| | | |
|---|---|---|
| EU NAVFOR Somalia | **INDUSTRY RELEASABLE THREAT ASSESSMENT**<br><br>**PIRACY RELATED EVENTS DURING MARCH – APRIL 2017**<br><br>**ICOD: 01 MAY 18** | COMBINED MARITIME FORCES READY TOGETHER |

| The Certainty Yardstick | | | | | | |
|---|---|---|---|---|---|---|
| Qualitative Statement | ALMOST CERTAIN | HIGHLY LIKELY / VERY PROBABLE | PROBABLE / LIKELY | REALISTIC PROBABILITY | IMPROBABLE / UNLIKELY | REMOTE / HIGHLY UNLIKELY |
| Probability Rage | >90% | 75-80% | 55-70% | 25-50% | 15-20% | <10% |

## INTRODUCTION

The aim of this paper is to give a clear view on the incidents related to Somali piracy in the Gulf of Aden and the northern Somali Basin during the months of March and April 2017. This paper will give a better understanding of the causal factors for the significant rise in pirate activity as well as an insight in the potential courses of action for Somali pirates in the coming months.

## EVENTS

Since the beginning of March 2017, there has been a remarkable increase in piracy related events in comparison to the last five years. The table below lists reported piracy events during March and April 2017.

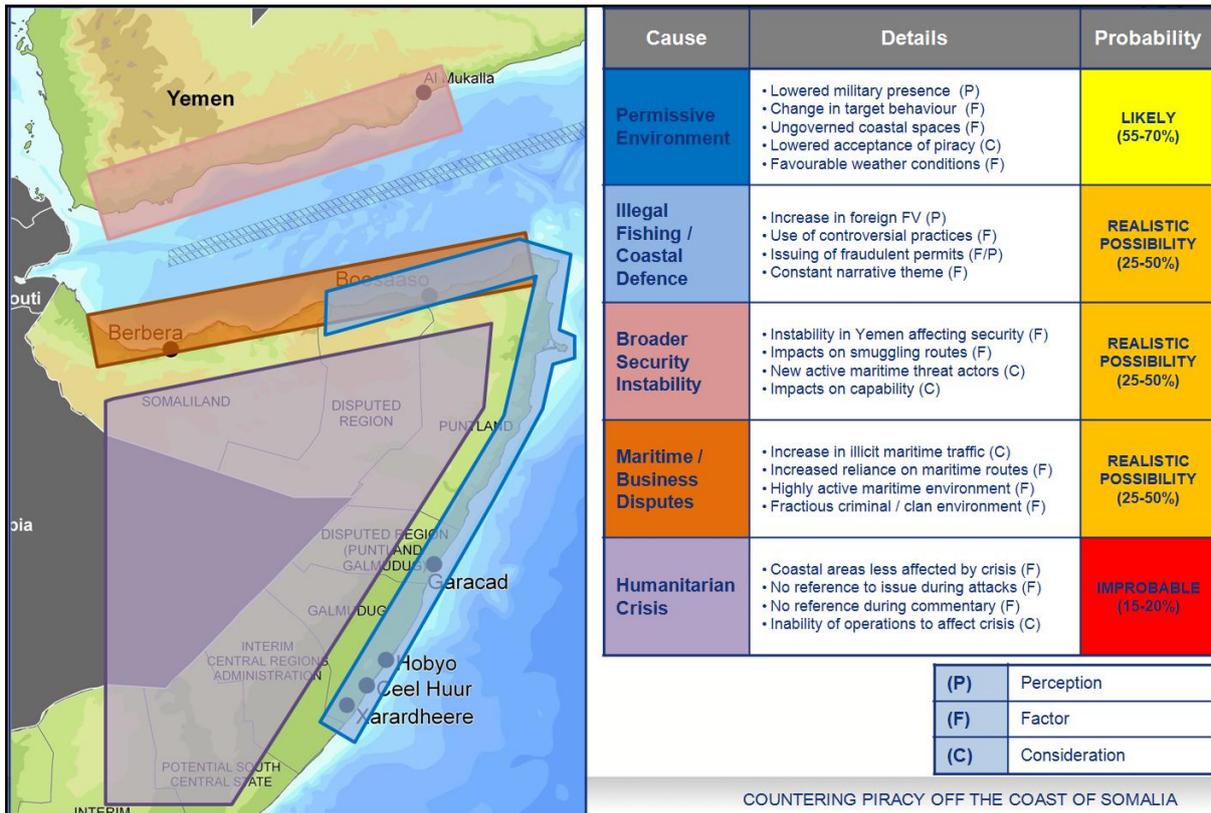| Date | Target | BMP Standard | Attacked | Boarded | Pirated | Taken to Anchorage | Ransomed | Released | Rescued |
|------|--------|--------------|----------|---------|---------|--------------------|----------|----------|---------|
| 13-16 Mar | ARIS 13 Tanker | Low | Yes | Yes | Yes | Yes | No | Yes | No |
| 23-26 Mar | CASAYR 2 Fishing Vessel | Low | Yes | Yes | Yes | Yes | No | Yes | No |
| 02-10 Apr | AL KAUSAR Cargo Vessel | Low | Yes | Yes | Yes | Yes | No | No | Yes |
| 08-09 Apr | OS-35 Bulk Carrier | Good | Yes | Yes | No | No | No | No | Yes |
| 15 Apr | ALHEERA Cargo Vessel | Good | Yes | No | No | No | No | No | No |
| 22 Apr | COSTINA Cargo Vessel | Low | Yes | No | No | No | No | No | No |

