jazeera documentary, 2016

illumination of the map depicted in (Figure 26) within this particular geographic region is attributed as the primary cause the ‘Niger Delta Conflict’.¹⁵¹ Numerous armed factions are involved in the ongoing conflict, with the primary objective of emancipating the Niger Delta from the control of multinational corporations and achieving secession from the central government. The conflict in question involves several groups, namely the Movement for the Emancipation of the Niger Delta (MEND), the Niger Delta Liberation Front, the Niger Delta People’s Volunteer Force (NDPVF), and the Niger Delta Avengers (NDA). These various groups are members of a shared ethnic community, specifically the Ijawa and Ogoni groups, and they are advocating for equitable allocation of their land’s resources. Each of these organizations has executed acts of terrorism targeting multinational oil corporations and their infrastructure on the field. Additionally, a considerable number of their members engage in piracy, which they may utilize as a means of financing further attacks.¹⁵²

iv. The Niger’s Delta oil problem

The Niger Delta’s association with oil has been tumultuous. The region, which has the potential to be one of the wealthiest in the world, has instead become one of the poorest due to the inadequate management of crude oil. The inhabitants of the region have a life expectancy of 41 years¹⁵³ and subsist on less than a dollar per day.¹⁵⁴ It is crucial to understand the precise circumstances that have led to this phenomenon, as piracy, along with other criminal activities linked to poverty in the region, is closely intertwined with it. Currently, the Niger Delta region hosts approximately 1.2 million residents who live in an urban hub encompassed by numerous impoverished areas characterized by severe

¹⁵¹ Bertrand Monnet, “Piracy in Nigeria People & Power”, Al Jazeera documentary, 2016

¹⁵² Ukiwo, Ukoha. "From “pirates” to “militants”: A historical perspective on anti-state and anti-oil company mobilization among the Ijaw of Warri, Western Niger Delta." *African Affairs* 106, no. 425 (2007): 587-610

¹⁵³ Saint, Ekpali. “Timeline: Half a Century of Oil Spills in Nigeria’s Ogoniland.” *Timeline: Half a century of oil spills in Nigeria’s Ogoniland | Environment | Al Jazeera*, December 2022. <https://www.aljazeera.com/features/2022/12/21/timeline-oil-spills-in-nigerias-ogoniland>

¹⁵⁴ Harvard International Review. “Oil Among the Mangrove Trees: A Portrait of Destruction in the Niger Delta, Then and Now,” May, 2023. <https://hir.harvard.edu/oil-among-the-mangrove-trees-a-portrait-of-destruction-in-the-niger-delta-then-and-now/>

environmental deterioration and skyrocketing levels of pollution. The presence of Europeans in the area began in the 17th century with the export of slaves destined for the Americas. In the 19th century, thanks mainly to the British navy, the slave trade was replaced by the cheaper transport of palm oil and coal; the British have been there ever since, making it a colony in 1914, a situation that persisted until the declaration of independence in the '60. Throughout the past century, the history of Nigeria has been characterized by a protracted sequence of coup d'état led by military personnel, which have been accompanied by a persistent commitment to establish a democratic civilian administration that has yet to be realized. The outcome has been a continuous sequence of fatalities, caused either by the state itself or as a result of conflicts between the numerous ethnic factions within the region. The establishment of a democratic government in Nigeria occurred in 1999, with Olusegun Obasanjo as the leader. However, the new government had to confront a history of corruption, power abuse, and civil rights limitations.¹⁵⁵ On February 23, 2023, Nigeria conducted a presidential election, following which Bola Tinubu, a Muslim candidate, was declared victorious by the electoral commission. Similar to his predecessors, the individual in question possesses a history replete with allegations of corruption and money laundering. However, it is noteworthy that no convictions have been secured against him by the Nigerian judiciary.

For several decades, the Niger Delta region has presented a paradoxical situation, characterized by an abundance of oil resources yet plagued by poverty. Nigeria, until a recent period, held the position of being the foremost producer of crude oil in Africa, having exported approximately 101.4 million metric tons in the year 2019.¹⁵⁶ In recent times, production and export levels have witnessed a significant decline, reaching their lowest point in 32 years. The reason cited by both corporations and governmental entities is that armed gangs have been perpetrating assaults on deposits and pipelines. This is a regrettable occurrence, but it is not entirely unexpected, given that the World Poverty Clock has projected that in 2023, over 71 million individuals, or 32% of Nigeria's

¹⁵⁵ Servizio di Studi & Servizio di Affari Internazionali Senato della Repubblica, Osvaldo Baldacci, and Luca La Bella. "La Nigeria Contributi Di Istituti Di Ricerca Specializzati." Dossier Senato n.87, March 2008. https://www.senato.it/application/xmanager/projects/leg16/attachments/dossier/file_internets/000/006/943/87_20per_20sito.pdf

¹⁵⁶ Cerocchi, Francesca . "LA QUESTIONE DEL PETROLIO NIGERIANO: DALLA SCOPERTA DEL PRIMO GIACIMENTO AL CONFLITTO." Policlic, 2021. <https://www.policlic.it/la-questione-del-petrolio-nigeriano-dalla-scoperta-del-primo-giacimento-al-conflitto/>

populace, will be living in poverty, subsisting on a daily budget of \$1.9 or less.¹⁵⁷ The prevalence of poverty in rural regions has escalated to 53%, with certain areas sustaining life on a meager budget of less than \$1 per day.¹⁵⁸ The Niger Delta, which is home to the most impoverished residents, is also the region with the most abundant oil reserves, accounting for 80% of the national total. During the period of British protectorate in 1937, Shell was granted exclusive rights to explore and produce oil throughout the Nigerian territory. This was in accordance with the 1914 legislation, which reserved these activities solely for British companies. Consequently, Shell, being one of the largest oil corporations, became the dominant player in the extraction of crude oil from the Delta region. The prevailing position, despite numerous alterations, has persisted up to the current era. In 1946, Shell underwent a merger with BP (British Petroleum) and expanded. However, the local population was significantly impacted by the ‘Minerals Ordinance’ of the same year. This legislation granted the British crown ownership and control over all minerals and mineral oils within the territory. As a result, any other parties involved in the industry were required to provide compensation to the British government, thereby preventing local individuals from participating in the industry in any capacity.¹⁵⁹ The inhabitants of the delta region were deprived of their land entitlements, and the advent of independence, which had the potential to improve the circumstances, may have exacerbated them instead. Following its admission into OPEC, the consortium of oil-exporting nations, Nigeria witnessed the emergence of corporate entities sought after by government ministries. These entities facilitated the establishment of exclusive arrangements between the government and oil companies, commonly referred to as *traditional joint ventures*.¹⁶⁰ These joint ventures continue to be employed today, serving to reduce the state’s oversight of the companies and the level of transparency they are obligated to provide to the government. It is noteworthy that such arrangements ultimately serve to promote corrupt practices.

¹⁵⁷ “World Poverty Clock,” n.d. <https://worldpoverty.io>.

¹⁵⁸ Harvard International Review. “Oil Among the Mangrove Trees: A Portrait of Destruction in the Niger Delta, Then and Now,” May, 2023. <https://hir.harvard.edu/oil-among-the-mangrove-trees-a-portrait-of-destruction-in-the-niger-delta-then-and-now/>

¹⁵⁹ Cerocchi, Francesca . “LA QUESTIONE DEL PETROLIO NIGERIANO: DALLA SCOPERTA DEL PRIMO GIACIMENTO AL CONFLITTO.” Policlic, 2021. <https://www.policlic.it/la-questione-del-petrolio-nigeriano-dalla-scoperta-del-primo-giacimento-al-conflitto/>

¹⁶⁰ Human Rights Watch. “THE PRICE OF OIL Corporate Responsibility and Human Rights Violations in Nigeria’s Oil Producing Communities.” New York, January 1999. Pag 6-9

When viewed through the lens of the local populace, the situation becomes increasingly more dramatic. The Delta region boasted abundant, fertile land that supported agricultural practices and fishing industries, which in turn sustained local households. The expropriation of land dealt a fatal blow to the inhabitants, who were also subjected to the exploitation and construction of oil pipelines, resulting in an adverse environmental impact that led to decreased crop productivity. Presently, the productivity of the land has been further diminished due to seepage in the pipelines, which has contaminated the aquifers utilized for the purpose of irrigating the fields. The oil infrastructure installation was inadequately executed, resulting in significant oil spillage into the adjacent farmland as early as the 1950s. Oil spills have persisted for a period of seventy years and remain a significant challenge in the Niger Delta region to date.¹⁶¹ According to a report by Amnesty International, the frequency of oil spills in Europe during the time frame of 1971 to 2011 was estimated to be approximately 10 incidents per year. In contrast, in 2015, Agip Nigeria alone was responsible for 656 oil spills in the Niger Delta region.¹⁶² The substantial contrast observed suggests notable variations in safety regulations across the two continents, ultimately reflecting a lack of concern for the preservation of the populace. Regarding pollution, it is evident that this is not an isolated occurrence, as regrettably there are numerous instances. The initial delivery of petroleum that has been deemed "dirty" due to its elevated levels of sulfur dioxide, exceeding European regulations by thousands of times, has resulted in the emergence of hazardous air quality in urban areas. It is anticipated that this occurrence is merely the precursor to a series of similar incidents. According to statistical data, air pollution was responsible for causing 20,000 fatalities in Ghana in 2013.¹⁶³ Additionally, it has been observed that certain low-cost fashion brands utilize blue dye to color their denim products, which subsequently leads to the discharge of processing residues into waters, resulting in the blue coloration of rivers in Lesotho and Tanzania. In August 2021, Water Witness International, a

¹⁶¹ Center for Constitutional Rights. "Factsheet: Shell's Environmental Devastation in Nigeria," March 2009. <https://ccrjustice.org/home/get-involved/tools-resources/fact-sheets-and-faqs/factsheet-shells-environmental-devastation>

¹⁶² Amnesty International. "Niger Delta Negligence," March 16, 2018. <https://www.amnesty.org/en/latest/news/2018/03/niger-delta-oil-spills-decoders/>

¹⁶³ Ross, Alice. "Trafigura, Vitol and BP Exporting Dirty Diesel to Africa, Says Swiss NGO." The Guardian, September 2016. <https://www.theguardian.com/world/2016/sep/15/trafigura-vitol-bp-dump-dirty-diesel-africa-swiss-ngo-public-eye>

Scottish organization, released a dossier implicating several prominent brands, including HM, Zara, Calvin Klein, and Levi's, in pollution. An additional instance can be observed in close proximity to a textile manufacturing facility situated along the Msimbazi River in Tanzania, where a water pH level of 12, analogous to that of bleach, was obtained through sampling.¹⁶⁴

In order to explicate the historical progression of the conflict between the oil companies and the local populace in the Niger Delta, it is imperative to focus on a specific region, namely Ogoniland, which is the ancestral homeland of the Ogoni people. This group constitutes a minority of approximately 500,000 people, who are further segmented into diverse tribes. Narrating their experiences holds great importance in comprehending the collective struggles faced by other communities residing in the Niger Delta region. Historically, the Ogoni minority group has never been represented in the Nigerian parliament. This can be attributed to the government's prioritization of forging partnerships with oil companies rather than safeguarding the interests of minority groups. The region of Ogoniland experienced a significant spill of crude oil in their lands, amounting to several hundred million liters, resulting in detrimental effects on agricultural yields, aquatic resources, and overall well-being. According to a report by the Economic and Financial Crimes Commission in 2003, Nigerian politicians accepted as corruption a total of 400 billion dollars between 1960 and 2000.¹⁶⁵ This amount is equivalent to the humanitarian aid provided to the entire African continent during the same period. The statements made by the village chiefs of the delta suggest that opposing multinational corporations would be futile, as the government has established partnerships with all oil companies operating in the region. The NNOC, or National Nigerian Oil Company, serves as the conduit for this transformation, such that opposing the companies in question equates to opposing the government.¹⁶⁶ Those who tried to

¹⁶⁴ Water Witness International | Action, Research & Advocacy for a Fair Water Future,” <https://waterwitness.org>.

Warren, Liz “Report: Fashion Is Dyeing Africa’s Water Blue, Burning Locals’ Skin.” Sourcing Journal, August 19, 2021. <https://sourcingjournal.com/denim/denim-mills/africa-water-witness-international-denim-dye-water-pollution-burns-cotton-296600/>

¹⁶⁵ “PROPOSTA DI RISOLUZIONE COMUNE Sulla Nigeria | RC-B8-0478/2016 | Parlamento Europeo,” https://www.europarl.europa.eu/doceo/document/RC-8-2016-0478_IT.html

¹⁶⁶ Cerocchi, Francesca . “LA QUESTIONE DEL PETROLIO NIGERIANO: DALLA SCOPERTA DEL PRIMO GIACIMENTO AL CONFLITTO.” Policlic, 2021. <https://www.policlic.it/la-questione-del-petrolio-nigeriano-dalla-scoperta-del-primo-giacimento-al-conflitto/>



(Figure 27)

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newspapers¹⁶⁸. In response to the situation, the government has deployed military personnel to the area, resulting in the unfortunate loss of numerous innocent lives among the demonstrators. Ken Saro-Wiwa, the founder of MOSOP and a writer-poet, played a significant role in this particular situation. In 1993, a significant number of Ogoni individuals, estimated at 300,000, mobilized themselves on the streets under the banner of the Movement for the Survival of the Ogoni People. The government's response to this peaceful demonstration was characterized by excessive use of force, which in turn led to a more violent and radicalized faction of the organization. In May 1994, Saro-Wiwa was prepared to participate in a local demonstration in the Delta region. However, he and several of his colleagues were apprehended on allegations of inciting a series of homicides that were likely carried out by the more aggressive and violent faction of MOSOP. Following a trial that elicited objections from numerous human rights organizations, all of the accused were condemned to capital punishment. On November 10th, 1995, Saro-Wiwa and eight other MOSOP activists were executed by hanging.¹⁶⁹ Prior to his demise, Saro-Wiwa uttered the words, "They will detain and put us to death, and all for the sake

¹⁶⁷ Logo NNOC

¹⁶⁸ Human Rights Watch. "THE PRICE OF OIL Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities." New York, January 1999. Pag-6-9

¹⁶⁹ Human Rights Watch. "THE PRICE OF OIL Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities." New York, January 1999. Pag. 6-9

raise their voices were the MOSOP (Movement for the Survival of the Ogoni People). In the early 1990s, real peaceful demonstrations began in Ogoniland, major multinationals such as Shell were targeted. The movement garnered attention from European university students, who participated in sit-ins and proposed boycotts of Shell products in solidarity with the cause. The MOSOP has facilitated the dissemination of information regarding the Delta region to various global

of Shell.” The response from the international community towards these occurrences was small and slightly unfavorable, resulting just in the suspension of the Commonwealth and the implementation of a set of minor sanctions by Western governments. A report was published by Greenpeace in 2001, wherein it was disclosed that the two witnesses who had levied allegations against Saro-Wiwa had confessed to receiving remuneration from both Shell and the Nigerian authorities. The Center for Constitutional Rights initiated legal proceedings against Shell in 1996 based on the aforementioned facts. The trial subsequently commenced in 2009. The corporation of Anglo-Dutch origin promptly resolved the legal matter by consenting to disburse a sum of \$15.5 million as restitution. However, it maintained that this was merely a gesture of benevolence and that it did not acknowledge any culpability or accountability for the events in question.¹⁷⁰ The aftermath of Saro-Wiwa’s demise has instilled a yearning for retribution and retaliation among the inhabitants of the Niger Delta. This has led to the proliferation of armed gangs in the region and the beginning of acts of sabotage, which have only exacerbated the issue of oil spills in the fields. Concurrently, abductions of officials from European oil companies have also been initiated. One notable occurrence is the establishment of MEND, an organization that asserted responsibility for abducting four Agip employees (comprising three Italians and a Lebanese) on December 7, 2006.¹⁷¹ As a result, the situation in a region where Shell has established one of its manufacturing facilities serves as evidence that the government initiates a severe and unrestricted use of force. Despite a two-decade period of oil extraction, the company has failed to deliver on its commitments to enhance infrastructure, generate employment opportunities, and establish educational institutions. Consequently, the populace is understandably irate and resorts to peaceful demonstrations on the streets as a means of expressing their dissatisfaction, having previously attempted to communicate their complains directly to Shell through written correspondence. In response, Shell exercises its contractual obligation with the government and mobilizes law enforcement personnel,¹⁷² who employ forceful measures, resulting in dozens of

¹⁷⁰ “Factsheet: The Case Against Shell.” Center for Constitutional Rights, March 2009. <https://ccrjustice.org/home/get-involved/tools-resources/fact-sheets-and-faqs/factsheet-case-against-shell>

¹⁷¹ Rebels end Nigeria oilfield sieges | News | Al Jazeera. “Rebels End Nigeria Oilfield Sieges,” December 29, 2006. <https://www.aljazeera.com/news/2006/12/29/rebels-end-nigeria-oilfield-sieges>

¹⁷² Human Rights Watch. “THE PRICE OF OIL Corporate Responsibility and Human Rights Violations in Nigeria’s Oil Producing Communities.” New York , January 1999. Pag.12-13

fatalities.¹⁷³ According to a government-established judicial commission of inquiry, there was no indication of any danger posed by the villagers during the demonstrations. The commission further determined that the mobile police demonstrated a disregard for both life and property, although it is not surprising that none of the perpetrators were apprehended.

