STATEMENT FOR THE RECORD

MR. WILLIAM F. WECHSLER

DEPUTY ASSISTANT SECRETARY OF DEFENSE

COUNTERNARCOTICS AND GLOBAL THREATS

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Mr. Chairman, Representative Sherman, and other distinguished members of the subcommittee, I appreciate this opportunity to testify about the problem of piracy in and around the Arabian Sea and western Indian Ocean.

Piracy is a growing threat, and we must acknowledge and confront the threats and challenges the piracy phenomenon poses. It is worth our efforts, however, to contextualize the problem: pirates attack less than one half of one percent of shipping in the Gulf of Aden, and those attacks are successful approximately one third of the time.

Unfortunately, it is also true that, 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 Somali 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. These pirates operate from shore-based enclaves along the 1,880-mile Somali coastline, which is approximate to the distance from Portland, Maine to Miami, Florida. Since 2009, we have seen a decrease in the number of attacks carried out by Somali pirates in the Gulf of Aden. Unfortunately, their overall area of operations has increased. Somali pirates not only operate in the U.S. Central Command area of responsibility, but they now conduct attacks in both the U.S. Africa Command and U.S. Pacific Command areas of responsibility. Somali pirates operate in a total sea space of approximately 2.85 million square nautical miles – an area approximately the same size as the continental United States.

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 – commonly deemed "motherships" – to expand their area of operations more than 1,500 nautical miles from the coast of Somalia as far east as the Kavaratti Islands near India, northward into the Gulf of Oman, and southward into the Mozambique Channel. As of June 7, Somali pirates hold 21 vessels and 481 crewmembers hostage.

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 reflected in the Convention on the Law of the Sea and one that all nations have a stake in supporting. Piracy endangers innocent mariners and perpetuates instability ashore. Its hidden economic costs are also vast: in addition to ransom payments, the costs of ransom delivery, fees paid to negotiators, damage to ships, loss of ship hire, late delivery of cargo, and changes in the value of cargo can add millions of dollars to the overall cost of an act of piracy.

Recent incidents – including the heinous murder of the four Americans on the pirated sailing vessel (S/V) QUEST in February 2011 – continue to increase public and international attention to piracy. At the Department of Defense, we are working 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 that those who commit piratical acts are held accountable by facilitating the prosecution of suspected pirates by affected States, including 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 tactical and 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, such as China, India, and Japan, are also playing an increasingly important role in counter-piracy operations

On average, the United States has 1-2 vessels participating in counter-piracy operations as part of 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 15 countries have participated in CTF 151: Australia, Bahrain, Canada, Denmark, France, Jordan, Netherlands, Pakistan, Republic of Korea, Saudi Arabia, Singapore, Spain, Thailand, Turkey, and the United Kingdom. CTF 151 is currently commanded by the Singapore Navy; in recent years, it has been commanded by the United States, Pakistan, Republic of Korea, and Turkey. The United States also participates in NATO's Operation OCEAN SHIELD.

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 coalitions operating in the Horn of Africa region have turned over approximately 1,000 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 more than $80 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." Although some areas of Somalia, specifically Somaliland and Puntland, are relatively stable, most of Somalia lacks a functioning government or established rule of law system, which contributes to the ability of pirates to plan, organize, and operate ashore with impunity. Not only can pirates operate freely from coastal fishing villages, but the dramatic increase in ransoms paid out has made piracy a lucrative business venture leading to the development of a complex network of pirates, facilitators, and financiers outside of Somalia. Over the long term, 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 Somalis increase government capacity, meet the population's basic needs, and develop law enforcement, prosecution and incarceration capabilities.

Second, the geographic area affected is vast: As I noted, Somali pirates operate in a total sea space of approximately 2.85 million square nautical miles. This is an increase of 185 percent in just the last two years. For naval or law enforcement ships and other assets, tracking a few dozen low-tech pirate skiffs and intervening to stop pirate attacks in the act that can last only a few minutes are exceptionally difficult due to the number and dispersion of pirate assets in the Arabian Sea and western Indian Ocean. 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 attack dhows and use them as motherships from which to launch additional pirate attacks further out at sea and during inclement weather (particularly 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. Adequate coverage of the area in which Somali pirates currently operate would require more ships than are currently in the inventory of the world's navies.

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, 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 must be an integral partner in combating piracy. Although the merchant shipping industry has made significant improvements in on-ship security measures over the last couple years, much more must 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 some in the industry assume unrealistically that the presence of military forces obviates the need for more robust shipboard private security measures. As a result, certain members of industry have been unwilling to invest in the basic security measures that would render shipping less vulnerable to attack. Further, the insurance industry could create more financial incentives to encourage full implementation of Best Management Practices, which have proven effective in helping vessels evade or deter pirate attacks.

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 or as part of our commitment to counter-piracy operations through CTF 151 and Operation OCEAN SHIELD. Our actions, however, 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. For example, no vessel with armed private security teams has been successfully pirated.

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.

At the moment, Somali piracy appears to be motivated by money, not by ideology. Some have raised a possible connection between pirates and violent extremists groups in the region, and, although we presently do not see meaningful connections, we remain vigilant in looking for 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 significant 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. Successful cases of counter-piracy in the past have shown that the problem of piracy is not resolved exclusively by military forces operating in the maritime domain. This will ultimately hold true for any solution to the current problem in the broader Horn of Africa region. Ultimately, three major courses of action are available to counter piracy.

First, as I have just discussed, the shipping industry can work to make its vessels harder for pirates to target. Time and again, we have seen that implementation of best management practices or the employment of private armed security teams has contributed significantly to preventing attacks. Second, the U.S. government can work collaboratively with partner nations and the private sector to render piracy less lucrative. The financial returns from piracy are many times greater than that of most legitimate economic activity in Somalia, suggesting that piracy will not dissipate unless it becomes less profitable. The U.S. government can also address the root causes of piracy by considering how it can support the development of state capacity and good governance in Somalia – a challenge, as Undersecretary Flournoy noted, that will be lengthy and difficult.

Irrespective of how we pursue these three courses of action, the relatively low incidence of pirate hijackings when compared to total maritime traffic in the Arabian Sea and western Indian Ocean 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 important to the 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.

The Department of Defense will continue to work with partners and regional States to develop their capacity to patrol the seas, and we will encourage them to fill gaps in their legislative frameworks so that they can prosecute pirates in their own domestic systems. Under the State Department's lead, 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 in support of our interagency partners we will

work, when possible, with local authorities in Somalia to address the on-shore components of piracy, which includes tracking the on-shore facilitators and financiers and monitoring safe-havens that enable piracy on the high seas.

Many of these efforts complement our development and counterterrorism goals in the region. Although none are 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.