Most of the incidents mentioned in the previous table have resulted in failed attacks with no reported casualties amongst the hostages. There is however a clear difference between the first and subsequent three incidents. The first attacks were always in one way or another on the limit between criminal activity and piracy, while the most recent three attacks are clearly aimed at pirating a ship purely for the purpose of ransom.

It is important to note that no casualties have yet been sustained during the attacks and none of the attacks have been successful.  This includes the ARIS 13, CASAYR 2 and AL KAUSAR incidents, which despite being pirated and brought to anchorage, the vessels and crew were released without a ransom payment. However, aside from the three arrested pirates in the OS35 case and the unknown number of arrested pirates in the AL KAUSAR case, all other pirates were let free without any judicial consequences.

## CAUSAL FACTORS

Piracy incidents have been widely reported by a variety of media outlets and stakeholders, often taken out of proportion or context. It is important to have a clear understanding of the potential causes for the increased pirate activity to avoid biases. The general assessment states that a perceived permissive environment is the strongest driving factor behind this increase in attacks. The favourable weather conditions during the reporting period further enhanced the OPPORTUNITY to conduct attacks with small boats.

Below are the assessed causes of the return to piracy, ranked by probability.

| Cause | Details | Probability |
|---|---|---|
| Permissive Environment | • Lowered military presence (P)<br>• Change in target behaviour (F)<br>• Ungoverned coastal spaces (F)<br>• Lowered acceptance of piracy (C)<br>• Favourable weather conditions (F) | LIKELY (55-70%) |
| Illegal Fishing / Coastal Defence | • Increase in foreign FV (P)<br>• Use of controversial practices (F)<br>• Issuing of fraudulent permits (F/P)<br>• Constant narrative theme (F) | REALISTIC POSSIBILITY (25-50%) |
| Broader Security Instability | • Instability in Yemen affecting security (F)<br>• Impacts on smuggling routes (F)<br>• New active maritime threat actors (C)<br>• Impacts on capability (C) | REALISTIC POSSIBILITY (25-50%) |
| Maritime / Business Disputes | • Increase in illicit maritime traffic (C)<br>• Increased reliance on maritime routes (F)<br>• Highly active maritime environment (F)<br>• Fractious criminal / clan environment (F) | REALISTIC POSSIBILITY (25-50%) |
| Humanitarian Crisis | • Coastal areas less affected by crisis (F)<br>• No reference to issue during attacks (F)<br>• No reference during commentary (F)<br>• Inability of operations to affect crisis (C) | IMPROBABLE (15-20%) |

| (P) | Perception |
|---|---|
| (F) | Factor |
| (C) | Consideration |

COUNTERING PIRACY OFF THE COAST OF SOMALIA

**Permissive Environment**. In November 2016, NATO announced they would withdraw their counter piracy assets from the Indian Ocean. In many engagements with Somali nationals, it has been observed that they often do not understand the difference between NATO and other multinational groups (EU, CMF); as a result NATO is often used as the common label for foreign warships operating in the area. It is therefore assessed as likely that piracy groups understood that following the NATO withdrawal, there was a significant decline in the presence of military warships. Since 2012 there has also been a steady decline in the number of smaller vessels employing BMP4 and PAST. The ARIS-13 presented the opportunity by not employing BMP4 or having a PAST onboard, whilst also having a very low freeboard. To date, no vessel employing BMP4 has been successfully pirated. Both the perception of a more permissive environment and an increasing number of vessels presenting opportunity for attack are LIKELY the primary cause for the recent spike in piracy activity. Should attacks continue to fail, and merchant vessels continue to employ BMP4, pirate activity will LIKELY decrease.