As of present, the pollution scenario doesn't show any indication of transformation. In March 2022, an Eni pipeline encountered an explosion, marking the second occurrence within a few weeks and resulting in catastrophic ecological ramifications. The cessation of well operations was expeditiously executed, resulting in a reduction of 25,000 barrels per day in exported oil.¹⁷⁴ According to UNEP, the UN Environment Programme, in 2015, the pollution attributed to Shell was of such magnitude that a complete restoration of the affected area to its original state would require a period of 30 years.¹⁷⁵ In February 2021, a significant development occurred when the international court in Aja rendered a verdict that mandated Shell to provide compensation for the harm caused by its oil extraction activities. Subsequently, on December 23, 2022, Shell declared its intention to disburse 15 million euros to the affected local communities as restitution for the ecological catastrophe that ensued. Additionally, the company pledged to implement a mechanism to monitor and mitigate future leaks, which it attributes to acts of vandalism and sabotage by local residents.¹⁷⁶ The remuneration provided appears to be disproportionate to the harm inflicted. However, as highlighted by the BBC in its coverage of the trial, this outcome represents a significant landmark in the Niger Delta community's efforts to challenge the conduct of oil corporations.¹⁷⁷

¹⁷³ Human Rights Watch. "THE PRICE OF OIL Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities." New York, January 1999. Pag-6-9

¹⁷⁴ "Nigeria, Esplosione e Fuoriuscita Di Greggio Da Un Oleodotto Gestito Dall'Eni." Nigrizia, March 15, 2022. <https://www.nigrizia.it/notizia/nigeria-esplosione-petrolio-eni>.

¹⁷⁵ "UNEP Ogoniland Oil Assessment Reveals Extent of Environmental Contamination and Threats to Human Health," August 7, 2017. <http://www.unep.org/news-and-stories/story/unep-ogoniland-oil-assessment-reveals-extent-environmental->

¹⁷⁶ Friends of the Earth International. "Nigerian Farmers and Friends of the Earth Win Oil Pollution Case against Shell in Historic Ruling," February 2021. <https://www.foei.org/nigerian-farmers-win-oil-pollution-case-against-shell/>

¹⁷⁷ BBC News. "Shell to Pay \$16m to Nigerian Farmers over Oil Damage." December 2022. <https://www.bbc.com/news/world-africa-64075146>

v. *The UNODC analysis of the function and structure of piracy in the Niger Delta region.*

As highlighted earlier, the morphology of the Niger Delta region is notably intricate, yet it is also exceedingly abundant in oil reserves. The following information is derived from research conducted by the UNODC and published on September 6, 2021, titled ‘Pirates of the Niger Delta’. The study elucidates how the regional geography and geopolitical circumstances have given rise to pirates in the Gulf of Guinea, who exhibit certain structural dissimilarities from those commonly encountered.

Figure 28



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The geopolitical and social aspects of the Niger Delta region have been extensively discussed; however, it is noteworthy to observe the direct impact of these factors, along with morphological factors, on piracy. As previously elucidated, numerous terrorist organizations engage in acts of piracy. Hence, discerning whether a crime is attributable to piracy or terrorism or is a retaliatory measure by terrorist groups poses a challenge, thereby rendering it arduous for the authorities to differentiate between actions that

¹⁷⁸ Global Maritime Crime Programme of UNODC. “Pirates of the Niger Delta,” 2021

qualify as piracy and those that do not. The disparity in the data generated by different agencies is indicative of this. The aforementioned statistics regarding pirate attacks in 2020 are derived from the ICC's official report (84). It is noteworthy, however, that there are significant discrepancies between the figures presented by the ICC and those reported by the CEMLAWS (Centre for Maritime Law and Security Africa), which cites a total of 122 incidents, and the CIC Yaounde, which reports 110 incidents.¹⁷⁹ The manner in which attacks are executed and their underlying framework differ significantly from the contemporary piracy practices that have become customary worldwide. Initially, it has been stated that the mangrove forests and delta morphology necessitate the utilization of small boats equipped with powerful outboard engines. It is noteworthy that the deployment of 'motherships' has not been observed to the same degree as in Somali piracy.¹⁸⁰ The data suggests that pirates tend to target areas in close proximity to the coast due to their lack of deep-sea vessels. This is evidenced by the fact that in 2020, 11 assaults took place in harbors, 13 in the creeks of the delta, and a substantial 48 on anchored vessels. It is noteworthy to mention that assaults on moored vessels, which are followed by the kidnapping of the crew, are not classified as acts of piracy under UNCLOS, even if they are executed by individuals who self-identify as pirates. This modus operandi may be perceived as a form of piracy that has evolved or adapted to a specific territory. In the year 2020, the vessels that were subjected to the highest frequency of attacks were large tankers (38), cargo ships (22), containers (19), and supply-oil vessels (10). Additionally, there were two recorded attacks on oil rigs, which deserve an honorable mention in the list.¹⁸¹ Regarding the latter, individuals situated in the Niger Delta regions are consistently safeguarded by a minimum of two vessels that have personnel from PMSCs on board. The costs associated with this protection service might account for up to 10% of the platform's overall revenue.¹⁸² There are basically three groups of pirates, those who operate on the high seas, which are, however, gradually diminishing, those who operate close to the coast, generally not more than 40 nautical miles, and those who operate in the commercial stretches in the delta streams. The latter two categories generally use *speed boats* to carry out their assaults and seldom use larger vessels such as deep-sea fishing boats to go offshore.

¹⁷⁹ Global Maritime Crime Programme of UNODC. "Pirates of the Niger Delta," 2021 p.12-15

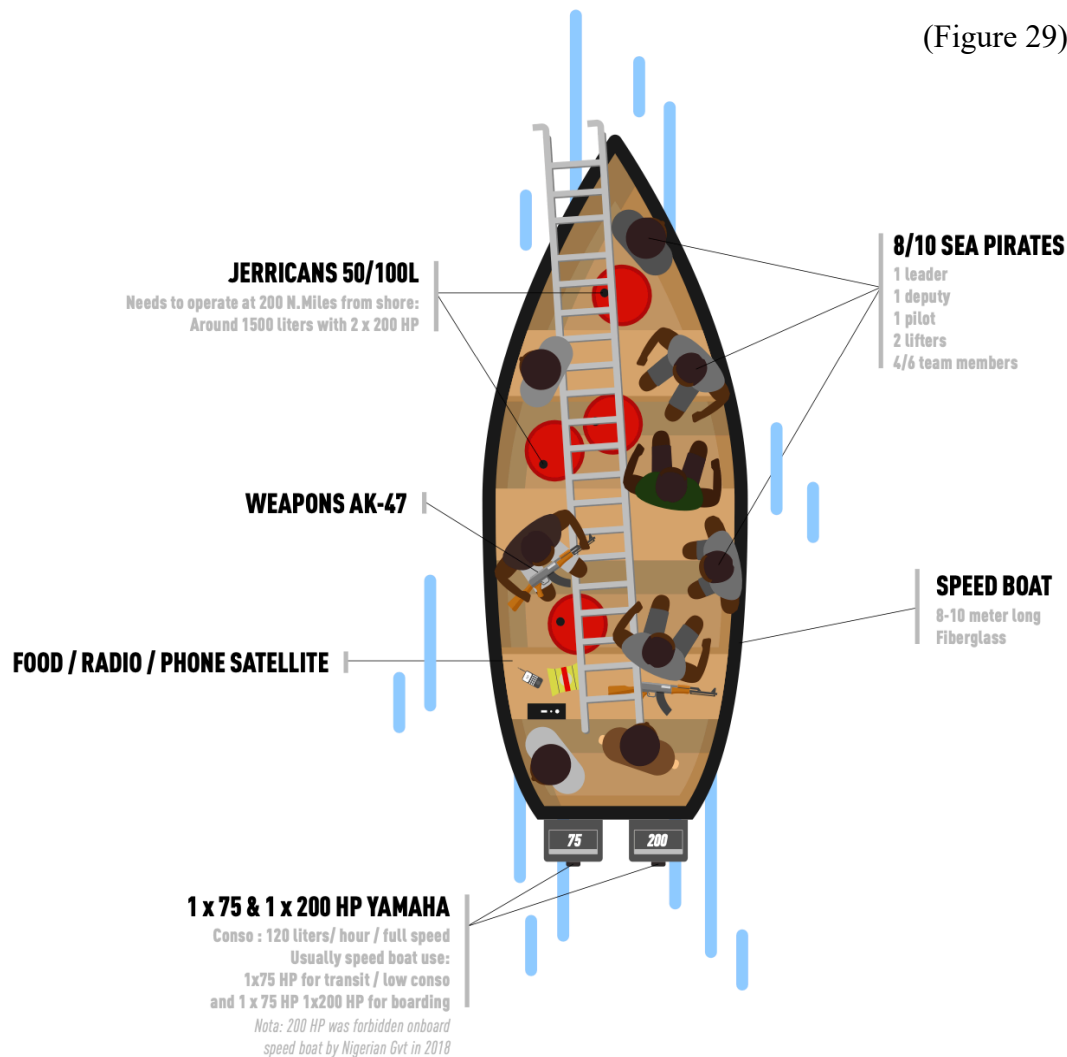
¹⁸⁰ Global Maritime Crime Programme of UNODC. "Pirates of the Niger Delta," 2021 p.25

¹⁸¹ Global Maritime Crime Programme of UNODC. "Pirates of the Niger Delta," 2021 p.26-27

¹⁸² Bertrand Monnet, "Piracy in Nigeria People & Power", Al Jazeera documentary, 2016

TYPICAL SPEEDBOAT NIGERIANS PIRATES :

(Figure 29)



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The study’s findings indicate a significant territorial specialization in the form of kidnapping. It appears that the favored activity is no longer limited to boarding vessels for the purpose of hijacking or stealing their contents, but rather the abduction of the crew. According to data, the mean expense for the release of a hostage was \$15,000 in 2014, whereas in 2019, the average cost per individual has escalated to \$40,000.¹⁸⁴ Kidnappings are frequently favored for a multitude of reasons:

¹⁸³ Global Maritime Crime Programme of UNODC. “Pirates of the Niger Delta,” 2021 pag.52

¹⁸⁴ Global Maritime Crime Programme of UNODC. “Pirates of the Niger Delta,” 2021 pag.30

- The configuration of the vessels utilized in their attacks precludes the transportation of any pilfered items. Additionally, due to the topographical features of the area, concealing large boats following hijacking and conveying merchandise to their concealed locations in the midst of the delta is exceedingly challenging.
- The act of abducting the crew enables them to attain a strategic advantage over the authorities. By not being confined within the ship and possibly encircled by military vessels, as observed in the Gulf of Aden, they possess greater bargaining power during negotiations and can establish the ransom amount.
- The territorial protection afforded to certain individuals enables them to evade attack or retaliation following their actions. This was exemplified in the case of the Somali pirates, who, subsequent to obtaining a ransom from the abduction of the crew members of the French yacht *Le Ponant*, sought refuge in a concealed location. However, they were eventually intercepted by a French Operation *Thalathine* helicopter, which was specifically deployed by the Marine Nationale to catch the kidnappers. A sniper from the helicopter successfully targeted the vehicle's engine, thereby facilitating the arrest of the kidnappers, who were subsequently prosecuted in France.¹⁸⁵
- The tardiness of the justice system and the frequency of kidnapping reports have resulted in a lack of prioritization, rendering it nearly unfeasible to seek retribution. Consequently, those implicated in such acts are forced to dictate the terms of negotiation and expedite the acceptance of concessions.
- The challenge faced by law enforcement officials in locating concealed hideouts within mangrove forests provides an opportunity for perpetrators to establish operational bases, where they detain hostages until the payment of a ransom. This enables the concentration of individuals from various abductions in the camps

¹⁸⁵ Annati, Massimo, and Fabio Caffio. *Pirati Di Ieri e Di Oggi*. Edited by Ministero della Difesa. *Rivista Marittima*, 2009 Pag.142-144

without the need to delay further attacks on other vessels until payment is received.

- The abduction begins and concludes on land rather than aboard the vessel, thereby allowing the perpetrators to execute additional operations with greater expediency.

The aforementioned factors collectively imbue the pirates with distinctive attributes pertaining to the composition of their commando units and the configuration of their hideouts. Consequently, their modus operandi is region-specific and yields substantial profits in a short span of time. Notably, in the year 2020, the aggregate worth of the 122 abductees that they got was nearly \$5 million.¹⁸⁶ The Niger Delta region's intricate understanding and near-exclusive focus on a particular area have rendered it a perilous terrain for boat transit. The novelty, primarily, lies in formalizing such activities as a profession. Regarding the pirates operating in the Gulf of Aden, it could be posited that the prospect of obtaining million-dollar ransoms may incentivize some individuals to undertake the calculated risk of engaging in piracy, with the potential goal of subsequently leaving Somalia and establishing a new life elsewhere. The situation concerning the pirates of the Niger Delta is notably distinct. It primarily involves a territorial conflict, encompassing both ethnic and social dimensions, which is being waged on two fronts: against the Nigerian government and against the major oil multinationals companies. The effectiveness of international cooperation in limiting phenomena such as the situation in Somalia is hindered by significant challenges. This is due to the fact that the individuals involved in the conflict are deeply rooted in their land and people and are primarily engaged in an ideological struggle. Furthermore, the structures and businesses that support these people are local.

¹⁸⁶ Security Council Report. "Gulf of Guinea Piracy," October 31, 2022

Geopolitical scenario of the Gulf of Aden region, the role of Somalia and Yemen

The emergence of piracy in the Gulf of Aden can be attributed to a confluence of various factors, which have collectively engendered a perilous situation that necessitates robust global collaboration to mitigate. The primary reason for the prevalence of piracy in the region is its function as a gateway connecting the eastern market to Europe. However, the significant political instability in neighboring countries has resulted in a lack of authoritative control over the phenomenon. This has led to an increase in the poverty rate, making piracy an appealing activity for individuals who have lost everything. The Gulf of Aden's geopolitical landscape is intricate and characterized by internal strife that exacerbates significant tensions, resulting in confrontations and uprisings that are closely associated with the absence of governance in the nations entangled in these hostilities, Somalia and Yemen. Somalia is a sovereign state located in the Horn of Africa region. As evidenced on figure 7, it has been experiencing significant political and social unrest since 2008. Nevertheless, it is imperative to note that the challenges encountered in the region cannot be solely attributed to the crisis that began in 2008. Conversely, it can be argued that the crisis in question served as the tipping point for a multitude of underlying issues that had been accumulating for a minimum of twenty years, including but not limited to poverty, famine, drought, and religious clashes. The region experiences political instability in various states, with Ethiopia and Somalia being the primary sources of tension. They are currently embroiled in internal conflicts. Ethiopia is grappling with the Tigrayan War, which erupted in 2020, while Somalia has been plagued by a civil war that has persisted since 1986 for various reasons. Additionally, both nations are engaged in hostilities with the Union of Islamic Courts, which has received backing from Eritrea among other sources. Eritrea has experienced strained relations and limited military engagements with Djibouti due to territorial encroachment.¹⁸⁷ The complexity of the situation in the region has provided a favorable environment for the development of criminal activities such as piracy, which is not surprising. Moreover, the Gulf of Aden is situated in a geographically constricted region between Yemen and Somalia, which are ranked second and first, respectively, in the Fragile State Index of 2023 and have

¹⁸⁷ "Eritrea – Gibuti: Raggiunto l'accordo Di Arbitrato Sui Confini - Limes," June 2010. <https://www.limesonline.com/rubrica/eritrea-gibuti-raggiunto-laccordo-di-arbitrato-sui-confini>.

