

Testimony of Ambassador Stephen D. Mull
before the Senate Foreign Relations Committee
Confronting Piracy off the coast of Somalia

April 30, 2009 at 3:15 p.m.

419 Dirksen Senate Office Building

Chairman Kerry, Ranking Member Senator Lugar, and Members of the Committee: Thank you for inviting me today to provide an overview of our initiative to suppress piracy off the coast of Somalia.

Over the past year, concern has grown over the threat that piracy poses to international security, to the global economy, and as we have seen recently, to United States citizens and commercial interests. In addition to the Maersk Alabama incident, attacks on ships in this region have disrupted both U.S.- and U.S.-supported United Nations World Food Program transports delivering aid to some of the world's most vulnerable populations; placed innocent mariners from countries across the globe in immediate danger; posed environmental threats as pirated ships may be damaged or run aground; and jeopardized commercial shipping interests. The vast majority of Somali pirates are motivated by money, not ideology, and the continued payment of ransoms fuels this affront to human security and dignity.

Fighting piracy is an important element of our strategic objectives in Somalia, which focus on helping Somalia regain political and economic stability, eliminating the threat of terrorism, and responding to the

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humanitarian needs of the Somali people. American leadership in efforts to combat piracy off the coast of Somalia is entirely consistent with our traditional interest in ensuring freedom of navigation and safety of the seas, which have long been cornerstones of U.S. foreign policy and which is now an urgent priority for Secretary of State Clinton. Furthermore, beyond protecting our citizens and ensuring the security of maritime trade and access to the critical energy resources upon which our national and the global economies depend, collaboration with both traditional and non-traditional partners on counter-piracy efforts in this region offers strategic opportunities to strengthen existing alliances and coalitions and to create new ones. We hope to be able to leverage our collaborative counter-piracy efforts into increased security cooperation in the maritime domain with non-traditional partners such as China, India, and Russia, and bring added focus to regional capacity-building programs.

The United States has a multifaceted strategy to suppress piracy that many Departments and agencies are working hard to implement, and the Department of State is working with interagency partners to integrate our maritime and land-based efforts in Somalia into a comprehensive strategy. Our strategic goals are to protect shipping, particularly Americans and U.S.-linked ships; capitalize on international awareness and mobilize cooperation to address the problem; and create a more permanent maritime security arrangement in the region. Significant factors affect our pursuit of these goals, including the enormous difficulties inherent in patrolling, or even monitoring through technical means, such a huge expanse of open sea; and, of course, the broader problem of Somalia itself. Legal challenges also

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exist, including inadequate domestic legal authorities in some states as well as a lack of willingness on the part of some to prosecute suspected pirates.

In light of these complexities, we seek to use every means at our disposal to pursue our goals. We have worked effectively with the United Nations to obtain Security Council resolutions that maximize our ability to take appropriate action. We created and will continue to work through the Contact Group for Piracy off the Coast of Somalia (Contact Group) to internationalize the problem and its solutions. We actively support the NATO and European Union counter-piracy missions, and the U.S. Navy created Combined Task Force 151 to focus U.S. naval forces on counter-piracy efforts. We secured a formal arrangement with Kenya to accept pirates for prosecution, and our Department of Justice has demonstrated America's willingness to prosecute when our people and interests have been attacked. We continue to work with and through our interagency partners to improve U.S. and international commercial shipping self-protection capability. And we are working with United Nations agencies like the International Maritime Organization and the U.N. Office on Drugs and Crime, as well as partners in the region, to support the capacity development of their coastal security forces.

Concerned by the recent upsurge in pirate activity, Secretary Clinton has directed us to do more. We are seeking emergency consultations with Contact Group partners and are finding notable receptivity to our outreach. Through this venue, we will intensify our efforts to persuade victim states to prosecute pirates. We are working both internally and with other countries to develop the ability to deny pirates the benefits of concessions, including

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tracking and freezing of their ill-gotten gains. We are working to expand the regional capacity to prosecute and incarcerate pirates, both by helping to fund multilateral programs to build judicial capacity and by direct unilateral assistance to countries who have expressed a willingness to adapt their laws and processes to accommodate prosecution and detention. We will continue to press the importance of a No Concessions policy when dealing with pirates. We are working in political-military channels to ensure that military counter-piracy operations are as robust and well-coordinated as possible, and we are intensifying our efforts to support Somali assistance processes. We are also exploring strategies to actively seek the release of captive ships and hostages, some of whom have been held for months.

We've had some success. Naval patrol interventions are increasingly active; international naval forces have intervened to stop dozens of attempted piratical attacks in the past nine months, and we're seeing a significant upswing in the number of countries willing to commit assets to the effort. On the other hand, we face political and legal obstacles to a shared understanding of the imperative for prosecution in and by victim states, and significant logistical issues in prosecution by countries who actually have the will to prosecute pirates. Regional states face challenges with regard to detention and prosecution. Tracking and freezing pirate ransoms is even harder than tracking terrorist finances, given that pirates are most often paid off in the form of air-dropped bags of cash. And the shipping industry - as well as some of our partners - has vigorous objections to, and few incentives for, arming their ships and crews. We need to make progress in these areas.

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Fortunately, we sense a growing international consensus to do more, and we'll keep working at it. Ultimately, we hope these cooperative efforts will result in a new maritime security regime that will feature enhanced regional capacity and cooperation. We are considering now what such a regime would include, but anticipate that it would entail voluntary multilateral cooperation and collaboration. For instance, we envision a maritime security sector assistance framework building on programs already in place to provide, among other capacity building efforts, training and equipment to regional coast guards, supported by a consortium of donor and regional states; international coastal and naval exercises to improve interoperability; and pooling of surveillance assets and information sharing to develop a shared maritime security picture. The regional approach was highly successful in combating piracy in straits of Malacca, and although the situation off the coast of Somalia is quite different because of the incapacity of the Somali government, the need for a coordinated regional approach is apparent. In fact, it is urgent, and we would like to see such an approach applied to other maritime security challenges, including smuggling, trafficking in persons, and disaster response.

As Secretary Clinton emphasized in her recent public statement, we recognize that there will be no long-term solution to piracy in the region unless progress is made in addressing the larger political, security and governance challenges facing Somalia, its government and its people. We also recognize that sustainable change in Somalia requires a political solution that is authored and implemented by Somalis themselves and not by outsiders. In this regard, the United States continues to support the UN-led Djibouti peace process, which has facilitated important progress on the

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political and security fronts in recent months, and to work with a broad international group of donors. The United States also remains committed to supporting the Somali security sector and the African Union Mission in Somalia (AMISOM). Secretary Clinton dispatched a high-level envoy, Acting Assistant Secretary Phillip Carter, to the Donors' Conference on Somalia in Support to the Somali Security Institutions and AMISOM, where we will reaffirm our commitment to building security and governance in Somalia.

We are also working directly with the Transitional Federal Government of Somalia and regional authorities to develop both incentives to actively suppress pirate activities and disincentives to support for this malignant enterprise that threatens Somali and regional security and sustainable development. We are exploring the feasibility of tracking and freezing pirates' assets, and encouraging implementation of the UN sanctions already in place. None of this is easy, but it is all worth doing for the sake of the security and prosperity of Americans and the international community.

Mr. Chairman, Ranking Member Senator Lugar, and Members of the Committee: I want to thank you for this opportunity to provide an overview of our efforts. I am happy to answer any questions you may have.