**Illegal Fishing**. A very frequent narrative for the justification of piracy is illegal fishing. Fishermen claim that larger and better equipped foreign vessels enter Somali waters and plunder marine resources. There have been observations by Op ATALANTA assets confirming this fact, however

the nature of recent attacks do not corroborate with this narrative.  Out of six piracy related incidents this year, only the CASAYR-2 could potentially be related to illegal fishing.  The illegal fishing / coastal defence narratives are not consistent with recent piracy events, however there is a REALISTIC POSSIBILITY it has contributed in a minor role, especially as a motivation for recruitment. It may also have helped gain some support of the local population allowing the pirates a greater freedom of movement.

**Broader Security Instability.**  The security situation in wider Somalia has been slowly improving since the installation of the transitional government. However the situation is still fragile and recent instability in Puntland and Galmudug has impacted the security situation.  For the past two years there has also been conflict in Yemen resulting in poor security both on land as well as the maritime domain.  Ongoing coalition operations have impacted on smuggling routes used partly by Somali criminal actors.  There is a REALISTIC POSSIBILITY this has had a minor impact on the return to piracy.

**Maritime / Business Disputes.**  During the AL KAUSAR incident it was reported that a business dispute over its cargo was the causal factor, although no reliable evidence was reported.  A similar narrative has been reported in other incidents including the CASAYR; however no reliable evidence was presented.  There is a REALISTIC POSSIBILITY that an increase in such disputes in a highly active maritime environment is a causal factor for the recent increase in piracy events.

**Humanitarian Crisis.**  This year Somalia has suffered a severe drought which has increased instability in the region.  However according to local credible sources and media reports, coastal areas have been less affected by the drought, which has predominantly impacted nomadic people further in land. Furthermore, recent attacks have not been consistent with this narrative.  Pirates have attacked oil / gasoline tankers and requested ransoms, as opposed to attacking aid vessels. During negotiations there has been no mention of the famine in dialogue with pirates. At the time of its capture, the AL KAUSAR was loaded with food which was left untouched. It is therefore assessed as IMPROBABLE that the ongoing humanitarian crisis is responsible for the return to piracy.

## PIRACY FIRE TRIANGLE

EU NAVFOR understands the threat of piracy using the factors of Intent, Capability and Opportunity, as described in the image below. These factors driving or influencing piracy can be described in a similar manner to the well known Fire Triangle. It requires all three elements to survive and the removal of one or more will mean that the phenomenon cannot sustain itself.