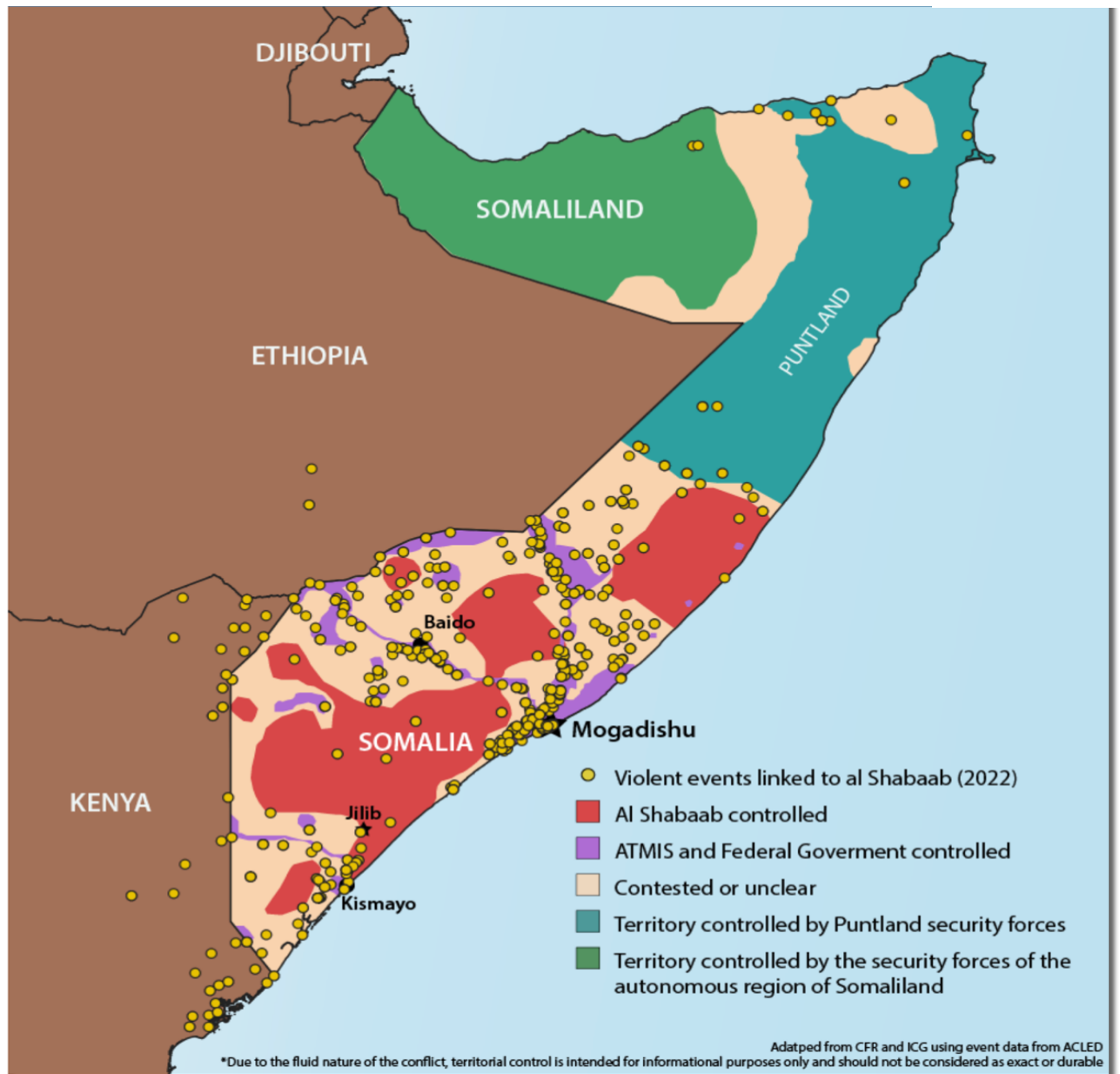
consistently held comparable positions in previous years.¹⁸⁸ For instance, Somalia has consistently occupied either the first or second position since 2008, while Yemen has experienced a similar situation since the escalation of the Civil War. Among the coastal states that have a view of the Gulf of Aden include Somalia, Yemen, and Djibouti. The latter is the only one among the three that can be considered relatively stable. Therefore, this analysis will focus on Somalia and Yemen to provide a comprehensive understanding of the factors that have led to the emergence of piracy in the region.

i. Geopolitics of Somalia, why is it the modern pirates' motherland?

Somalia has experienced a protracted period of political instability and chaos. Presently, the region is fragmented into multiple political entities, each possessing varying degrees of self-governance and territorial jurisdiction. The territories encompassing central and southern Somalia, constituting the most extensive and densely inhabited areas of the nation, and the territories of Puntland and Somaliland, which have proclaimed de facto independence from the central administration, are among the entities under attention. The partitioning of Somalia into distinct political entities is indicative of the intricate ethnic, historical, and political dynamics that characterize the nation. The attainment of enduring stability and an all-encompassing political resolution poses a significant hurdle for the future of Somalia. However, the country seems to be farther from achieving such stability, primarily due to the recurrent assaults by the insurgent Al-Shabaab terrorist organization, which aims to eliminate the central government of Somalia. Currently, the area is characterized by significant geopolitical fragmentation and ongoing acts of violence.

¹⁸⁸ Fragile States Index, <https://fragilestatesindex.org/country-data/>

(Figure 30)



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As can be seen from the map, while Puntland and Somaliland have territories that are fairly clearly and distinctly divided, the central government's fight against Al-Shabaab is uneven and fragmented across thousands of fronts. In any case, to date, Somalia appears to be so divided:

¹⁸⁹ Williams, Wendy. "Reclaiming Al Shabaab's Revenue." Africa Center for Strategic Studies, March 27, 2023. <https://africacenter.org/spotlight/reclaiming-al-shabaabs-revenue/>

- **Puntland** is an autonomous region situated within Somalia that has a complex relationships with the central government. Despite lacking official recognition as an independent state by the United Nations or the international community, Puntland has achieved a certain level of *de facto* autonomy. It has successfully established governmental institutions and an independent political system that operates in accordance with its own constitution. The dynamic between Puntland and the central government of Somalia has frequently been characterized by intricacy and tense. Despite the central government's assertion of jurisdiction over the entire territory, encompassing the Puntland region, the leadership of Puntland upholds its self-governance and capacity to operate autonomously.¹⁹⁰ Somalia is a country that is characterized by its division into numerous clans, each with its own distinct cultural heritage. The rationale behind Puntland's quest for independence from the central government is rooted in both ethnic disparities and a desire to effectively manage its natural resources and fossil fuel reserves. The Hawiye clan is the most populous clan in Somalia, primarily inhabiting the central and southern regions of the country. The Darod and Majeerteen sub-clans are primarily present in the Puntland region.¹⁹¹ Since 2012, Puntland has pursued the establishment of a federal state in order to attain greater autonomy over its governance.

- **Somaliland** is an independent administrative territory situated in the northwestern region of Somalia. Following the collapse of Siad Barre's regime, the it declared its independence in 1991 and subsequently formed a self-governing body. Despite its assertion of autonomy, Somaliland lacks recognition as a sovereign state by the global community, including the United Nations. Similar to Puntland, Somaliland possesses its own constitution, operational political framework, and governmental establishments. Somaliland possesses an autonomous military force, a law enforcement infrastructure, and a distinct monetary unit known as the Somaliland Shilling. The city of Hargeisa is the administrative center of the region, and its populace predominantly comprises the Isaaq clan, thereby

¹⁹⁰ Johnson, Martha C., and Meg Smaker. "State building in de facto states: Somaliland and Puntland compared." *Africa Today* 60, no. 4, 2014, p.3-23.

¹⁹¹ Marchal, Roland. "The Puntland state of Somalia. A tentative social analysis." (2010).

establishing a clear ideological demarcation from the Hawiye clan and the capital city of Mogadishu. Ever since its declaration of independence, Somaliland has endeavoured to establish a stable and operational state apparatus. The nation in question has successfully upheld a state of relative peace and stability within its region while also engaging in periodic electoral processes to reinforce its legitimacy. The government has made efforts to attain international recognition as a sovereign state, yet has been unsuccessful in securing any official acknowledgement so far. Despite this, Somaliland sustains commercial ties with adjacent nations, which, according to the area's governing authorities, constitutes a partial acknowledgement of its legitimacy. In contrast to Puntland, which declared itself an independent entity and subsequently entertained the notion of joining a confederation of states, Somaliland has consistently refused to consider such an option.¹⁹²

African nations initially agreed to the colonial borders established by European powers. However, following the dissolution of the USSR and the Balkan Wars, various African ethnic groups with distinct cultural backgrounds have started to consider the formation of new states. This attempt would require them to establish governance, which, given the typical aspirations associated with independence, may prove inadequate. The initial instance of an actual separation occurred in 1991 between Eritrea and Ethiopia, although it was deemed an exceptional case by international organizations. The former Secretary of the Organization for African Unity (OAU), Salim Ahmed Salim, made a statement regarding the issue of Eritrean independence that serves as an illustration. Salim expressed his acceptance of Eritrea's independence and predicted that South Sudan's independence would also be accepted in due course. He further implied that this would mark the end of the matter.¹⁹³ The prophecy made by Salim appears to have been fulfilled with the attainment of independence by South Sudan in 2011. However, it is noteworthy that no other *de facto* state has been acknowledged as independent since then, except for the aforementioned case and another. Despite Somaliland's effective independence since 1991, the African Union's non-recognition of its sovereignty

¹⁹² Johnson, Martha C., and Meg Smaker. "State building in de facto states: Somaliland and Puntland compared." *Africa Today* 60, no. 4, 2014, p.3-23.

¹⁹³ Gian Paolo Calchi Novati; "Stato, Quasi Stato, Non Stato", Treccani, *Atlante Geopolitico*, 2014
[https://www.treccani.it/enciclopedia/stato-quasi-stato-non-stato_\(Atlante-Geopolitico\)](https://www.treccani.it/enciclopedia/stato-quasi-stato-non-stato_(Atlante-Geopolitico))

precludes the United Nations from extending recognition to any newly formed state on the African continent. The African Union seems hesitant to recognize the aspirations for independence of Somaliland, Puntland, and other ethnic communities that colonial powers arbitrarily grouped together. This reluctance stems from concerns that recognizing these factions could exacerbate existing political tensions and instability across Africa. Specifically, granting recognition to Somaliland as an independent nation could set a precedent for other independence movements, potentially leading to further civil conflicts. Even if Al-Shabaab poses a significant threat, political stability in Somalia may remain elusive without the demands of Somaliland and Puntland being satisfied.

a) Al Shabaab role in Somali geopolitics

The central and southern regions of Somalia are currently experiencing a multifaceted conflict characterized by religious motivations and civil unrest. The UN-recognized central state is engaged in a military confrontation with the Al-Shabaab Al-Mujahidin militia, commonly referred to as Al-Shabaab. The group, known as ‘The Youth’, was established in 2004 following the fragmentation of factions affiliated with the Union of Islamic Courts (UIC). Notably, it serves as the Somali branch of al-Qaeda, a confederation that gained prominence in 2012. Comprised of individuals hailing from the Sunni Rahanwein clan situated in the south-central region of Somalia, Al-Shabaab seeks to depose the Somali government and institute an Islamic state predicated upon its radical construal of Islam, Sharia. The collective has executed a multitude of acts of terrorism, such as self-destructive bombings, armed attacks on military installations or governmental institutions, and the abduction of individuals. The primary objectives have been directed towards the armed forces of the Somali government, peacekeeping troops of the African Union, and foreign entities operating within the nation. The Rahanwein community receives backing from certain factions of the Isaaq and Darod clans¹⁹⁴, which are affiliated with Somaliland and Puntland, respectively. These factions share a common objective with Al-Shabaab militants, which is to topple the Somali Transitional Federal Government. The aforementioned group of militiamen comprises two distinct factions, one of which seeks to establish an emirate encompassing all the territories inhabited by

¹⁹⁴ Parlamento Italiano, Camera dei Deputati, Affari Esteri, Temi dell’attività Parlamentare, “il Gruppo al-Shaab; <https://leg16.camera.it/561?appro=854>

the clans forming the coalition. It is worth noting that some of these regions also extend into Kenya and Ethiopia.

Conversely, the latter faction wants to reduce the influence of ethnic clan divisions and endeavors to govern Somali land through a pan-Islamist Salafist¹⁹⁵ government and It is also the faction with the strongest ties to al-Qaeda. Before 2010, Al-Shabaab made significant advancements in territorial acquisition within Somalia, ultimately gaining control of the nation's capital. The map in the figure depicts a sizable presence of rebel militiamen in the area, along with a plethora of terrorist activities. Nevertheless, it is noteworthy that international cooperation has played an essential part in preventing a complete loss of control over the situation. Since 2010, the African Union Mission in Somalia (AMISOM), the Somali National Army, and the Kenyan mission 'Linda Nchi' have collaborated to regain control of strategically significant locations such as Mogadishu, Kisimayo, and Baidoa, resulting in the restoration of authority to the legitimate government forces. The city of Mogadishu held both symbolic and strategic significance as the capital. In contrast, Kisimayo served as a hub for commerce and coal extraction, which constituted the primary means of financial support for the extremist groups. Meanwhile, Baidoa held control over the airport through which armaments were transported from Eritrea. ¹⁹⁶The map depicts numerous regions of contention that remain unresolved, as well as several areas under the jurisdiction of the Al-Shabaab militia. However, the group has been compelled to restructure its operations in the aftermath of relinquishing key territories, as indicated on the map.

¹⁹⁵ Salafism is a religious movement within Sunni Islam that is based on strict adherence to the teachings of the Quran and the Sunnah (the traditions of the Prophet Muhammad). The term 'Salafism' is derived from the word 'salaf', meaning 'the ancestors' or 'the predecessors', referring to the early followers of Muhammad. Salafists seek to emulate the way of living and practising Islam of early Muslims, considering their era as the golden age of Islam. They believe in the importance of doctrinal purity and literal adherence to Islam, rejecting modern interpretations and innovations. Treccani; https://www.treccani.it/enciclopedia/salafiti_%28Lessico-del-XXI-Secolo%29/

¹⁹⁶ Parlamento Italiano, Camera dei Deputati, Affari Esteri, Temi dell'attività Parlamentare, "il Gruppo al-Shaab; <https://leg16.camera.it/561?appro=854>

b) Context for the development of piracy

After clarifying the geopolitical circumstances that afflict Somalia, it becomes more comprehensible why this country has been a focal point of worldwide piracy for an extended period. The crisis in the Horn of Africa has resulted in an increase in the number of individuals living in impoverished and desperate conditions. As a means of survival, some have opted to align themselves with pirate organizations. As evidenced, it appears that al-Qaeda may bear partial responsibility for certain instances of piracy that yield profits and exacerbate turmoil in the area. Consequently, one could plausibly make a direct correlation between piracy and Al-Shabaab. The occurrence of a civil war can result in an increase in poverty, which in turn may lead to a rise in criminal activities such as piracy. Given the proximity of this terrorist organization to al-Qaeda, it is conceivable that they may have extended strategic and/or logistical assistance to facilitate acts of piracy. From a geographical standpoint, the Gulf of Aden encompasses the waters of Somaliland and Puntland. Despite their opportunistic connections with Al-Shabaab, these regions are distinct entities. Therefore, it remains unclear how the relationship between the pirates who conduct attacks in the northern Gulf of Aden and the militia who exert control over the central and southern regions of the country interrelates. The response can be bifurcated into two distinct components. It is important to note that the initial two instances of assault dating back to 2008 were documented in the maritime vicinity adjacent to the Mogadishu region, which is under the jurisdiction of the extremist groups. The emergence of Somali piracy in the Gulf of Aden gained significant attention starting in January 2009, following the establishment of the militia and the crisis in the Horn of Africa. Prior to this, major attacks by Somali pirates were not observed in the region. Subsequently, it can be stated that following the successful infiltration of the system, the target of the assaults may have transitioned towards the more productive region of the Gulf of Aden. This implies that the amicable rapport between Al-Shabaab and the clans of Puntland and Somaliland may have expedited the execution of the operations. The evolution of the aforementioned phenomenon lacks substantiated evidence or conclusive certainty. Nevertheless, there is evidence that establishes a correlation between pirates and Al-Shabaab terrorists. The individuals who typically engaged in acts of piracy in Somalia were often former fishermen and sailors who, within their respective clans, assumed the role of skippers. Additionally, former militiamen from private armies of warlords were responsible for carrying out the attacks on boats, while former technicians

or engineers were responsible for managing the technological aspects of the operation, including AIS and GPS systems. According to Dr. Lorenzo Striuli's 2009 research for the Italian Military Centre for Strategic Studies (CEMISS), there was a group of about fifty people operating in Somali waters under the leadership of a man called Garaad Mohamed. This group, known as the National Volunteer Coast Guard of Somalia, engaged in unauthorized activities such as demanding taxes and committing acts of piracy against passing vessels in the region between Chisimaio and Koyaama Island in southern Somalia.¹⁹⁷ The individuals in question conducted their operations at a distance of no less than 80 nautical miles from the coastline. Despite their tendency to approach vessels in a non-hostile manner by posing as representatives of the Somali government, their act of looting renders them subject to the classification of piracy under Article 101 of UNCLOS. Following the capture of Chisimaio by Al-Shabaab in 2008, it appears that the group granted permission for the perpetration of piracy activities beyond the 80 nautical mile limit on the condition that they stop imposing taxes on vessels traversing the region. This was reportedly due to the fact that a significant number of these vessels were transporting weaponry intended for the aforementioned terrorist organization. According to the research findings, an additional group known as the Somali Marines, which exhibited a hierarchical structure akin to the military, including an admiral and officers, had a division of labor and personnel that closely resembled that of the National Volunteer Coast Guard. It appears that this group collaborated with the latter in the attack on the *Sirius Star*. The Somali Marines were found to have established some form of association with Al-Shabaab. It has been confirmed that they collaborated under the instruction of Pakistani and Sudanese soldiers who joined the extremist group in combat.

