STATEMENT FOR THE RECORD

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Mr. Chairman, Representative Larsen, and other distinguished members of the subcommittee, I appreciate this opportunity to testify about the growing problem of piracy on the high seas.

Over the last several years, we have seen an upswing in the number of reported pirate attacks worldwide and an expansion in the area of pirate operations. As recently as 2007, the Gulf of Guinea off the coast of West Africa was the most active part of the world for piracy, but most pirate activity is now conducted by Somali pirates in the broader Horn of Africa region. Since the Department of Defense last testified to this sub-committee on the challenge of piracy on May 20, 2009, we have seen a decrease in the number of attacks carried out by Somali pirates in the Gulf of Aden. Unfortunately, we have also seen an increase in their overall area of operations. Somali pirates not only operate in the U.S. Central Command area of responsibility, but the expansion in their overall area of operations has seen pirate attacks reach into both the U.S. Africa Command and U.S. Pacific Command's areas of responsibility.

Somali pirates are less likely to operate in the Gulf of Aden as a result of the successful implementation of the Internationally Recommended Transit Corridor where U.S. and international forces regularly patrol. Instead, Somali pirates are using pirated ships to expand their area of operations as far east as the Kavaratti Islands near India, northward into the Gulf of Oman, and southward into the Mozambique Channel. Currently, Somali pirates are holding 30 vessels and as many as 659 crewmembers hostage.

Regardless of geographic scope, reducing incidents of piracy is important for both the United States and the international community. As a general matter, freedom of navigation is critical to our national security and international commerce, and it is also a core principle of customary international law as codified in the Convention on the Law of the Sea and one that all nations have a stake in supporting. Piracy endangers innocent mariners, disrupts commerce, causes economic damage to shipping companies, and perpetuates instability ashore.

Recent incidents—including the heinous murder of four Americans on the pirated sailing vessel (S/V) QUEST—have increased public and international attention to piracy. At the Department of Defense, we continue to work closely with other agencies and departments to develop and implement a comprehensive counter-piracy strategy.

The Department of Defense supports the National Security Council's "Countering Piracy Off the Horn of Africa Partnership and Action Plan," in which our main role is to interrupt and terminate acts of piracy. We play a supporting role in preventing pirate attacks by reducing the vulnerability of the maritime domain, as well as ensuring those who commit piratical acts are held accountable by facilitating the prosecution of suspected pirates by affected States and, in appropriate cases, by the United States.

The United States is not alone in this effort. More than 30 other nations have conducted or are currently conducting counter-piracy operations in the broader Horn of Africa region. Most countries participate in one of the three international coalitions: Combined Task Force 151 (CTF 151), NATO's Operation OCEAN SHIELD, and the European Union's Operation ATALANTA. The Combined Maritime Forces (CMF) regularly hosts Shared Awareness and Deconfliction (SHADE) meetings in Bahrain to provide a working-level opportunity for navies to come together to share information and deconflict counter-piracy efforts in the broader Horn of Africa region. The array of forces involved and their coordination efforts remain impressive. Several countries unaffiliated with these coalitions are also sending ships to the region and are playing an increasingly important role.

The United States is most actively engaged in counter-piracy operations through CTF 151. This multinational task force was established in January 2009 to conduct counter-piracy operations under a mission-based mandate throughout the CMF area of responsibility. In addition to the United States, the following 14 countries currently participate in CTF 151: Australia, Bahrain, Canada, France, Jordan, Republic of Korea, Netherlands, Pakistan, Saudi Arabia, Singapore, Spain, Thailand, Turkey, and the United Kingdom. CTF 151 is currently commanded by the Pakistan Navy; in recent years, it has been commanded by the U.S., Republic of Korea, and Turkey.

We are seeing concrete results from our efforts. Since August 2008, international efforts have led to the destruction or confiscation of more than 100 pirate vessels and the confiscation of numerous weapons, including small arms and rocket-propelled grenades. The international community has also turned over nearly 800 pirates to law enforcement officials in various countries for prosecution. We support the Departments of State and Justice in their ongoing efforts in this area.

The Department of Defense is also working with the international "Contact Group on Piracy Off the Coast of Somalia" on numerous initiatives related to industry, operational, public diplomacy, and legal issues. In terms of expanding its focus, recent discussions include exploring the possibility of pursuing the criminals who are funding pirates, demanding ransoms, and laundering the illegal proceeds from the ransom payments. Since January 2010, Somali pirates received approximately $75-85 million in the form of ransom payments. In a country where the average annual per capita GDP is about $600, these ransoms are enormously enticing. We need to find a way to make piracy a less profitable choice. We support the Departments of State and Treasury in their ongoing efforts in this area.

Disrupting piracy will continue to be a challenge for several reasons. First, as Under Secretary of Defense for Policy Michèle Flournoy testified in 2009 to the Senate Armed Services Committee, "the root causes of Somali piracy lie in the poverty and instability that continue to plague that troubled country, and addressing these root causes will be a lengthy, complicated and difficult process." Pirates can operate freely and with impunity from coastal fishing villages as long as they have the support of the local Somali clan leadership. Although regional governments in Somaliland and Puntland have demonstrated some capacity to provide services, including law enforcement services, in most respects Somalia remains ungoverned, allowing pirates to use coastal villages as safe havens. In the long run, the international community's ability to combat Somali pirates in the broader Horn of Africa region will be directly linked to our ability to help the Somalis themselves increase government capacity and find appropriate ways to meet the population's basic needs. In general, Somalia lacks enforcement, prosecution and incarceration capabilities to effectively address this piracy phenomenon. As a result,

not only can pirates operate freely from coastal fishing villages, but the astronomical increase in ransoms paid out have made this a lucrative business venture leading to the development of a complex network of pirates, facilitators, and financiers.