Without Intent Capability goes unused and Opportunities are missed or wilfully not taken. Without Capability then no matter the Intent or the Opportunities provided, no action can be taken to pursue or meet objectives. Without Opportunity, Intent and Capability cannot be used and may eventually erode.
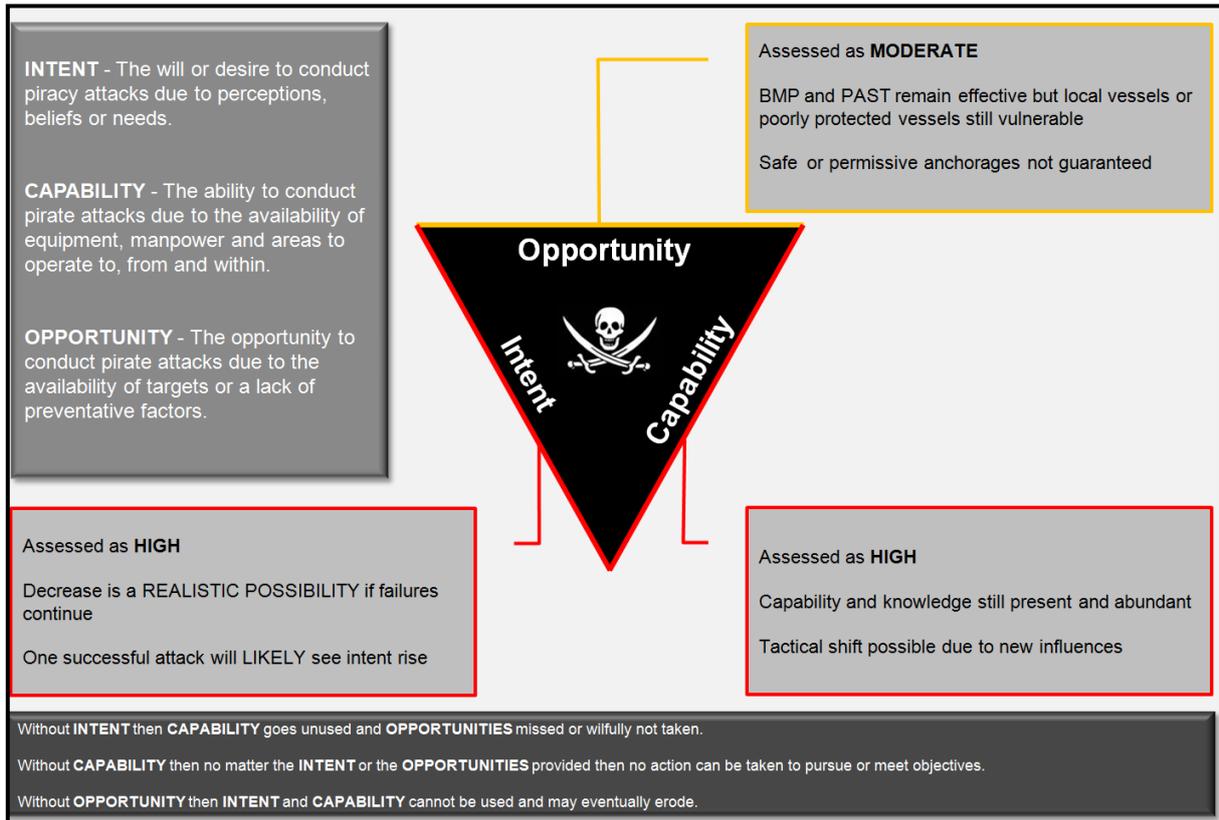


The previous section emphasized that causal factors primarily influenced by Opportunity. Due to the perceived permissive environment, piracy could be viewed once again as viable and attractive.

**Intent**. The illegal fishing narrative remains and is a constant theme within Somali communities. Without being the primary cause for piracy, such narratives provide a motivating force but can also legitimise armed action by creating the noble or heroic image.  Comments on social media, independent coverage and commentary by foreign journalists all aid in spreading the message as well as validating the concerns and reactions such commentary generates.  One notable example involves the sizable Thai/ Djibouti fishing fleet that has been operating, under licence, along the Puntland coast for some time.  The issuing of these licences has raised anger amongst the population who have accused the regional government of corruption; therefore making any action against a foreign fishing ship legitimate.

Recent events, whilst not yielding massive financial returns, have also not been met with the levels of response expected, with no arrests or punishments imposed.  This clear lack of consequence sends a message that individuals can act with impunity, possibly reinforcing perceptions of

acceptance and legitimacy. Whilst lauded as a success by the organisation itself, the intervention of the Puntland Maritime Police Forces (PMPF) on the ARIS 13 was limited by capability, and once PMPF actions began to impact negatively on the incident and environment, their abilities became even more restricted. If incidents of piracy or similar events continue unchallenged then the perception that piracy is viable once again may grow. BMP4 will HIGHLY LIKELY remain effective as pirates will always be limited by their own capabilities, but the impact on local traffic may be more pronounced.

**Capability**. Issues within the region are influencing capability and whilst criminal networks will nearly always have access to small craft, the arms market has changed in favour of armed non-state threat actors. Reliable open source reports suggest that the cost of weapons has dropped significantly due to the influx of weapons created by the situation in Yemen. Local reliable sources in the region have also commented on an increase in the volume of weapons arriving through Puntland and Somaliland by maritime routes. Heavier weapons such as PKM medium machine guns are believed to be now available for an affordable price. A PKM could offer something which a potential pirate most requires – the ability to match onboard security teams. This might be an explanation for the insisting and increasingly aggressive nature of the current series of attacks.