The distinction between contemporary piracy in the Gulf of Guinea and its historical counterpart in the Gulf of Aden is readily apparent. The pirate groups operating in the Niger Delta region exhibit relatively smaller and less organized structures, lack backing from any major entities, and primarily engage in attacks on ships in close proximity to the coast, utilizing methods that more closely resemble those of a boat robbery than a conventional pirate assault. The primary factor contributing to the divergence lies in the geopolitical morphology of the respective regions. The Horn of Africa, specifically Somalia, is currently involved in intense internal conflicts. The government forces

¹⁹⁷ Striuli, Lorenzo and CEMISS. "La Pirateria Somala," 2009
https://www.difesa.it/SMD_/CASD/IM/CeMISS/Pubblicazioni/Documents/5853_RI_2009pdfpdf.pdf

deployed in this region are often at a significant disadvantage and are susceptible to being overwhelmed without the assistance of international cooperation. Similarly, Nigeria and other countries situated in the Gulf of Guinea are fighting with issues related to riots, terrorism, and political violence. However, the central government in these regions is widely acknowledged as being hegemonic. The level of activity exhibited by the pirates in the Niger Delta region is considerably lower in comparison to that of the Somali pirates. This can be attributed to the fact that the former are constantly wary of being apprehended or eliminated by the military, as exemplified by the experience of John Togo. Conversely, the latter operate within a state of near-total anarchy, where individuals with the appropriate affiliations to non-governmental entities that possess territorial control, as opposed to the legitimate government, are able to operate with relative impunity.

ii. The role of a neighboring country as Yemen

As already mentioned, the Gulf of Aden is situated on a crucial maritime pathway for global commerce, specifically for the transportation of oil and natural gas from the Red Sea, as well as commodities from Asia to Europe. Yemen's strategic location, situated in a pivotal region along the Gulf, makes it a significant stakeholder in matters pertaining to maritime security and stability within the region. The ongoing civil war that commenced in 2014 has hampered the nation's ability to actively participate in the Gulf scenario, thereby depriving it of a strategic position at the forefront of the final stretch of the 'new maritime silk route'¹⁹⁸.

One of the primary factions engaged in Yemen's civil war is the Houthi rebels, also referred to as 'Ansar Allah' (Partisans of God), who are in opposition to other groups. The nomenclature of the group is attributed to its founder, Hussein Badreddin al-Houthi, who assumed the leadership role in the 1990s. The Houthi rebels refers to the Zaydita ethnic faction, which represents a Shiite denomination that holds in the northern region of Yemen. The group expresses a sense of marginalization by the governing authority and asserts their advocacy for the preservation of their community's political, economic, and

¹⁹⁸ Limes. "Ambizioni e Ostacoli Della via Della Seta Marittima," August 2019.
<https://www.limesonline.com/cartaceo/la-via-della-seta-marittima-ha-grandi-ambizioni-e-molti-ostacoli>

religious entitlements. Historically, there has been recurrent censure directed towards the Yemeni government due to its corruption, inadequate economic administration, and external sway over the nation. The Houthi movement initially emerged as a political and religious platform, but over time, it evolved to encompass a military aspect. Beginning in 2004, the Houthi insurgents initiated a sequence of armed uprisings against the Yemeni government, alleging discriminatory and repressive treatment of the Zaydi community. The uprisings became increasingly severe as time progressed, ultimately resulting in the capture of the capital city of Sana'a in September of 2014. President Hadi fled the country but maintained control over the lawful government in Aden. Later, with the rebels in close proximity, he relocated to Riyadh.¹⁹⁹ The Houthi insurgents have adopted a unique catchphrase that reads as follows: "Allah is great, death to America, death to Israel, curse to the Jews, victory to Islam".²⁰⁰ This slogan is indicative of their opposition to the United States and Israel and their affiliation with the Shia regime in Iran.²⁰¹ It is widely believed that the Houthi rebels have received financial assistance, training, and weaponry from Iran. Despite Iran's denial of these allegations, there have been multiple instances of international cooperation agencies intercepting Iranian-flagged vessels carrying arms and ammunition in the Indian Ocean. The ascendancy of the Houthi insurgents has resulted in heightened polarization and fragmentation within Yemen. Certain Yemeni factions, particularly those located in the southern region of the country, hold opposition to the Houthi rebels due to ideological and faith-based differences. These factions identify as Sunni and align themselves with the Hadi government. The Saudi-Emirati coalition is in opposition to the Houthis and is providing support to the legitimate government, which is currently under the leadership of Rashad al-Alimi, the successor of Hadi. The UAE prioritized the formation of strategic alliances in Yemen's coastal region and sought to establish a military presence on Socotra Island. In contrast, Saudi Arabia's involvement in the conflict appears to stem primarily from economic motivations rather than ideological ones. The Saudi Arabian government, which is predominantly Sunni, faces

¹⁹⁹ "Yemen, Sette Anni Di Conflitto: Attori, Strategie, Implicazioni | ISPI," February 2022. <https://www.ispionline.it/it/pubblicazione/yemen-sette-anni-di-conflitto-attori-strategie-implicazioni-33121>

²⁰⁰ Affarinternazionali. "Gli Huthi Nella Guerra Dello Yemen, Di Eleonora Ardemagni," <https://www.affarinternazionali.it/archivio-affarinternazionali/segnalazioni/huthi-guerra-yemen-ardemagni/>

²⁰¹ WikiLeaks, "Iran in Yemen: Theran's Shadow Looms Large, But Footprint is Small (C-NE9-01257)" 2009, https://wikileaks.org/plusd/cables/09SANAA1662_a.html

challenges in exporting its oil and gas resources through the Persian Gulf. These challenges stem from the imposition of naval blockades by Iran, which is predominantly Shia. Consequently, Saudi Arabia is subjected to coercion from Iran. However, Operation EMASOH serves to preserve equilibrium in the region. The supposition of a Yemen or North Yemen governed by the Houthis would entail, for the Saudis, the Shiite's domination of the Bab al-Mandab strait, ultimately leading to the plausible obstruction of their crude oil exports.²⁰² The aforementioned military intervention has been characterized by its aggressive nature, encompassing a multitude of tactics such as persistent air strikes, over 25,000 raids²⁰³ conducted thus far, land operations, and a naval blockade that has effectively restricted air, sea, and land access to the nation in question. The coalition articulated its objectives as the restoration of stability, the repulsion of Iranian influence, and the safeguarding of the interests of the region. Initially, the United Nations designated Saudi Arabia as a perpetrator of war crimes due to its involvement in the killing of innocents through the use of cluster bombs, which were prohibited. These bombings resulted in the destruction of civilian structures rather than military targets approximately one-third of the time. However, the UN has since retracted this designation. Terrorism constitutes a significant component of this dramatic scenario. The AQAP (al-Qaeda Arabian Peninsula), a faction of al-Qaeda, has capitalized on the instability and lack of central authority in Yemen's civil war to extend its reach, operations, and sway in the southern region of the country. However, their activities appear to have been temporarily curtailed following the intervention of the United States.²⁰⁴

- *Yemen's role in piracy*

In contrast to Somalia, Yemen and its citizens are not typically associated with acts of piracy. However, due to the geopolitical circumstances outlined, the Gulf of Aden region is situated between the two nations with the highest ranking on the Fragile State Index.²⁰⁵

²⁰² “Yemen, Pedina Della Contesa Tra Arabia Saudita e Iran - Limes,” January 2014. <https://www.limesonline.com/yemen-pedina-della-contesa-arabia-saudita-iran/56946>

²⁰³ “Yemendataproject.Org,” <https://yemendataproject.org/index.html>

²⁰⁴ “Governo, Saleh, Sciiti, al Qaida: La Battaglia per Lo Yemen - Limes,” February 2015. <https://www.limesonline.com/governo-saleh-sciiti-al-qaida-la-battaglia-per-lo-yemen/73673>

²⁰⁵ Fragile States Index, <https://fragilestatesindex.org/country-data/>

This positioning makes the Gulf particularly susceptible to the occurrence of maritime criminal activity. It is evident that international cooperation is necessary to safeguard this crucial maritime region, which holds significant economic value for Asia, the Middle East, and Europe. Empirical evidence suggests that Somali pirates have used Yemeni territory as a temporary base, with a relatively greater involvement on the island of Socotra, which is under Yemen's jurisdiction but is geographically closer to Somalia. Based on intelligence reports, Michael Frodl of C-LEVEL maritime risk consultancy has determined that the Socotra island, which Marco Polo previously described as a notorious pirate refuge in the 12th century²⁰⁶, has recently served as a provisioning station for Somali pirate vessels.²⁰⁷ Despite, in the previous year, there were reports indicating that certain members of the Houthi group may have participated in acts of piracy. It was observed that pirates affiliated with the Shia rebels purportedly made an effort to assault a French yacht in May 2022.²⁰⁸ A contentious incident of plausible Houthi-linked piracy pertains to the seizure of an Emirati vessel, which, as per the insurgents, was transporting armaments from the Red Sea. The United Arab Emirates expeditiously labeled the aggressive action as piracy and formally solicited the involvement of the United Nations.²⁰⁹

Amidst an uncontrollable geopolitical context, the significance of international collaboration has been essential. Since 2008, Operation Atalanta has successfully managed to mitigate a crisis that posed a significant threat to trade relations between Asia, the Middle East, and Europe. It is noteworthy that the accomplishment was obtained even though an unfavorable geopolitical climate in Somalia and Yemen. Despite the lack of improvement in the situation since the inception of operations, success was achieved. In 2014, Yemen experienced instability and tensions that resulted in a civil war and the disintegration of the nation. This trend is projected to render Yemen the poorest country

²⁰⁶ Socotra.info, "Socotra as a Refuge for Pirates," <https://socotra.info/socotra-as-a-refuge-for-pirates.html>

²⁰⁷ "Somali Pirates Use Yemen Island as Fuel Base." Atlantic Council, July 5, 2011. <https://www.atlanticcouncil.org/blogs/natosource/somali-pirates-use-yemen-island-as-fuel-base/>

²⁰⁸ Arab News. "Houthi Pirates Accused of Attempting to Hijack Racing Yacht in Red Sea," May 19, 2022. <https://arab.news/g3yx3>

²⁰⁹ Al Jazeera. "Houthis Seize UAE Vessel Carrying 'Military Supplies,' January, 2022. <https://www.aljazeera.com/news/2022/1/3/yemen-houthis-seize-uae-vessel-carrying-military-supplies>

globally.²¹⁰ As evidenced by the analysis conducted thus far, poverty is identified as a primary factor that contributes to piracy. The ongoing narrative of two groups of individuals who have been subjected to immense affliction primarily due to religious extremism and financial gain remains unresolved. As long as this persists, global endeavors to ensure unimpeded trade transportation in the Gulf of Aden will continue. While this achievement represents a positive development in the battle against piracy, the circumstances surrounding this triumph offer limited cause for jubilation.

Southeastern Asia, geopolitical situation and piracy

In comparison to the Gulf of Guinea or the Gulf of Aden, the geopolitical landscape of the ASEAN member states is relatively calm. Nevertheless, the economic stability of these countries is not on par with that of Western nations. The significant variations among the nations within the region makes Southeast Asia a dynamically intricate area for analysis. The region's national actors exhibit a significant degree of heterogeneity and multiplicity, which is shaped by a multitude of political, economic, religious, and social determinants that frequently exhibit considerable disparities. The region encompasses multiple nations that exhibit distinct cultural, traditional, and political characteristics. At the religious level, there is notable variation across Southeast Asian countries. For instance, Malaysia, Indonesia, and Brunei have a Muslim population of 61.3%, 87.2%, and 78.8%, respectively. In contrast, East Timor has a Catholic population of 98%. Additionally, Cambodia, Thailand, and Myanmar have a Buddhist majority, with 96.9%, 93.6%, and 89%, respectively. Vietnam, on the other hand, is predominantly atheist.²¹¹ Religion is a pivotal element in the geopolitical arena, serving as one of the most influential factors that can sway the balance between stability and instability. As previously stated, political representation exhibits significant disparities, encompassing the democratic state of Indonesia (which is a member of the G20 and ranks as the third largest democracy globally), the absolutist monarchy under the Sultan of Brunei, and the

²¹⁰ United Nations, "Rapporto UNDP: Un Conflitto Prolungato Renderebbe Lo Yemen Il Paese Più Povero Del Mondo." ONU Italia, October 2019.
<https://unric.org/it/rapporto-undp-un-conflitto-prolungato-renderebbe-lo-yemen-il-paese-piu-povero-del-mondo/>

²¹¹ Cornell University. "LibGuides: Islam in Southeast Asia: Countries," May, 2016.
<https://guides.library.cornell.edu/c.php?g=141521&p=930133>

emerging dictatorship in Myanmar. In this context, ASEAN assumes the responsibility of serving as an intermediary among the diverse actors involved, with the aim of fostering regional collaboration and advancement. The region's strategic economic location between Europe and North Asia presents significant opportunities for growth and development, particularly in the realm of global trade. This potential is already partially realized, due in part to the presence of Singapore and the Strait of Malacca, which position the region at the nexus of the emerging maritime silk route. The pivotal position of Southeast Asia renders it a crucial component in the geopolitical landscape. The cultural identity of the region is distinct from that of the rest of Asia and Oceania, creating a dynamic interplay of influences from both China and the United States. These two superpowers are vying for influence in the region, which has historically maintained a neutral stance and entered into economic agreements with both Western and Eastern powers without being dominated by either sphere.



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(Figure 31)

China's pursuit of global economic dominance is primarily manifested through President Xi Jinping's foreign policy strategy, known as the 'Belt and Road Initiative'. From a

²¹² Limes. "Ambizioni e Ostacoli Della via Della Seta Marittima," August, 2019.

<https://www.limesonline.com/cartaceo/la-via-della-seta-marittima-ha-grandi-ambizioni-e-molti-ostacoli>

*The circle in red circumscribes the Strait of Malacca and the Strait of Singapore outlining their strategic importance along the trade route between Asia and Europe.

strategic standpoint, it can be argued that Southeast Asia holds the most significant role in the scenario. The location serves as a hub for the transportation of goods and facilitates the transit of cargo ships en route to Europe and Africa. China has made significant investments in the development of naval trade infrastructure, including ports and harbors, particularly in Africa. Due to its strategic significance, the United States of America cannot relinquish its hold on Southeast Asia, thereby extending its sphere of influence over the region, which serves as China's access point to the global arena. Acquiring dominance over the region would entail exerting strategic authority over China, and in light of the region's partial neutrality, the United States has initiated action. In 2009, the United States ratified the Treaty for Peace and Cooperation (TAC)²¹³, which had previously been exclusively endorsed by members of the ASEAN. This action subsequently resulted in the establishment of the ASEAN-U.S. Partnership²¹⁴ in 2010, a treaty aimed at fostering strategic cooperation. The United States has established private agreements with select Southeast Asian states and conducts annual joint military exercises, including the Cobra Gold exercise held in Thailand. This exercise involves the participation of other ASEAN members, including Malaysia, Indonesia, and Singapore, as well as Japan and South Korea, which reaffirms their stance on the matter. Consequently, China's efforts to cultivate favorable relationships with neighboring countries are primarily focused on economic agreements, while the United States' presence in the region is predominantly strategic in nature, with a particular emphasis on military cooperation. This distinction was underscored in the ASEAN Chapter, which noted that the United States has allocated several million dollars towards combating piracy and bolstering the naval capabilities of regional nations.