Second, the geographic area affected is vast: Somali pirates now operate in a total sea space of approximately 2.5 million square nautical miles, making it difficult for naval or law enforcement ships and other assets to reach the scene of a pirate attack quickly enough to make a difference. This area has increased from approximately 1 million square nautical miles in just the last two years. In that vast expanse of ocean, tracking a few dozen low-tech pirate skiffs and intervening to stop attacks that can last only a few minutes is exceptionally difficult. Even more challenging is that these pirate vessels easily blend in with ordinary, legitimate shipping when they are not engaged in acts of piracy. In a recent trend, pirates are attacking dhows for use as "motherships" from which to launch additional pirate attacks further out at sea and during inclement weather (i.e., monsoon season). These vessels also blend in with the legitimate elements in the maritime landscape. The scale of this challenge, therefore, cannot be addressed as a military or law enforcement mission alone. In order to have 100% coverage of 2.5 million square nautical miles, it would require more ships than are currently in the inventory of the world's navies. It is worth re-emphasizing this point: the long-term solution to piracy in the Horn of Africa region does not rest in the maritime domain alone.

Third, even when pirates are captured, often they are not successfully prosecuted and held accountable. Although piracy is a crime of "universal jurisdiction" – meaning that any state can, under international law, may prosecute any piratical act - the reality is that gaps remain in the ability of many States to prosecute them. Some States still lack the appropriate domestic laws to prosecute pirates, which undermines our effort to create an effective legal deterrent. Other States have appropriate domestic legal frameworks, but lack the prosecutorial and judicial capacity to hold pirates accountable. Worse yet, other States lack the political will to take effective action.

Finally, we believe strongly that the merchant shipping fleet can be another able and important partner to combat piracy. Although the merchant shipping industry has made significant improvements in on-ship security measures over the last couple years, much more is needed is needed to be done. Ships from all over the world transit the Gulf of Aden and use the shipping lanes along the east coast of Somalia, but many in the industry assume unrealistically that there is no need for more robust shipboard private security measures because military forces will always be present to intervene if pirates attack. As a result, many in the industry have been unwilling to invest in the basic security measures that would render them less vulnerable to attack. Further, the insurance industry has not created valid financial incentives to encourage full implementation of Best Management Practices, which have proven effective to help vessels evade or deter pirate attacks.

At the moment, Somali piracy appears to be motivated solely by money, not by ideology. Some have raised a possible connection with violent extremists groups in the region, and, while we presently do not know the answer, we remain vigilant in looking for any connections that may develop. Nonetheless, we know that in other contexts, narcotics production and other forms of criminal activity are sometimes "taxed" by extremist groups, as in Afghanistan. We need to ensure that piracy does not evolve into a funding source for violent extremist organizations.

These varied and multi-dimensional challenges should make it clear that there will be no simple solution to the growing problem of piracy in the greater Horn of Africa region. That said, a few statistics help keep the problem of Somali piracy in perspective. Each year, more than 33,000 vessels transit the Gulf of Aden, and in 2010, there were 135 attempted or actual pirate boardings, which resulted in 50 successful hijackings. In other words, pirates continue to attack less than one-half of one percent of shipping in the Gulf of Aden, and their attacks have succeeded only about one third of the time. That does not mean that we can ignore piracy in the region, of course.

The relatively low incidence of pirate attacks has implications for how we allocate military assets. As the members of this subcommittee know, the Department of Defense

has urgent priorities around the globe, particularly in Afghanistan and Iraq. In the Horn of Africa, our existing and planned counterterrorism activities remain vital to that global struggle against violent extremism. Many of the resources most in demand for counter-piracy activities, such as intelligence, surveillance and reconnaissance assets, are the same assets that are urgently required elsewhere.

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

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

Effective merchant private ship security includes an array of passive and active defensive measures. Effective passive security measures can include developing a comprehensive security plan; increasing sailing speed; conducting risk assessments; removing external ladders; posting lookouts at all times; limiting external lighting; rigging barriers (such as barbed wire and fencing) in low freeboard areas; securing hatches to limit access to crew and control spaces; creating "safe rooms"; and maintaining good communications with maritime security authorities. Rigging fire hoses to repel boarders and maintaining professional civilian armed security teams on board are active defensive measures that can mean the difference between a successful and a failed pirate attack. We note that in all cases where armed private security teams have been used, they have successfully kept pirates from boarding their vessel.

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

We will continue to work with partners and regional States to develop their capacity to patrol the seas and protect their own shipping, and we will encourage them to fill gaps in their legislative frameworks so that they can prosecute pirates in their own domestic systems. We will also work with regional States to increase prosecutorial and judicial capacity to try pirates since effective and fair prosecutions are part of creating a long-term deterrent. And we will work, when possible, with local authorities in Somalia to address the on-shore components of piracy, which includes tracking the on-shore investors and safe-havens that enable piracy on the high seas.

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

Mr. Chairman and members of the subcommittee, we recognize that the problem of piracy is not just a problem for Somalia. In recent years, pirate activity has also occurred in West Africa, the Strait of Malacca, and other places around the globe. Although the complete elimination of piracy on the high seas would be as difficult to achieve as the complete elimination of all robberies and assaults, we believe that we can, and must, reduce the likelihood of successful pirate attacks through deterrence, disruption, interdiction, and punishment. This will require coordinated international action and a variety of innovative public-private partnerships, but we are confident that progress can be made.

Thank you for the opportunity to testify, and I welcome your questions and comments.