**Opportunity**. Finally is the issue of opportunity. Reports of a NATO draw-down in the media, now LIKELY reinforced by the reduction in counter piracy operations and changes in merchant vessel behaviour, all give criminal groups options by which to achieve their objectives and continually test the environment. That groups such as the PMPF or other forces are active will have some impact on freedom of movement of pirate groups, but the reach and capability of these organisations remains limited in time and space.

## COURSES OF ACTION

Several realistic assessments coexist as to what the recent activity really means. A series of factors must be considered when developing the potential Courses of Action (COA).

| Key Factors | • Multiple incident types and natures<br>• Vessels taken by force and against will of owners<br>• Active security presence in PUNTLAND<br>• Only local maritime traffic affected to date<br>• Inconsistent data to develop higher confidence assessments | |
|---|---|---|
| **COA 1 – Deliberate / Planned Return** | | **COA 2 – Accidental / Reactive Return** |
| Pirate networks are conducting a planned and staged return to piracy using small scale events to test the response and resolve of local and international communities. A lack of response drives the view that piracy has returned to a viable state | | Criminal networks and armed non-state actors are conducting activities which provide valuable insights into responses that influence pirate network INTENT in that piracy is perceived as having returned to a viable state |
| 1.1 | Pirate groups conduct attacks and secure vessels from local maritime traffic | 2.1 | Criminal networks conduct armed actions to resolve local or business issues |
| 1.2 | Low level negotiations occur and vessels are released quickly to minimise interdiction | 2.2 | Signatures created by such actions do not illicit strong responses |
| 1.3 | Confidence and sophistication increases and military responses are carefully observed | 2.3 | Fines or bribes paid are misinterpreted as ransoms or opportunities for ransoms are perceived |
| 1.4 | Larger, foreign vessels are subjected to attack and BMP measures are overcome | 2.4 | Pirate attacks resume amongst ongoing maritime issues |
| 1.5 | Cycle of negotiations and ransoms begins with added factor of local security intervention | 2.5 | Merchant vessels are seized for ransom |
| • Sustained and repeated attacks against local vessels<br>• Consistent lack of focused security response<br>• Increase in suspicious events and approaches<br>• Development of anchorages (including new areas) | | • Repeated occurrences of armed maritime crime<br>• Increases in prolonged seizures of vessels<br>• Increase in suspicious events and approaches<br>• Development of anchorages (including new areas) |

**COA 1**. This states that the events are part of a sophisticated and planned return to a model of piracy by different groups or clans broadly similar to that which has been observed in the past. This model states that recent events are designed to gradually test the resolve of local and foreign anti-piracy forces. Attacks will increase in volume and complexity until financially viable vessels can be seized and secured for larger ransoms. Key signatures of such a return are increased number of attacks and activity within geographical areas associated with piracy networks such as Eyl (Puntland) or Hobyo/ Haraderee (Galmudug).

**COA 2**. This states that recent events are local in nature but that valuable insights are being offered to former and potential pirate networks. This model suggests that a return to piracy may occur as signatures and responses suggest that piracy is viable. Networks will return to piracy, perhaps attempting a more rapid return than COA 1 suggests, in response to these lessons learned. This is a reactive model rather than the more deliberate response stated in COA 1.

**Alternative COA**. Although not offered on the above figure, the alternative COA is that recent events are not connected and indicate nothing more than active criminals, whose use of the maritime domain occasionally creates disputes that are resolved through limited force. Once a counter-piracy lens is applied these events become connected and are seen as something more than they actually are. In the light of recent events, this COA is assessed as UNLIKELY.

As for the actors / criminals involved, it is entirely possible that new groups became involved showing new behaviours and employing innovative tactics. Also, credible sources speak of a new generation of criminal leaders having replaced the previously known pirate / criminal key players.