At the international level, within the same geographical territory, certain Southeast Asian countries are faced with unresolved matters. In Myanmar, a coup d'état was executed in 2021 by the armed forces under the leadership of General Min Aung Hlaing, resulting in the removal of the legitimate president, Aung San Suu Kyi, from power. As per the report by Amnesty International, the recently formed government has purportedly initiated a

²¹³ Treaty of Amity and Cooperation in Southeast Asia (TAC)<https://asean.org/our-communities/asean-political-security-community/outward-looking-community/treaty-of-amity-and-cooperation-in-southeast-asia-tac/>

²¹⁴ Joint Statement on the ASEAN-U.S. Strategic Partnership, <https://asean.org/joint-statement-on-the-asean-u-s-strategic-partnership/>

campaign of ethnic persecution against the ethnic Karen²¹⁵ population, which involves the use of air raids, looting, torture, and summary executions.²¹⁶

(Figure 32)

A further contention in the area regards to the Spratly and Paracelsus archipelagos situated in the South China Sea. The archipelago primarily comprises diminutive land masses, predominantly consisting of sandbars and atolls. However, there exists a contentious dispute



among various nations in the surrounding area, China, Vietnam, the Philippines, Malaysia, Brunei, and Taiwan. The desirability of the EEZs, beyond their relevance to fishing activities, is attributed to the potential 200-nautical-mile territorial expansion, strategic significance in trade (given their location along the primary routes to and from the Strait of Malacca), and primarily, the indications from initial investigations suggesting substantial reserves of natural gas and oil. In 2014, the People’s Republic of China deployed a drilling platform in close proximity to certain of these islands, resulting in clashes between vessels of the Chinese and Vietnamese navies. Throughout history, there have been numerous instances of military interventions and geopolitical tensions among

²¹⁵ The Karen are the second largest ethnic minority in the country and represent about 7% of the total population. Present in the south and south-east of the country, they have historically struggled for autonomy, but were never granted it.

²¹⁶ Amnesty International. “Human Rights in Myanmar,” <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/myanmar/report-myanmar/>

²¹⁷ BBC News. “Why Is the South China Sea Contentious?,” <https://www.bbc.com/news/world-asia-pacific-13748349>

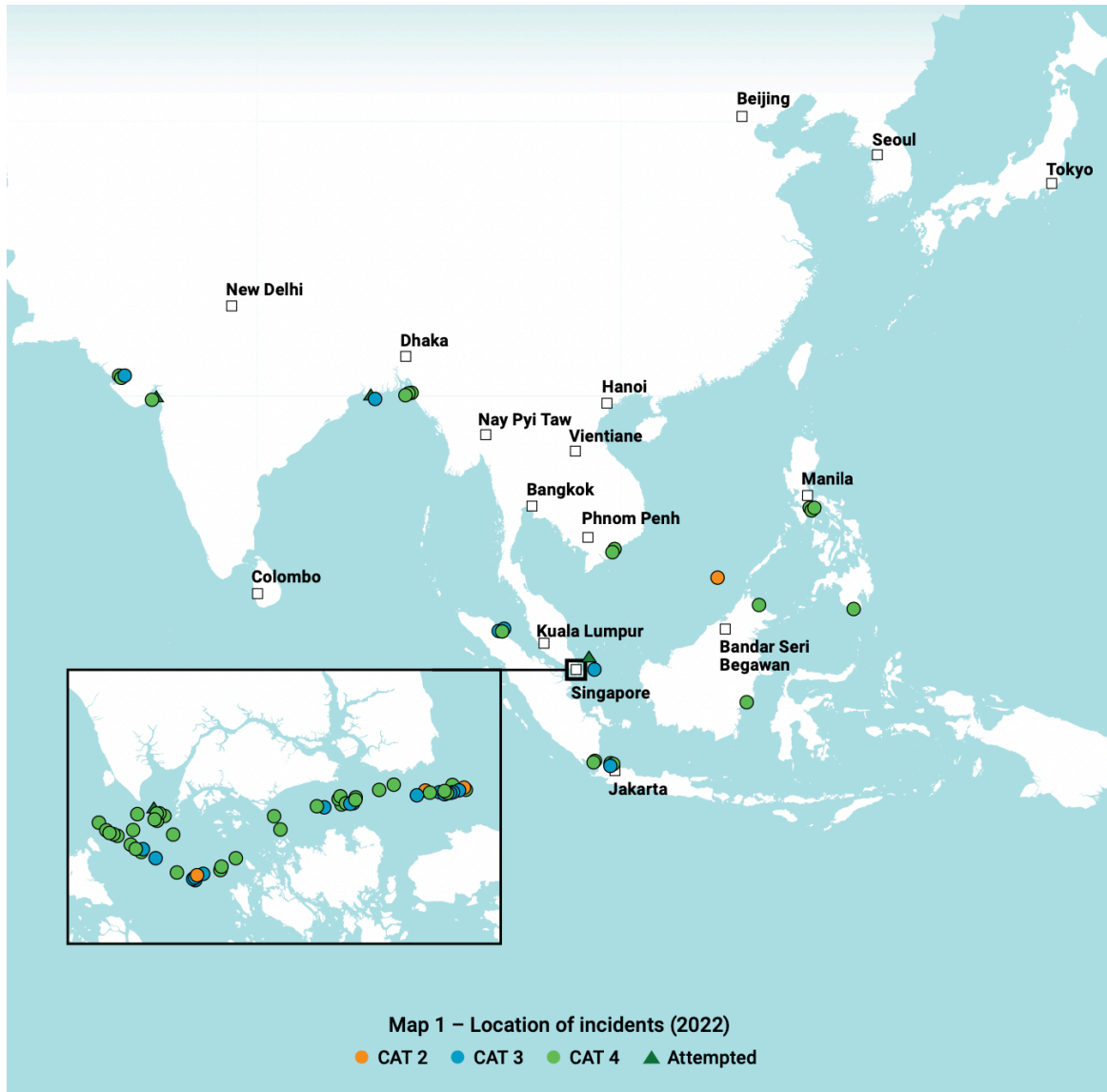
the nations involved. China has constructed military infrastructure within the contested maritime territories, thereby eliciting apprehension among neighboring nations in the vicinity. The United States has adopted a formal stance of non-involvement in the ongoing dispute and has frequently deployed its naval and aerial forces to the periphery of the islands. These islands, which are currently under dispute and lack any state ownership, are considered to be unclaimed territory. China has leveled allegations against the United States of needlessly militarizing the region, resulting in new tensions.²¹⁸

- *The features of piracy in Southeast Asia*

As seen, geographical features force all Asian maritime traffic to pass through the Straits of Malacca and Singapore. Asia is a vast continent with a significant artisanal industry where exports play a crucial role in driving economic growth, particularly in China and other nations. Currently, Southeast Asia is considered the primary location for piracy worldwide due to the significant volume of global trade, approximately 80% of which is transported via sea and a substantial portion of which traverses through this region. As will be demonstrated in the following discussion, the *modus operandi*, strategies, and intentions of the pirates who are active in the region differ from those observed in Somalia and Nigeria.

²¹⁸ BBC News. "Why Is the South China Sea Contentious?," <https://www.bbc.com/news/world-asia-pacific-13748349>

**Location of pirates' attacks in 2022 with respect of the ReCAAP
classification criterion**



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(Figure 33)

The present visual representation illustrates the incidents of aggression that transpired solely in the year 2022 within the Southeast Asian region, as documented through the utilization of the ReCAAP hazard scale. Further details regarding this data can be found in the table in figure 15. The recorded incidents amounted to 84 in number; however, only a solitary occurrence can be classified as real piracy, as outlined in Article 101 of

²¹⁹ ReCAAP. “ANNUAL REPORT 2022 PIRACY AND ARMED ROBBERY AGAINST SHIPS IN ASIA.” ReCAAP Information Sharing Centre (ISC), 2023

UNCLOS. The appropriate nomenclature to describe assaults on ships in the area is predominantly ‘armed robbery’. UNCLOS Article 101, Sections '(a)," 'i," and 'ii', stipulates that only those instances of robbery that transpire on the high seas and beyond the overview of a state are classified as piracy.²²⁰ The depicted assaults consistently occur in proximity to the coastline, falling within the 12-nautical-mile limit. The Strait of Singapore, being the primary target location, remains unchanged in this regard. The perpetrators, who are more accurately described as robbers, tend to remain within the jurisdictional boundaries of a given state. This can be attributed to two factors: the geographical features of the area, which limit their mobility, and their refined attack tactics. Article 130B of the Singapore Penal Code stipulates that acts of piracy or those deemed as such by court of law are subject to severe punishment. Notably, armed robbery within 12 nautical miles may be legally construed as piracy and consequently tried as such. Life in prison and 12 lashes are the recommended punishments for piracy in Singapore. However, if the perpetrator caused or attempted to cause death during the assault, the penalty may even extend to capital punishment.²²¹ The inclusion of a legal disclaimer is of utmost importance in order to provide a comprehensive understanding of the potential hazards undertaken by those individuals engaging in piracy. The ReCAAP data indicates that the trend of maritime attacks persists despite the associated risks. In the first quarter of 2023, the Singapore Strait witnessed an increase of 9% in attacks compared to the preceding year,²²² as reported by ANSA. Admiral Artemio M. Abu, President of the ReCAAP, has commented on this data, emphasizing the need for communication and security systems to be installed on ships. He has also urged ship owners to consider engaging PMSCs.²²³

²²⁰ Convenzione delle Nazioni Unite sul diritto del mare, art. 101, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

²²¹ Singapore Government Agency Website, Singapore Statutes Online. “Penal Code 1871 - Singapore Statutes Online,” January, 2023. <https://sso.agc.gov.sg/Act/PC1871?ViewType=Within&Phrase=piracy&PageIndex=0&PageSize=20#:~:text=Whoever%20commits%20piracy%20shall%20be,shall%20be%20punished%20with%20death>

²²² “Combating Piracy at Sea, Maritime Piracy, Sea Piracy | ReCAAP Information Sharing Centre,” May, 2023. <https://www.recaap.org/>

²²³ Redazione ANSA. “Singapore: Aumentati Del 9% Gli Attacchi Dei Pirati Nello Stretto.” ANSA, April 2023. https://www.ansa.it/sito/notizie/mondo/asia/2023/04/28/singaporeaumentati-del-9-gli-attacchi-dei-pirati-nello-stretto_e7159248-60db-49c7-a640-7fd66a026e7a.html

The recently published ‘Regional Guide 2 to Counter Piracy and Armed Robbery Against Ships in Asia’²²⁴ by ReCAAP offers a comprehensive overview of piracy in Southeast Asia, thereby enabling an analysis of its distinguishing features comparing it with the piracy in Somalia and Nigeria. The categorization of piracy is presented in the guide through the division of the phenomenon into four distinct types.

- Armed robbery and theft → occur when vessels are in proximity to the shoreline or in densely populated zones. Frequently, perpetrators board the vessel, pilfer a portion of the cargo, and escape without detection while the crew is preoccupied with cinematic maneuvers.
- Hijacking ships → typically takes place in offshore locations. It is noteworthy that the most recent reported incident of ship hijacking in Asian waters pertains to a small oil tanker and dates back to the year 2016.
- Abducting crew members → for the purpose of obtaining a ransom. The most recent known instance of such an attempt occurred in 2020. Typically, this type of crime targets small vessels with limited capacity for defense. The perpetrators often demand payment from the owners of these vessels or from the families of the kidnapped individuals. The current decrease in the prevalence of this form of attack can be attributed to the involvement of state authorities in the region.
- Ship-to-Ship²²⁵ → during the process of loading and unloading goods or conducting ship-to-ship transfers, ports, anchorages, and vessels may be vulnerable to the theft of cargo by theft coming with ships, particularly during nighttime hours.

²²⁴ “Regional Guide 2 to Counter Piracy and Armed Robbery Against Ships in Asia.” ReCAAP (ISC), March 2022.

²²⁵ STS (Ship to Ship) are transfers of goods or fuel from one ship to another. They often occur during navigation at sea and are done to allow a ship to continue on its route without stopping too many times in port. As far as refuelling is concerned, navies usually have their own vessels prepared for this, but there are private companies that provide these services both to other private companies and to navies. Some refuelling vessels have the ability to stand between two ships at sea and by passing pipes and cables refuel them both at the same time.

Due to their proximity to the coastline, the areas where the assaults take place frequently see a vast number of small vessels. This poses a challenge in identifying the pirates' boats, as they look alike to numerous other boats that navigate the adjacent waters. Consequently, this presents an initial hazard for the vessels that are susceptible to attack, as the attack is only detected when it is impending, leaving no opportunity for preemptive measures that could dissuade the pirates from initiating an attack. The empirical evidence indicates that the success rates of piracy attacks in Southeast Asia and the Gulf of Guinea in 2022 and 2020, respectively, were notably disparate. Specifically, out of 84 attempted attacks in Southeast Asia, 82 were successful, resulting in a success rate of 97.6%.²²⁶ On the other hand, in the Gulf of Guinea, of the 62 attacks recorded in 2020, 40 were unsuccessful, yielding a success rate of 35.5%.²²⁷ One of the primary factors that distinguishes this region from others is its economic dynamism. This, coupled with the unique morphology of the territory, which includes a strait, results in a densely populated waterway. Similar to the bustling tourist streets of major cities, this environment presents an increased risk of theft from larger vessels. The second primary determinant pertains to the act of ship hijacking, with the most recent occurrence in Southeast Asia dating back to 2016. It is noteworthy that Somali pirates were known for their proficiency in this particular activity. Undoubtedly, among all the activities, the practice of piracy holds the greatest potential for profitability. However, its successful execution necessitates the availability of resources, infrastructure, and favorable morphological and geopolitical conditions, which are not currently present in any of the Southeast Asian regions. Despite the frequent occurrence of piracy-related incidents in the region, the damage they cause is significantly less than what Somali pirates in the Gulf of Aden use to cause. To draw a comparison, it is similar to compare pick pocketers with bank robbers. Consequently, international efforts to combat piracy in the Southeast Asian region are relatively occasional. One notable difference to consider relevant about incidents of abduction is the following. While Nigeria has experienced a prevalence of kidnappings carried out by pirates, criminal organizations, and terrorist groups, this particular modus operandi is not

²²⁶ ReCAAP. "ANNUAL REPORT 2022 PIRACY AND ARMED ROBBERY AGAINST SHIPS IN ASIA." ReCAAP Information Sharing Centre (ISC), 2023

²²⁷ BIMCO, "The Gulf of Guinea Declaration One Year on – Status Report," May 4, 2023. <https://www.bimco.org/insights-and-information/safety-security-environment/20220712-gulf-of-guinea-declaration-one-year-on>
Attention! According to "the Security Council Report. "Gulf of Guinea Piracy," October 31, 2022" there were 84 attacks in the Gulf of Guinea, according to BIMCO 62, as seen other bodies report other data, this as already explained, depends on how the body decides to classify the attack.

commonly observed in the repertoire of Southeast Asian pirates. In the Gulf of Guinea, the primary incentive for maritime assaults is the abduction of crew members, which distinguishes it from the *modus operandi* of pirates operating in and around the Straits of Singapore, who primarily engage in the theft of tangible assets. The primary commonality observed among these two cohorts of pirates is their proclivity for assaulting ships within the confines of the port. However, it should be noted that their methods and objectives diverge.

Piracy in the Southeast Asian region is characterized by a relatively low level of aggression and danger. In many instances, attacks are executed without the crew even noticing it, and the weapons utilized, such as knives, machetes, and occasionally firearms,²²⁸ are primarily intended to intimidate rather than inflict harm or pose a threat. This does not detract from the fact that in any case, even in this area, a greater interagency contribution of international cooperation would probably be useful to limit the phenomenon but not sufficient to eradicate it as it was in the Gulf of Aden or as it could be in the Gulf of Guinea. The reason is, as mentioned earlier, that pirate ships are often hardly recognisable and are confused with the thousands of similar vessels that move around the area all the time, not to mention the fact that many attacks take place at night. As recommended by Admiral Artemio M. Abu, probably the best and final solution would be to enlist armed personnel on board capable of defending the vessel. However, it should be emphasised that given the rarity of seriously dangerous events for crews such as hijackings or kidnappings, the cost of hiring a group of PMSCs would probably be even higher than the actual value of the stolen goods.²²⁹

²²⁸ ICC International Maritime Bureau . “Piracy and Armed Robbery Against Ships 1 Jan - 31 Dec 2022.”

²²⁹ “Regional Guide 2 to Counter Piracy and Armed Robbery Against Ships in Asia.” ReCAAP (ISC), March 2022.

Chapter 4

Italy's role in antipiracy cooperation

In the geopolitical anti-piracy scenario, Italy plays an important role, as do all Mediterranean nations, but unlike the others, Italy is a nation that historically, due to its geographical position, lives off the sea. Given this, the role of the armed forces in protecting national interests is vital. For a nation like Italy, the importance of the Navy is fundamental given the nation's amount of coastline and strategic position in the center of the Mediterranean. With its Navy, Italy is present in many international operations, such as NATO's Sea Guardian or exercises such as the Standing Nato Mine Countermeasures Group (SNMCMG - SNMCMG2).²³⁰ Specifically against piracy, Italy takes part in the Combined Maritime Force (CMF-151) and EUNAVFOR Somalia Operation Atalanta by providing support with ships and helicopters, the last to be deployed in this mission being the FREMM Carlo Bergamini, which concluded its commitment with EUNAVFOR on May 7, 2023.²³¹ Since January 2020, on the other hand, Operation Gabina has been taking place in the Gulf of Guinea. As written in the dedicated chapter, in the Gulf of Guinea there are no particular international military operations but individual operations of states that have an interest in patrolling the area. Given the strategic importance of the area for the export and extraction of natural resources, Italy has an interest in keeping the area safe, given the operation of ENI's arm in the area with the Nigerian Agip Oil Company. Operation Gabina ultimately involved the Patugliatori d'Altura Classe Comandanti (PGH) Nave Foscari, which returned home in April 2023.²³² In addition to patrolling the waters of the Gulf of Guinea, Nave Foscari also participated in a specific anti-piracy exercise carried out in cooperation with CONFITARMA. The operation involved the Multi-

²³⁰ Marina Militare. "Operazioni in Corso." Marina Militare. 2023. <https://www.marina.difesa.it/cosa-facciamo/per-la-difesa-sicurezza/operazioni-in-corso/Pagine/operazioni-in-corso.aspx>.

²³¹ Marina Militare . "Termina l'impegno Di Nave Bergamini Nelle Operazioni Atalanta e Agenor." Marina Militare . May 10, 2023. https://www.marina.difesa.it/media-cultura/Notiziario-online/Pagine/2023_05_10_Nave_Bergamini_Termina_Operazione_Atalanta.aspx.

²³² Marina Militare . "L'Operazione Gabina." Marina Militare https://www.marina.difesa.it/cosa-facciamo/per-la-difesa-sicurezza/operazioni-in-corso/Pagine/missione_gabina.aspx

Domain Operations Centre (COMM) of the Command in Chief of the Naval Squadron (CINCNAV) as well as the M/V Grande Luanda, an Italian-flagged merchant ship of the Grimaldi group.²³³ The exercise was based on the simulation of an attack by a pirate boat; coordinating the movements of the merchant ship's crew was Grimaldi's Company Security Officer, while the military personnel present on the Nave Foscari, following the interception of M/V Grande Luanda, descended onto the ship using the 'Fast Rope' ²³⁴ technique from the helicopter. Once inside, they routed the pirates, took control of the merchant ship, and freed the crew, who had taken refuge in the citadel. This was extremely similar to what happened April 3, 2022, when the bulk carrier Panamax ²³⁵ Arch Gabriel bound for Lagos was boarded off the Gulf of Guinea by a handful of pirates. The freighter raised the alarm during the boarding, and the crew locked themselves in the citadel.²³⁶ Responding to the SOS was the FREMM Luigi Rizzo, 218 nautical miles away. Once on site, the military members of the San Marco Brigade descended from a helicopter onto the deck of the Arch Gabriel, freeing the crew locked in the citadel and escorting the cargo ship to the port of Lagos.²³⁷ On this specific occasion, Operation Gabina may have seriously contributed to saving some lives, as it is likely that without the arrival of the rescue, the pirates would have tried to kidnap some of the crew members.

²³³ Marina Militare. "Nuova Esercitazione Antipirateria Nel Golfo Di Guinea." Marina Militare . March 16, 2023. https://www.marina.difesa.it/media-cultura/Notiziario-online/Pagine/20230316_Nuova_esercitazione_antipirateria_nel_Golfo_di_Guinea.aspx

²³⁴ The 'Fast Rope' method is used when an appontage is not possible and consists of rappelling from a helicopter using ropes.

²³⁵ Panamax model vessels are medium-sized ships suitable for passage through the Panama Strait locks.

²³⁶ The citadel is an anti-piracy security structure now found on almost all merchant ships. It consists of an armoured room inside which the crew must take refuge in case pirates manage to board the ship.

²³⁷ Analisi Difesa . "La Fregata Rizzo Soccorre Un Mercantile Attaccato Dai Pirati Nel Golfo Di Guinea," April 5, 2022. <https://www.analisedifesa.it/2022/04/la-fregata-rizzo-soccorre-un-mercantile-attaccato-dai-pirati-nel-golfo-di-guinea/>.

Interview with Admiral Fabio Caffio

In order to best describe Italy's role in the scenario of international cooperation against piracy, exclusively for this thesis, Admiral Fabio Caffio, one of Italy's leading piracy experts, gave an interview analysing the role of the Italian Navy in the anti-piracy and Enrica Lexie case.

- Biographical notes:

Admiral Fabio Caffio (Taranto 1947) graduated in Law and became an officer in the Italian Navy. He has held positions with CINCPAC, the Navy General Staff and the Defence General Staff. He has collaborated with many universities, including LUISS Guido Carli, and is one of the leading Italian experts on maritime law and consequently also on piracy and anti-piracy. Among his various noteworthy publications is his Glossary of Maritime Law, now in its fifth edition.

i. What is Italy's weight in the international antipiracy cooperation?

<< The Navy firmly believes in maintaining the legality and lawfulness of international maritime traffic as a condition for the development of the maritime economy and the free transit of goods. Italy is a country dependent on the sea and therefore has an interest in maintaining trade flows to and from the country. It should be considered that the merchant fleet under the Italian flag is at the top of the world statistics with about 15 million tonnes, this is only for what concerns Italian flag ships, there are also ships with Italian interests flying the flag of other countries but owned by Italian companies. The Naval Flag therefore has a double face, the military and the merchant one, but both are two sides of the same coin; the greater the interest in maritime traffic, the more important the role that navies play in protecting this traffic. The protection of merchant traffic by navies is therefore a historical task but it is a role also defined in the Code of Military Order in Article 111 which defines the non-military tasks of the navy as that of the defence of trade routes which, it should be made clear, is a non-military task. Therefore, the military defence of maritime borders or the military defence of the State at sea, which is provided for in the Code of Military Order itself, is one thing; the defence of the legality

of maritime traffic and the protection of merchant flag traffic is quite another. It is difficult to imagine how an armed force could have dual tasks, of a strictly military and non-military nature, but this is an expression of the peculiarity of the Military Marines, which are therefore not assimilable to the Army or the Air Force as there is the sea as a unique element in which states confront each other without the presence of a hegemonic state. There are different State entities that confront each other within the waters; the coastal State, the flag State of merchant ships, the State of warships operating on the high seas, the States of the EEZ and the Continental Shelf, there is therefore a variety of actors in the maritime scenario in peacetime interdisciplinary by an equality due to the fact that at sea there is no predominant State over another, obviously outside territorial waters. Having said that the Navy has a historical and institutional role, it must be admitted that in Italy the role of protecting against the risks of piracy developed very early, starting in 2006, well before the international piracy emergency that broke out in 2008 with the case of the Panfilo Le Ponant. In 2006, there was an attack on two Italian merchant ships in the Gulf of Suez, the owners asked the Navy for protection, the Navy then sent a frigate to protect the ships. The Italian Navy is the first among Western countries to have deployed its ships to protect merchant shipping against piracy. It must be considered that the UNCLOS Convention of the Law of the Sea gives warships the power and task to intervene to eradicate piracy, which makes the ability to intervene during a pirate attack a proper function of warships, which can then intervene without consent. Piracy is an act that one ship performs to the detriment of another, therefore the principles of non-interference of freedom of navigation would apply as all states are equal at sea, it would be so if UNCLOS had not inherently mandated warships to be able to intervene against what is in fact the main international crime that can be committed at sea; piracy. It is a delicta iuris getum,²³⁸ all states are therefore authorised to repress it. It must be considered that not all navies have or had among their tasks the task of eradicating piracy, it is a task strictly provided for by the Law of the Sea Convention but before the 2000s, if we were looking for acts of countering piracy, warships would have had difficulty in intervening; both because piracy was not yet so widespread and because navies did not give this task to their warships. After the 2006 episode in which the Italian Navy sent ships to protect merchant vessels, providing the military with ad hoc rules of conduct, the use of military vessels for this purpose took hold. By ad hoc rules, I do not

²³⁸ The 'delicta iuris gentum' are the most serious international violations of human rights that require international bodies to be judge

mean the Rules of Engagement, which are those that enable the use of force in the event of conflict, but the rules of conduct that are instead peculiar to Law Enforcement activities such as piracy. The latter conceptually falls within the activities of repression of unlawful acts, pirates are not combatants, consequently the force that can be used against them is not the lethal force of wartime but must be necessary and proportional to the threat, this is to clarify that piracy does not fall within armed conflicts but within the activities of maintaining the legality of international maritime traffic. As the UN Security Council then stated, these activities of navies are part of peacekeeping activities. The same Security Council, following the intensification of episodes in 2008, declared that piracy constituted a threat to the peace of international security in the area of freedom of navigation and the free development of trade. The Italian Navy can therefore certainly boast of titles that qualify its commitment from the very beginning; only later in 2008 did the Security Council intervene on the piracy issue and the European Union was the first to devise the EUNAVFOR Somalia Operation Atalanta with a precise mandate that is based on Security Council resolutions and that gives individual member countries rules of conduct. At that point, the Navy's operation was no longer unilateral and national as it had been since 2006, but multinational within the framework of the European Union or NATO. Subsequently, in 2014-15, the Code of Military Order was amended in Article 111 in which it was stipulated that the navy's tasks included both the maintenance of freedom of navigation and the protection of maritime communication routes and the repression of piracy. For the navy, the repression of piracy is thus no longer just a task that can be performed abstractly on the basis of the Convention of the Law of the Sea but a specific task under Italian national law. The role of the navy in protecting the merchant trades after the outbreak of the piracy emergency has increased in relation to the fact that Italian flagged ships have often been seized. If we look at the statistics, Italian flagged ships have been among those most affected, if I remember correctly there have been 10 seizures of Italian ships. We can therefore say that the Italian merchant flag was a paying target in inverted commas. This means that the pirates demanded and obtained ransoms. Once the Italian flag vessels had been hijacked, the problem of the release of the hostages was raised in the public eye, and even if we have always denied paying ransoms at an official level, the frequency with which Italian ships have been hijacked would make it clear that we have paid ransoms and that it was therefore convenient for the pirates to hijack Italian ships. There have been some very dramatic cases of hijackings in the news where crews have been seized for months, which has therefore increased the role of the navy in

preventing events like these. Then there is the problem of jurisdiction, in the face of the UN request to states to adopt anti-piracy legislation, we already had in the Code of Navigation the crime of piracy since 1942, more or less in accordance with the Convention of the Law of the Sea. Faced with the problem of exercising jurisdiction over pirates, since Italy has often been the target of acts of piracy, we also enacted rules for the punishment of pirates; these rules stipulated that two types of proceedings should be implemented. If ships not flying the Italian flag were attacked and we had captured the pirates, they could be handed over to Kenya, with which the European Union had entered into an agreement for the administrative surrender of criminals, whereby Kenya would initiate legal proceedings because Somalia was incapable of exercising jurisdiction. If, on the other hand, it was an Italian-flagged ship or one with Italian interests that was attacked, we would have prosecuted them in Italy, as in the case of the *Mercantile Val di Tara* where, although we were present in the area, it was not us but special forces of the British Royal Navy that captured the pirates, and that already says a lot. This behavior is in fact an indication of the fact that we have almost never carried out special operations against pirates even when we were in the area, this is because the military level of Italian forces is always kept very low by Defence in order to avoid risky cases. In the specific event, I understand that Italian Navy raiding forces were already ready to capture the pirates, but it was preferred that the action was carried out by the British forces who subsequently handed them over to us and then, once they were transferred to Italy, they were sentenced according to our country's jurisdiction.>>

ii. What were the dynamics of the *Enrica Lexie* case and what changes did it triggered on an international level?

<< The *Enrica Lexie* case was regulated at a regulatory level. In 2011, the year before the *Enrica Lexie* case, a law was issued that used the embarkation of the Military Protection Units and also of armed guards, providing two types of protection for merchant ships; direct military protection provided by the Military Protection Units and protection through contractors, i.e. through private militias regulated by the Ministry of the Interior with ad hoc authorizations, registered weapons and with a whole discipline concerning the custody of weapons on board. With regard to the former, in 2011 the IMO had issued Best Practices for combating piracy, which provided for the direct protection

of merchant ships, i.e., not only the deployment of warships to hunt down pirates but also the self-protection of merchant ships, thus providing that the merchant ships themselves should have self-protection devices such as sounding guns, violent water jets or barbed wire on board and should then be equipped with the citadel, the place where seafarers would have to close themselves in the event of seizure. The citadel is an armored security zone set up in the bridge, and from there the ship can be steered without coming into contact with pirates. In addition, these Best Practices also provided for the possibility of hiring contractors but did not exclude and even encouraged Military Protection Units. Of all of them, France was the first to set up these units in the Seychelles where it had deployed Navy raiders on board fishing boats to protect its ships. It was only later that the practice of contractors developed where especially the ships of flags of convenience such as those of the Marshall Islands, Panama and Liberia, not being able to have flag warships, paid private companies so that armed guards could be present on their merchant ships. In Italy, as kidnappings were increasing, in 2011 the shipowners' association CONFITARMA pressed the Navy for protection on board the merchant ships, since warships were not present in the entire Indian Ocean but were mainly present near the Gulf of Aden and the Horn of Africa, when the merchant trades were going even further towards India. The law was then made in August 2011 regulating both Military Protection Units and armed guards. This law was implemented by a memorandum of understanding between CONFITARMA and the Ministry of Defense, which then provided for the boarding arrangements for Navy Special Forces on merchant vessels; the point that was overshadowed in this boarding regime was on the line of command that the Military Protection Cores were supposed to follow. These nuclei that came under the Ministry of Defense were obliged to follow a line of command that did not interfere with the conduct of the merchant ship; it was one thing to give orders to the military, it was another thing to do what the commander of the merchant ship did. Therefore, the Navy could not interfere in any way with decisions regarding the conduct of the ship even though it was clearly informed of the course and the various and possible changes in the schedule. This knot came to the boil when then in February 2012 the Indians asked the Enrica Lexie to enter Kochin to identify the captured pirates; it was clearly a trap, a deception, it must be said, however, that the merchant ship was probably forced to deviate course and enter Indian waters since the Enrica Lexie had strayed quite a distance from the scene of the incident. The firefight occurred 20 nautical miles from the Indian coast, after three or four hours the Enrica Lexie was already 70-80 nautical miles from the coast

and could not be diverted at all, the Indians on the high seas could not make a coercive action to persuade the Enrica Lexie to turn back even claiming that two citizens were killed. We did not know about the killing. The military had shot two alleged privates without knowing what happened next. The merchant ship then independently chose to go along with the Indian directives for reasons that can perhaps be traced to the fear that in the future they might have brought them commercial problems for example if they had to call at Indian ports, they would probably have encountered resistance from the authorities. Consequently then, after informing the Navy the shipowner decided to go along with the Indian requests and enter port. Now the problem is that there were military personnel on board the Enrica Lexie, and military personnel enjoy immunity, this immunity was later recognized by the arbitration court that decided the case in 2015 regarding the conflict of jurisdictions between India and Italy. While a military force that enters the territory of another state always has an authorization called SOFA, i.e. State of Force Agreement, in the case of the Enrica Lexie this authorization was not there since it was the merchant ship that entered without having, however, formal entry authorization for the military. When the ship went into port it then led to the arrest of Latorre and Girone who were not granted any protection due according to SOLFA given the lack of authorization. Therefore, if all these aspects had been properly evaluated, the ship probably would not have entered; having the navy the decision-making power we would have given more thought, but by placing the responsibility for the decision on the ship the fate of the two servicemen fell solely in the hands of the shipowner and the captain. This procedure was later recognized as an anomaly, so the practice of Military Protection Units did not develop further. There was then also a whole other series of behavioral anomalies on the part of the Indians who, for example, claimed jurisdiction over the entire area of their EEZ. The Indians had previously taken a similar position in which they declared that no military operations could be conducted in their EEZ without their authorization. It should be emphasized that outside the case of war, military personnel must always be granted permission to enter foreign territories, only in this way whatever happens they can enjoy immunity in the host nation, which means that they fall under the exclusive jurisdiction of their home country and thus would in case be tried at home. Now, in the case of the Enrica Lexie therefore the gap in the law lay in the fact that the Italian Navy did not have effective powers over the conduct of the merchant ship which decided autonomously, albeit by informing the navy, which could not enter into the decision where if it had had decision-making power there would surely not have been this coercion of the