As the counter-piracy community has observed and learned lessons, then it must be recognised that it is likely that pirate networks have applied the same process.
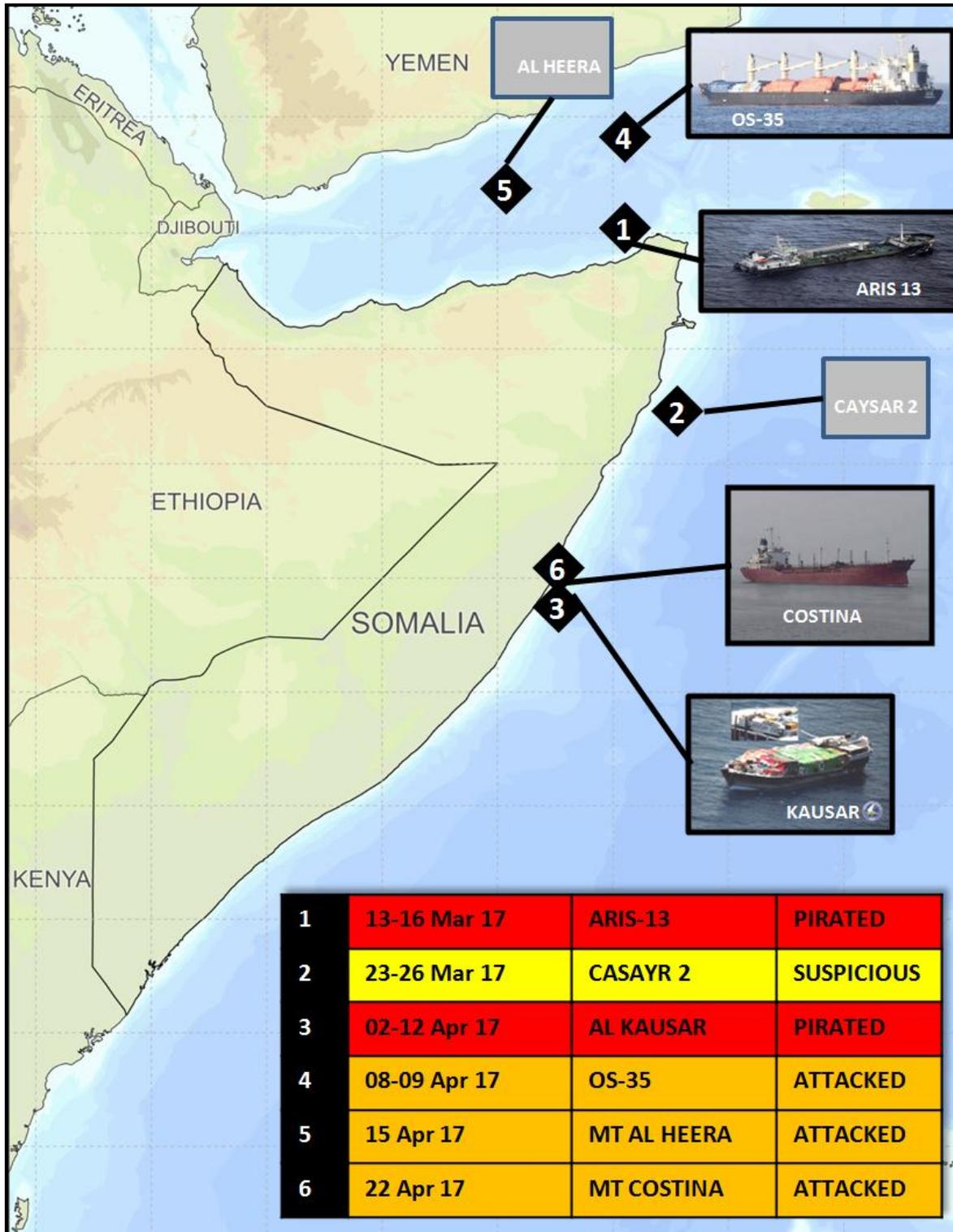
## CONCLUSION

This recent spike in piracy activity is likely caused by a perception of a permissive environment; including the lessening military presence, lack of BMP4 employed, a reduction in PAST and the preferable weather conditions. As long as the conditions continue to be perceived as permissive further attacks in the SB and GOA will LIKELY continue. The pirates will probe their targets for presence of PAST and attempt boarding the most vulnerable ones. However, if pirates continue to meet failure through BMP and PAST employment, as well as fast reactions from military assets, it is HIGHLY LIKELY that pirates will cease their activities.

Independent deployers and naval forces from CMF and EU NAVFOR have demonstrated reactivity and willingness to collaborate with each other in cases within their area of operation. The joining of forces when combating cases within the area of operation, will send a deterrence message to potential pirates which will impede their piracy operations. Furthermore, the IRTC coverage and the re-action time of our assets is imperative in aiding the decrease of piracy

The general recommendation for all ships transiting in the zone is the strictest adherence to BMP4, the correct utilisation of the IRTC and the cooperation with naval forces operating in the region.