Indians in getting the merchant ship into port; in case they had attempted such a maneuver anyway Italy would surely have asked for an authorization for entry with the recognition of a protected status of the military. In the Enrica Lexie case there was none of this, there had been no prior request (as the military cores embarked in Ceylon) without therefore being embarked in India, India which seems to have refused several times in the past the possibility of having Military Protection Cores embarked via its ports. As India is a sovereign country outside the alliances, at the time when foreign military personnel accused of murder are embarked on it does not follow those practices proper to NATO or the European Union, it is in this a country still closed and not open to cooperation with the West. All these knots have therefore subsequently come to the boil, the ruling granted the military immunity in the sense that they enjoy functional immunity like all state officials if they perform acts committed in the course of their duties. Professor Ronzitti had previously raised the issue of improper command and control over the ship. Basically, it was this affair that made it clear that an error of judgment had been made in employing the Military Protection Units in this way, an error probably due to the need to quickly approve the authorization because of the serious distress that piracy was causing in those years. Mistake that unfortunately proved decisive in the case of the Enrica Lexie where the Indians played dirty; we do not know for sure that it was all engineered of course but they were almost certainly aware of the presence of the Military Protection Units on board and this bothered them. The Enrica Lexie affair can therefore also be seen as a stance, show of force or threat to other states regarding the fact that they did not want interference in their sea areas often frequented by fishing vessels. Speaking of fishing boats, the problem with the latter is that they were almost never identifiable by sailing them often even without a flag. Imagine the two Maros coming up against this fishing boat that was going at high speed probably due to the autopilot being on. It is clear that after warnings to which the fishing boat did not respond but as this barque was hurtling at high speed toward the ship the military saw it as a target while the fishermen inside were probably sleeping and therefore did not change course misleading the military who unfortunately mistook it for a pirate vessel. Reasoning in criminal law terms, our military could enjoy the putative cause of justification, i.e., putative self-defense, i.e., I believe someone is going to shoot me and so I shoot first to defend myself. What we have tried to assert in this international proceeding is that India has failed to cooperate in the suppression of piracy. The UNCLOS Law of the Sea Convention in Article 100 says that all states must cooperate in countering piracy, this

implies an obligation to cooperate in good faith, that is, you must not obstruct another country if it is sending the Military Protection Units that IMO has requested of it for defense against piracy, and especially I must not obstruct it if my EEZ falls in the high-risk area. Among other things also is an element that bothered Indians, which is that IMO had put the map to them with the high-risk area right attached to their shores. We from our point of view according to IMO guidelines were transiting in a high risk piracy zone and therefore legitimately kept the Armed Protection Units on board, without considering that anyway India has no jurisdiction in international waters. If India had then cooperated it would certainly have set the case differently, it would certainly have acknowledged the military's error of judgment but would probably have accepted compensation for damages, leaving the exercise of law with respect to the Maroos to the Italian state. Instead, there has been a whole series of twists and turns where the servicemen have returned twice to Italy and where President of the Republic Napolitano wanted to honor the commitment, he made to India to bring them back when instead practically the Indians with the excuse of Christmas had handed them back to us probably to close the case.>>



²³⁹ The photo in question was personally taken as part of the Mare Aperto 2022 Exercise on board the Italian Navy's flagship aircraft carrier STOVL Cavour. A number of McDonnell Douglas AV-8B Harrier II fighter planes can be seen on board, and in the background are some other Navy ships taking part in the

Conclusion and policy recommendations

This thesis aimed to analyze the past and present threats of piracy and the future challenges for anti-piracy. I believe that, mistakes such as that of the *Enrica Lexie* aside, anti-piracy so far has done a good job in areas where international cooperation efforts have seriously taken on the resolution of the situation. However, it should be pointed out that as noted, challenges are still considerable on all fronts, especially those of counter-piracy implementation in areas such as Southeast Asia and the Gulf of Guinea and those of eradication in the Gulf of Aden. With regard to Southeast Asia, it is clear that international cooperation from states outside the area is not particularly well regarded by almost anyone in the area. Malaysia and Indonesia have an interest in keeping themselves neutral in the struggle between the U.S. and China, they also have an interest in keeping the adjacent sea neutral thus half-heartedly welcoming help from other nations outside those in Southeast Asia itself. Not only that, Southeast Asian waters lie between India and China, both of these powers frown upon the potential Western maritime military presence in the aquatic areas of their encroachment mainly for two reasons. First, of course, because of mutual non-sympathy that would lead to raising the threshold of attention and potential diplomatic incidents as well as mutual accusations of various kinds (look at section on the Paracels and Spratlys islands) and second because that of accepting Western help to stop a regional problem such as piracy would be an indirect admission of incapacity. This does not detract from the fact that for the reasons international aid would certainly help but would not be the solution for piracy in the region. On the other hand, as far as the Gulf of Guinea chapter is concerned, the first anti-piracy action should be to regulate the oil issue. There are very strong national interests in supporting the extraction and processing of oil by a flag carrier, however, the welfare of people and respect for human rights should be considered first and foremost, and secondly the ethics that should distinguish Western nations. Colonialism is a phenomenon that has plagued the African continent for centuries, whole books of excuses from the West would not be enough to clean its conscience about the atrocity that it was, we are nevertheless today practicing a new kind of economic colonialism in which we bypass the military and go directly to the centers of power by bribing administrators for exclusive benefits. It is largely documented

mission while performing cinematic manoeuvres. Specifically, the vessel in the foreground is the STOVL aircraft carrier cruiser Giuseppe Garibaldi.

how Shell has torn apart a potentially one of the richest regions in the world, like the Niger Delta, given the huge gap in GDP, life expectancy, unemployment and economic power between the West and Africa. Is it really necessary to continue this sort of neocolonialism? I think the biggest advice that can be given for this region is not even to invest billions of dollars to solve the poverty problem, but it is to at least share the wealth that is taken from their land with those who live there. Companies like ENI should put more effort into hiring and educating staff locally, creating a socially sustainable industry, investing in the quality of the pipelines in order to avoid catastrophic spills, and sharing, through a proper system of taxation and dividends, some of the huge profit with that nation and community that gives them the land to be able to extract their product. It is not directly the fault of African citizens that most of their politicians are the first to be corrupt and accept for their people tremendous conditions and then suppressing revolts in blood. The selfishness on the part of African governors often depends on the fact that they are in charge of lands but not of people. Let me explain further, the wicked colonial geographic division of Africa, which still persists today, has resulted in the development into uneven nations with culturally diverse peoples within of leaders of all, but who represent no one and who therefore feel even less of a bond to what should be their own land. In this sense although I understand it is an almost utopian vision, in order for the African continent to grow and develop the African Union, and the UN should probably recognize more legitimate states thus giving the people the opportunity to prosper in the lands historically belonging to them without spending time, resources and lives in bloody revolts and battles. As for piracy on the other hand, considering it as a single phenomenon without taking into consideration the whole ethical issue that gave rise to and developed it, even in the Gulf of Guinea the presence of international cooperation would be good for the decrease of the phenomenon. However, it should be pointed out that very many attacks often take place within or close to territorial waters, which is why the main objective of international cooperation should be to assist the military forces of the Gulf of Guinea nations and perhaps train them to improve their ability to counter the phenomenon, which for example in Somalia would be inapplicable given the almost total lack of a state. As for the Gulf of Aden area, on the other hand, the situation is diametrically different. As much as Somalia is also the result of ill-fated post-colonial divisions and has, as analyzed in the dedicated section, as many as three nations within a single territory, unlike the Niger Delta, the explosion of piracy is not directly due to factors that can be associated with the West. In this area, NATO with Ocean Shield and

especially the European Union with EURNAVFOR Somalia Operation Atalanta have proven that they can build good and effective international cooperation. If piracy in the Gulf of Guinea took ten years until the UN took the phenomenon into consideration again through Resolution 2634 of May 31, 2023, in the Horn of Africa area it was given within a short time of the outbreak of the first events mandate for the start of military anti-piracy operations, and there was no lack of resolutions on the subject. It is self-evident that the economic interests passing through the Gulf of Aden area are extremely greater than those in any other part of the world, however, an issue must be raised even in successful operations such as those listed above. Nations such as Saudi Arabia, the world's leading oil exporter, have the interest of free transit of its exports at heart. Gripped by the Strait of Hormuz in the east and the Strait of Bab al-Mandab in the west Saudi Arabia has a particular interest in the security of these two key points; while there is the threat of Shiite Iran to hold exports hostage, there were also pirates who, by creating more than a few problems for the world's largest oil exporter, could have created more than a few problems for many nations as well. Not only oil, as seen also all the labor and goods from and for Asia make this stretch of sea extremely crucial. Therefore, if the protection of this sea area is imperative and constant, how do you plan to address the problem in the long run? It has already been fifteen years that Operation Atalanta has been going on and has found huge successes in eradicating piracy from the Gulf, however, it should be pointed out that from the moment international cooperation ceases, as the Somali issue is still far from being resolved, it would only take a few months for the pirates to reorganize and restart their old activities. While it is true that piracy has existed for as long as man has existed, it is also true that, wanting to use a more idealistic approach to Somali international relations, if a way could be found to disincentivize piracy from the beginning it would solve the problem forever by effectively wiping it out; however, it needs to be understood how to implement this intention. Funding the reconstruction of the country would cost too much, disincentivizing acts of piracy by not paying ransoms would cause innocent victims, compulsorily using PSMCs on board would create tensions with some coastal states, and in any case would not help stop the wave of violence. It is therefore safe to assume that a solution may not be there; however, it is not. It sounds trite to say but the most obvious solution is to reach a truce within the country, so why is it not possible to imagine accepting Somaliland and Puntland as hegemonic states? It is clear that the threat of establishment of Al - Shabaab terrorism would remain high but there would also be a chance to create the foundations for a conflict-free Horn of Africa, is not peace the first

step toward the emancipation of a people? One almost gets the impression that the international community still does not recognize the mistakes of colonialism and that it still prefers to adopt those regional divisions that have led, in some cases for more than sixty years, to continuous bloodshed and power vacuums on the African continent which might also have the resources to be able to compete on its own in the global scenario. It is clear that a land as rich in oil and other resources as Africa is an attractive prey for Western companies, the greatest humanitarian aid we can send, however, is economic independence. Realities such as the CFA Franc are for all intents and purposes still to this day a kind of economic colonialism that does no good to anyone but the nation printing the coin. Specific suggestions to make in the topic of combating piracy with regard to Somalia in the end there are none, everything that has been done has been extremely effective, one can seize piracy as an example to describe the African situation and speculate on the utopia that would see an Africa nationally more divided but collectively more united. Part of the new economic colonialism, it should be specified, does not come solely from the West; China itself has been investing in major infrastructure in Africa for some years now to take a slice of the valuable assets the continent has in turn, leaving smaller and smaller crumbs for those who live on the continent.

At the level of international cooperation, I believe enough has been done to counter the phenomenon of piracy. Technology could help in terms of reducing the cost of combating the phenomenon by making it easier and cheaper to counter even in areas where there is less interest in deploying a large contingent of forces. However, it should be specified that once again we would be talking about countering the symptomatology and not the cause. Piracy in the end is nothing more than a symptom of deep malaise in a region. If in ancient times hunger and poverty were the order of the day, for some peoples living by piracy meant as much as any other way of life would have, in modern times living by piracy means living in a situation in which one has nothing to lose, which nowadays takes on the value of being the waste of the capitalism machine. Sheldon Wholin said that capitalism is a political system that by nature would sooner or later end up being corrupted and dissolved, he asserted that the political levers turn out to be corrupted very often by the elite feeding an increasingly unbalanced machine toward those in power, creating ever greater divisions in wealth making the rich richer and richer and the poor poorer and poorer both in numbers and in purchasing power. Wholin's theory seems to describe the workings of modern Africa, with increasingly rich and corrupt administrators selling off

the land and resources of the people, and with increasingly poor people. It is difficult to realize, in case Wholin was right, what stage of the process we are at; it certainly gives one pause to consider the total disregard of the international community for the lives of other human beings in the name of money. Some might argue that it is human nature that it is like this, that even in ancient times people expanded and killed each other only to increase the egos and wealth of a powerful few; the problem is that we cannot to this day feel superior in intellect, ethics and morals to ancient peoples if we continue to engage in the same behavior as them. It makes one reflect that a scapegoat is often found to justify coercive military actions toward other peoples, for example, the invasion of Iraq was justified in the eyes of the public as a necessary operation for the wiping out of weapons of mass destruction in Saddam Hussein's possession (weapons of which there has never been a trace). What gives a pause is that if one feels the need to have to conceal the real reasons for committing certain actions at the end of the day is known that what one is doing goes against the morals that should distinguish modern times from ancient ones, and the fact that our society continues in any case to coercively and stubbornly go in the same direction again and again suggests that there is a specter of an not even so veiled disregard for human life, or that some lives are considered less important than others.

Coming back to piracy, however, the biggest concrete act that could be done to combat the phenomenon would be to update UNCLOS. Now even Montego Bay Convention is more than 40 years old, the world and international relations have moved on quite a bit since then. This is not to supplant what is said in the articles devoted to piracy as much as it would be to add specific articles that would serve to complement and implement both international cooperation and the responsibility of individual states. As analyzed above, UNCLOS leaves very wide sleeves as to how cooperation and action should be taken, this could be revised by providing more specific guidelines. In any case, the biggest step that could be taken in terms of anti-piracy would be to exponentially increase the number of joint exercises with the armed forces of the states, contiguous to the areas where attacks occur in order to be able to decrease the number of foreign vessels present in the areas at risk while leaving more freedom of action to the navies in place.

In terms of future threats, on the other hand, South America should be noted as a place to keep an eye on; Venezuela's recent meltdown may have as its outcome the same as Somalia or the Gulf of Guinea, and the relatively close location to the Panama Canal

makes the rise of the phenomenon to greater levels than at present plausible. However, it is important to point out that in fact, as I believe has been inferred from the text, piracy no longer poses a real threat to the international security of maritime trade due to the now unabated modus operandi used in the Gulf of Aden. The organization of the facilities of the Pirate Commands does not allow them to have at their disposal the latest means, weapons or devices capable of subverting the established anti-piracy order, and the only major gains in the future can possibly be made by targeting new routes only while international cooperation should be preparing and organizing to begin garrisoning the new area. Should a new reality arise such as Southeast Asia where military intervention is complicated, and in any case inconvenient when put into a cost-benefit analysis, the same result would likely be the same, namely that of passive combating of the phenomenon. In conclusion, piracy has been analysed from the beginning in this thesis. The journey throughout these pages has looked inside the threat, showing how in some cases the responsibility for phenomena such as piracy can be attributed on a larger scale to the perpetrators of the disasters that have reduced nations such as Somalia or regions such as the Niger Delta to what they are today. Piracy today is no longer as big an international security problem as it was a decade ago. While it may have previously been seen as a phenomenon reflecting the socio-economic situation of a region, the fact that with the use of force by armies this direct expression of suffering and poverty has been suppressed does not mean that the problem does not continue to exist, and that it may not recur in the future.

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Executive summary

The topic dealt with in this thesis is that of maritime piracy and is mainly addressed on two fronts, that of disclosure and that of analysis. Specifically, the first chapter recounts the history of piracy from its origins to the present day. The second chapter provides some data on international anti-piracy cooperation missions and new technologies for preventing the phenomenon. The third chapter, on the other hand, after delving into the geopolitical situation of the territories affected by this scourge, goes into more detail by analysing the reasons why piracy develops, trying to ascribe the political and geopolitical responsibilities that led to its birth. Finally, the fourth chapter makes use of Admiral Caffio's great experience to describe Italy's role in the international anti-piracy cooperation scenario.

Specifically, the aim of this paper is to analyse the phenomenon of piracy in three hundred and sixty degrees, which implies not only a descriptive part but also purely critical facets that nevertheless incorporate within the analysis creating an overall union. First chapter apart, no part is solely descriptive or solely critical, but the whole turns out to be an analytical compromise that exploits facts, such as geopolitical situations, international resolutions and intergovernmental alliances, to explain in depth a phenomenon, that of piracy, which has endangered the world economy by threatening international maritime trade. This danger, as repeatedly explained, is on large scale dormant rather than defeated, it lays in a lethargy forced by international military repression.

The first chapter starts by analysing the origins of piracy; very ancient origins dating back to the Lower Bronze Age, practically since man began trading by sea. Perpetrating this early form of piracy were the so-called Sea Peoples, a group of nomads from various parts of the Mediterranean who inflicted great wounds on the ancient civilisations that inhabited the eastern Mediterranean basin. In this part, it is reported how these nomadic peoples first broke the delicate balance of the empires of the time and became one of the main triggers of the crisis known as the Bronze Age Collapse. A letter of diplomatic correspondence between the king of Cyprus and the Egyptian pharaoh Akhenaton is faithfully reported in which these assaults perpetrated by these Sea Peoples are described. This particular letter, the EA38, is seen by many historians as the first real record of a pirate attack, even before piracy was even defined. This is mainly due to the fact that the word piracy, with its associated meaning, is a word coined by the Greeks who first identified acts of maritime banditry as piracy. In ancient Greece, the phenomenon of piracy escalated to such an extent that even the legendary Alexander the Great had to take measures to prevent his expedition to Persia from failing due to the plundering of the ships that were supposed to bring supplies. Next, the first chapter continues with Cilician piracy in Roman times with mainly two epoch-making events; the kidnapping of Julius Caesar and the historic anti-piracy expedition of Pompey the Great. The first event was described extensively by Plutarch who reports, probably romanticising somewhat, the abduction to which Caesar was subjected near the island of Rhodes to which he was on his way to attend a course in rhetoric. The second is in fact the largest and most prolific anti-piracy operation in ancient and modern history, even more effective than recent international operations. Pompey the Great following a pirate assault in the heart of Rome, in Ostia, had a mandate to eradicate the pirate menace with his army. With a huge fleet in just three months, he managed to eradicate the Cilician pirates, annihilating them to such an extent that it took more than fourteen centuries to see a resurgence of similar piracy in the Mediterranean. Later, in addition to a mention of Viking piracy and the influence they had on the peoples of southern Europe, the great Barbary pirates are discussed. The Barbarians were known to engage in both privateering corsairs' actions and piracy. Their ascent in the Mediterranean started around 1400 A.D., approximately four centuries subsequent to the cessation of the Viking incursions. The most known figure that has become emblematic among the barbarian pirates are Oruç and Aricodemo Barbarossa. Oruç's contribution on their escalating development was the aiding of the Muslim migrants who were seeking refuge from Spain during the latter half of the 15th

century. This act of solidarity made a significant impact within the Muslim community, leading to an increase in the number of migrants and residents of port cities who joined his fleet and contribute to build the basis for the core that was able to rule and fear the Mediterranean costs for the next four centuries. During the activities of the Barbarians also pirate activities in the Caribbean started. It dates back to the 16th century, coinciding with the beginning of European exploration and colonization of the Americas. Spanish and Portuguese ships that were highly loaded with valuable goods from their territories became desirable targets for pirates almost immediately. The British, French, and Dutch, who had prior knowledge of navigating the Atlantic and African trade routes, took advantage of the absence of Spanish and Portuguese control in the region to exploit the New World's resources and weaken their opponents. Initially, a significant number of pirates supported themselves through hunting and tobacco sales. Afterward, they formed parties and established themselves on Caribbean islands such as Tortuga and Providence, from which they launched attacks on Spanish and Portuguese merchant ships. Rapidly proliferating among seafarers and island residents, piracy quickly became a highly lucrative source of income for a large number of individuals. Historically famous pirates of the Caribbean were Francis Drake, who served as a privateer under the patronage of Queen Elizabeth I of England, William Kidd and Edward Teach, known by the pseudonym Blackbeard. Furthermore, in this first chapter there is the paragraph about the collapse of Barbarian pirates. As already seen, Barbary corsairs, who served as the armed branch of the Ottoman navy, had a significant impact on the history of the Mediterranean for approximately 450 years. Their actions established them as the most influential pirate dynasty in the region's maritime trade. They were able to alter the course of Renaissance history and the balance of power among the various involved forces. Six important factors were primarily responsible for their collapse: The increasing naval prowess of European nations, particularly Spain, France, and Britain, diminished the Barbarians' capacity for privateering significantly. - Ottoman support for Barbary corsairs gradually waned as a result of the Ottoman Empire's ascendance in the political arena and its inclination to cultivate amicable ties with European nations. - The fact that in a significant portion of Europe and the Americas, slavery was abolished in the 19th century which had a profound effect on the Barbary corsairs, whose main source of income was slave trading. - The fact that in 1816, Algerian naval forces sank on an ambush. - The French occupation of Algeria in 1830 which signified the beginning of the end of the independence of the barbarian states of North Africa. – And last but not least the two American Barbary Wars.

Last in the chapter is highlighted a parallelism between the four main international relations theories and the history of piracy, reaching the conclusion that Realism, that sees bellicosity as the dominant character of the relationship between nations as the basis of its doctrine is thus easily applicable in historical piracy from its earliest beginnings with the Sea Peoples and Barbarians and also to Greek and Roman relations with pirates. While Idealism is much closer to contemporary piracy than it is to ancient piracy. If the aspiration for perpetual peace was inapplicable in ancient times, its applicability is somewhat better in modern times, despite the fact that it is still globally distant. In this scenario, ancient piracy is antithetical to idealism because the latter requires the existence of at least a series of coordinated regimes; piracy, by definition, was an aggressive assault that could never coexist with the principles of idealism. With regard to economic regimes influencing people's living standards, Marxism finds a relationship with piracy only in modern, not ancient times, while for Constructivism, the fourth and final theory, just like idealism, does not fit particularly well with either the ancient or modern history of piracy. While Constructivism describes international relations as social constructs and not as inevitable consequences of human nature, piracy is a pure consequence of human nature, both historically and in modern times, albeit for different reasons.

The second chapter deals instead with all those issues that revolve around the pure act of piracy. The main topic dealt with is that of international cooperation in the field of anti-piracy. Moreover, the role of technology in combating the phenomenon and the impact of international organisations in those regions where piracy develops are also discussed, ending with the prevention of the phenomenon. International anti-piracy cooperation arose as a response to the growing threat of maritime piracy that has plagued several regions of the world over the centuries. However, in recent decades, piracy has become particularly problematic in some critical areas such as the Gulf of Aden, the Gulf of Guinea and South-East Asia. The need to jointly tackle the phenomenon has led to the creation of international cooperation mechanisms. Regional and international organisations, such as the CTF-151, operation Ocean Shield, EUNAVFOR Operation Atalanta, EMASOH and the ASEAN with the ReCAAP. All these organisations are ruled by UN resolutions and by the United Nations Convention on the Law of the Sea (UNCLOS) which is an international intergovernmental agreement that in some of its articles delineates the menace of contemporary piracy and, significantly, establishes the basis for counter-piracy measures. The CTF 151 was established in January 2009 with a

specific anti-piracy mission-based mandate, currently endorsed by UN Security Council Resolution 2608 (2021), in order to help protect the free flow of commerce. Just like Ocean Shield and Operation Atalanta CTF-151 has the duty to protect from piracy the area of the west Indian Ocean and the region of the Gulf of Aden. The main difference between these three is that Ocean Shield was endorsed by NATO while EUNAVFOR by the European Union. It is worth to specify that CTF-151 and Operation Atalanta are still ongoing. Specifically speaking the result obtained by these operations is very satisfactory, data reports that in the region there are no more pirate attacks that before were threatening global commerce perpetrating a potential global loss of billions of dollars, considering that the value of the goods passing through the Bab el-Mandeb Strait amounts up to 7 billion dollars daily. On the other hand, on the other side of the globe, ASEAN is trying to limit the development and proliferation of piracy in South East Asia through an implementation of inter-state communication by means of ReCAAP, the body dedicated to the monitoring of maritime piracy in South East Asia. Unlike other international operations, ASEAN does not achieve the same objectives considering that it has not launched any operations and that some nations within it refuse external aid so as not to risk a loss of hegemony in their own waters. Last on the list there is Operation EMASOH, which stands for European-led Maritime Awareness in the Strait of Hormuz, it is a multinational maritime mission intended at assuring security and stability in the Strait of Hormuz region, a significant maritime route for the transportation of oil and natural gas. France proposed the mission, which was subsequently authorized in 2020 and is coordinated by a consortium of European nations. Due to strategic interests, petroleum resources, and territorial disputes, there have been geopolitical tensions in the Strait of Hormuz region. International naval operations such as EUNAVFOR Atalanta and CTF-151 have demonstrated the significance of a military presence for maritime security protection. To assure an effective and coordinated response, the European approach required a comprehensive analysis. EMASOH, unlike Operation Atalanta, was not the consequence of the European Union as the guarantor of the member states' common interests, but rather the spontaneous initiative of the states that decided to join. France is the actual leader of the operation, as it proposed it and has a privileged channel of communication with Iran. Another key point dealt with is that of PMSCs, private military maritime security companies. In the dedicated section, the pros and cons of using these groups as security devices on ships are examined. Since 2011, it has been permissible to embark armed personnel to protect crews, and since this has been allowed up to 50% of

merchant vessels at risk of attack have begun to use their services. For what concerns prevention, socioeconomical and sociopolitical factors can be credited with the emergence of piracy. Specifically, destitution and hopelessness are designated as the phenomenon's primary drivers. Rather than solely treating its symptoms, addressing the fundamental cause of piracy requires robust international cooperation. Managing vast territories, such as the Horn of Africa or the Gulf of Guinea, presents significant difficulties. It is necessary to establish a clear distinction when discussing prevention. Current international cooperation efforts can be viewed as preventative measures. If, on the other hand, we were to discuss the idealistic notion of operations intended at rehabilitating the fundamental causes of piracy, the discourse would take a drastically different course. Helping with prevention there are the NGOs, these entities employ training initiatives, seminars, and informational resources to enhance comprehension of maritime piracy and encourage the adoption of appropriate security protocols. The aim is to reduce occurrences of piracy and protect the safety and property of individuals involved in maritime activities. Non-governmental organizations (NGOs) bear the responsibility of promoting collaboration and partnership among heterogeneous stakeholders in the combat against maritime piracy. This objective is attained through collaborative endeavors with governmental entities, maritime security personnel, global institutions, and additional non-governmental organizations. One of the organizations that has been accused of engaging in piracy is Sea Shepherd. Next, the use of technology to assist anti-piracy is reported, technological advancements are meant to modernise operational strategies and reduce costs. In the field, there are three primary technological advancements that can be employed, namely the use of Unmanned Aerial Vehicles (UAVs), satellites, and the Automatic Identification System (AIS). Each of these three technological resources possesses the potential to offer strategic assistance, yet they also exhibit strategic vulnerabilities. UAVs (unmanned aerial vehicles) possess the capacity to offer substantial advantages to monitoring and deterrence tactics. Specifically, drones facilitate uninterrupted and meticulous aerial observation of maritime regions that are susceptible to piracy. Autonomous vehicles have the capability to conduct extensive surveillance of vast oceanic areas, facilitating the immediate detection of any dubious undertakings. Satellite technology allows for the surveillance and safeguarding of crucial regions, such as oil rigs or significant transportation pathways. The Automatic Identification System (AIS) is widely regarded as the most user-friendly technological system; however, its implementation is not without logistical security challenges.

Initially, it is important to elucidate the function of AIS. This system is an automated means of identification that facilitates the exchange of pertinent information regarding identity, location, velocity, and other relevant data among maritime entities, including ships. The communication system in question employs radio frequencies and VHF signals to facilitate data transmission between maritime vessels and coastal stations.

The third chapter is the one going in the core of modern maritime piracy itself; it analyses all the geopolitical scenarios through which piracy has born and developed starting from the Gulf of Guinea region. The historical narrative of the Gulf of Guinea region is characterized by a convergence of colonial legacies, cultural traditions, independence movements, sociopolitical dilemmas, and the influence of natural resources, specifically petroleum. These regions continue to face complex developments and obstacles including governance, maritime security, poverty, political instability, and corruption. The International Maritime Bureau has identified this region as having the highest incidence of pirate-related incidents worldwide. Only in the year 2020, a total of 195 acts of piracy were recorded worldwide, 84 of which occurred in the Gulf of Guinea. This region accounted for 43% of the total number of global instances of piracy. In this scenario, most of the pirates come from the Niger Delta, an area that has been experiencing a disarming geopolitical situation for several decades now. This extremely oil-rich region of Nigeria has for more than half a century been exploited by multinational energy companies for the exploitation of their resources. This has created an extremely inequitable and iniquitous environment in terms of opportunities as locals are not employed to work. The result has been the disintegration of the social mantle that has led to the population living on an average of less than one dollar a day, such rampant poverty has led to an increase in crime and concomitant development of piracy. The second region covered is Somalia. The development of Somali piracy is closely linked to the complex geopolitical structure of Somalia, which includes entities such as Puntland, Somaliland and Al-Shabaab. Political instability, the lack of a central authority, poverty, lack of alternative livelihoods and the ease with which pirates can operate on the high seas have contributed to the proliferation of piracy activities. This instability stems from the country's strong ethnic division. On the one hand there is Al-Shabaab, a terrorist association that has brought and is still bringing great instability to the country; on the other hand there are the de facto states of Somaliland and Puntland that have their own constitution and police force. In a scenario where the Fragile State Index in recent years has always placed

Somalia between first and second place, the development of the phenomenon of piracy is almost a direct consequence of the socio-economic situation. As is also the latter's collusion with the Al-Shabaab terrorists. The section on Somalia also contains a revealing description of the geopolitical situation in Yemen, which shares with Djibouti the entrance to the Red Sea. The concept exemplified is the total lack of inter-regional coordination of the nations in the area due to a tremendous geopolitical situation that did not allow the two main nations on the two fronts of the Gulf of Aden to curb the phenomenon of piracy, but rather inexorably contributed to fueling it, right up to the implementation of international operations. The third and last part of the third chapter is about the southeastern Asia. Compared to the Gulf of Guinea or Gulf of Aden, the geopolitical landscape of ASEAN member states is relatively peaceful. However, the economic stability of these nations is inferior to that of Western countries. Southeast Asia is a dynamically complex area to study due to the significant differences between the countries within the region. National actors in the region exhibit a high degree of heterogeneity and multiplicity, which is influenced by a variety of political, economic, religious, and social determinants that frequently exhibit substantial disparities. Multiple nations with distinct cultural, conventional, and political characteristics comprise the region. Specifically given the strategic location of the Malacca Straits and Singapore, which is where most piracy attacks take place, the US and China seek to bring their influence into the region, which is, however, often rejected by the nations themselves who seek their own political independence. Piracy in the region is quite different from Somali or Nigerian piracy; it is more a matter of minor robberies of smaller vessels that occur extremely close to port areas and often by definition of international law are armed robberies and not acts of piracy as they occur within 12 nautical miles of the coast.

The fourth chapter at the end deals with Italy's role in global anti-piracy. The topic is addressed through an exclusive interview with Admiral Fabio Caffio, one of Italy's leading experts on international maritime law and consequently piracy. The first question put to the Admiral concerned the Italian Navy's active role in anti-piracy. The answer underlined Italy's commitment to the role of protecting the seas and trade routes that are fundamental to the survival of the national and European economy. Our nation was among the first to use military vessels for the protection of merchant ships and in this respect was ahead of the rest of the world and of Operation Atalanta itself. In the first question, the Admiral also explains in detail the function of UNCLOS and international

operations and with them the role that Italy plays. The second question, on the other hand, concerns the *Enrica Lexie* case; Admiral Caffio's explanation as to the reasons why an event like that could have occurred is exhaustive, he in fact specifies that the error was committed due to a legal loophole in the regulations coordinating relations between military personnel on board, the Navy, the ship's captain and the ship owner. If therefore, as specified, the decision on the operations to be undertaken always falls to the captain and shipowner, the *Enrica Lexie* case was due to a hastily taken and wrong decision, that of entering port in India, without giving a say to the Italian Ministry of Defence, which therefore found itself passive and forced to suffer the consequences for the two military personnel.