**ANNEX 1: PIRACY EVENTS**



| | | | |
|---|---|---|---|
| 1 | 13-16 Mar 17 | ARIS-13 | PIRATED |
| 2 | 23-26 Mar 17 | CASAYR 2 | SUSPICIOUS |
| 3 | 02-12 Apr 17 | AL KAUSAR | PIRATED |
| 4 | 08-09 Apr 17 | OS-35 | ATTACKED |
| 5 | 15 Apr 17 | MT AL HEERA | ATTACKED |
| 6 | 22 Apr 17 | MT COSTINA | ATTACKED |

**ARIS13**. On 13 Mar 17, the UAE owned tanker ARIS 13 was seized and taken to CALUULA before being relocated to XABO. The vessel and its 11 man crew were held there until the 16 Mar when a reported $200,000 ransom was agreed. The ransom was to be paid in BOSASSO rather than on the vessel itself and throughout clan elders were involved in negotiations. On the 16 Mar the Somali security force (PMPF) deployed and attempted to establish a maritime cordon around the ARIS and engaged a small craft believed to be supporting the ARIS with logistics. During this engagement the ARIS was struck by what appear to be heavy calibre rounds, assessed to have

come from one of the larger PMPF vessels. This created a reaction onboard the vessel as did rumours of injuries within the village of XABO.  The intervention of local security forces post-hijack is a phenomenon that was not a factor in the 2009-2012 era of piracy. The crew and vessel were subsequently released, no ransom was paid and the pirates were granted immunity from prosecution.

**CASAYR 2**. On the 24 Mar, reporting was received that a fishing vessel had been taken in the vicinity of EYL.  The vessel, later identified as a the Yemeni dhow CASAYR 2, reportedly put crew ashore and took on resupply and reinforcements before heading out to sea on or near the 25 Mar. No further reporting was received and no approaches or attacks were reported.  On the 26 Mar initial reporting stated that the vessel had been freed, but later sources added that the boarders had seized another, still unidentified, Iranian dhow.  This reporting stream appeared to have ended at this time.

**AL KAUSAR.** On 2 Apr 17, the Indian flagged vessel, AL KAUSAR, was seized and taken to CEEL HUUR near HOBYO with its crew composed of ten Indian nationals. Initial reporting stated that the AL KAUSAR was involved in a dispute over its cargo.   On 10 Apr 17, the AL KAUSAR dhow was abandoned by the pirates and the crew was taken inland. Two crewmembers were left on the shore and immediately rescued by Galmudug security forces.  The rest of the crew was brought to a village near HOBYO. On 12 Apr 17 the remaining eight crewmembers were released in what appears to have been cooperation between the Galmudug security forces and the local clan elders.

**OS-35** On 8 Apr 17, the Lebanese owned OS-35 bulk carrier was attacked the eastern part of the IRTC corridor by a single skiff with four pirates on board. The pirates were able to board the ship, however the fact that the crew was able to lock itself in the citadel prevented the pirates to control the vessel. Several military ships and aircrafts arrived at the place of the attack and were able to secure the area.  On 09 Apr 17 the ship was released in a coordinated boarding action lead by the Chinese boarding team.  The boarding resulted in the capture of three pirates.  Co-operation between several naval forces was successful in preventing the crew locked in the citadel from being taken hostage.

**AL HEERA**. On 15 Apr 17, the oil / chemical tanker AL HEERA was approached by a suspicious skiff with five to six persons aboard. The Master of the AL HEERA reported having been engaged with RPGs which caused the PAST onboard the AL HEERA to open fire on the skiff. The skiff aborted the attack and turned away but kept following the AL HEERA for 45 minutes. It eventually headed South to Puntland.

**MT COSTINA** On the 22 Apr 17 the oil tanker COSTINA reported being attacked by one skiff with small weapons.  At the time of the attack, the EU NAVFOR Flagship ESPS GALICIA was located 12nm from the reported incident and was able to advise the COSTINA over VHF CH16 in order to avoid boarding. At 1530Z, the skiff ceased the attack. The crew reported the attacking skiff had 5-6 pax aboard with small arms and a ladder.  No serious injuries were sustained by the crew.  Bullet holes were observed on the hull under the bridge, confirming the violent nature of the attack. The crew were unaware of BMP4 measures, the vessel did not have a citadel, and there was no PAST on board; despite the fact that the ship transits regularly from Dubai to Mogadishu.