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UPDATE ON EFFORTS TO COMBAT PIRACY

**BEFORE THE
HOUSE TRANSPORTATION & INFRASTRUCTURE SUBCOMMITTEE
ON COAST GUARD & MARITIME TRANSPORTATION**

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Good Morning Chairman Hunter, Ranking Member Garamendi, and distinguished members of the Subcommittee. Thank you for calling this hearing to provide an update on the United States' most recent efforts to combat piracy. The Coast Guard is focused on the safety of U.S. flagged vessels and the mariners who operate them throughout the world.

Background

A single incident of piracy affects the interests of numerous countries, including the flag state of the vessel, various states of nationality of the seafarers taken hostage, regional coastal states, vessel owners' states, and cargo shipment and transshipment states. In the case of Somalia-based piracy, brazen attacks across 2.5 million square miles of ocean from land-based enclaves along an under-governed, 2,300 mile coast pose a threat to global shipping. Eliminating piracy off the Horn of Africa requires coordinated governance, increased law enforcement capacity and rule of law in Somalia.

In December 2008, the National Security Council (NSC) released the National Strategy for Countering Piracy off the Horn of Africa: Partnership and Action Plan. The Plan layed out operational objectives for responding to the threat of piracy in three lines of action: (1) prevent pirate attacks by reducing the vulnerability of the maritime domain to piracy; (2) interrupt and terminate acts of piracy consistent with international law and the rights and responsibilities of coastal and flag states; and (3) facilitate the prosecution of suspected pirates in a just forum to ensure that those who commit acts of piracy are held accountable for their actions. Accomplishing the objectives of this Plan requires a coordinated government approach that integrates military, law enforcement, judicial, diplomatic, and commercial interests in and beyond the affected region.

Coast Guard Involvement in Shaping International Counter-piracy Frameworks

In addition to being the subject of domestic legal regimes, piracy is a crime of universal jurisdiction under conventional and customary international law. Accordingly, international law permits every nation to establish jurisdiction and punish the offenders, regardless of nationality of the perpetrator or the victims or of the vessels involved.¹ This has been a basic tenet of customary international law for centuries, and is also enshrined in treaties such as the 1958 Geneva Convention on the High Seas and the 1982 Law of the Sea Convention. In the last few years, over one thousand pirates have faced justice in more than 20 different nations.

¹ See 1982 United Nations Convention on the Law of the Sea, arts. 100-107

The Coast Guard has been actively engaged in supporting the development of legal frameworks to facilitate the prosecution of suspected pirates. This work includes the Djibouti Code of Conduct (for regional cooperation), the Contact Group on Piracy off the Coast of Somalia, and a number of International Maritime Organization (IMO) initiatives which have assisted numerous nations in the arrest and prosecution of pirates.

By designation of the Department of State, the Coast Guard serves as the Head of the United States Delegation for the IMO meetings and activities. IMO recommendations on piracy establish a framework for international cooperation, update counter-piracy guidance to industry, and, promote prosecution so that pirates face meaningful and just punishment under the rule of law.

Deterrence and Prevention Aboard U.S. Commercial Ships

The *Maritime Transportation Security Act (MTSA) of 2002* provides the legal authority for the Coast Guard to regulate safety and security in order to protect cargo, ships, and most importantly seafarers. Under this authority, the Coast Guard developed requirements for U.S. ship owners and operators to assess and plan for a wide range of security threats, including threats of piracy. This plan, known as a Vessel Security Plan, must be submitted to the Coast Guard for approval. In addition to the Vessel Security Plan requirements, MTSA gives the Commandant of the Coast Guard the authority to issue Maritime Security (MARSEC) Directives addressing specific security threats. Consistent with this authority, the Commandant issued MARSEC Directive 104-6 on 10 February 2006. This Directive provides guidance to Company Security Officers of U.S. commercial vessels engaging in international voyages to, or through, areas with a high risk for terrorism, piracy, or armed robbery against ships. Due to the dynamic nature of piracy, countermeasures in MARSEC Directive 104-6 are reviewed and validated regularly. There have been five revisions to MARSEC Directive 104-6 to date. Among other revisions, the Coast Guard, in consultation with other federal agencies and the marine industry, has modified designated high risk waters to extend farther off the coast of Somalia in response to the expanding threat of piracy in the Horn of Africa region.

Recognizing piracy is an issue of government-wide concern, the Coast Guard took the lead in forming a Piracy Action Team. This team consists of representatives from the Department of State, the Office of the Secretary of Defense, the Joint Chiefs of Staff, the Department of Transportation/Maritime Administration, the Office of Naval Intelligence, the Department of Commerce, the Department of Justice, the Military Sealift Command, the National Maritime Intelligence-Integration Office, the Overseas Security Advisory Council, the United States Agency for International Development, the Naval Criminal Investigative Service, U.S. Customs and Border Protection, the Transportation Security Administration, U.S. Africa Command, U.S. Central Command, U.S. Transportation Command, Coast Guard Intelligence Coordination Center, and the Coast Guard Atlantic Area.

The Coast Guard coordinates regular conference calls through which members keep each other informed of events affecting their agencies, discuss areas of mutual concern, and collaborate on guidance documents for U.S.-flagged ships, such as Port Security Advisories (PSAs). Numerous PSAs have been published on the Coast Guard Homeport website on topics including self-defense and the defense of others, carriage of weapons onboard vessels, minimum guidelines for security personnel, screening of security personnel, transport of weapons into foreign ports, and post-attack coordination. Each PSA was developed with the support of the interagency Piracy Action Team.

To fulfill a key objective of the NSC Plan and to strengthen international coordination as called for by U.N. Security Council Resolutions, the United States was an instrumental part of creating the Contact Group on Piracy Off the Coast of Somalia (CGPCS) to coordinate international counter-piracy efforts. The participants have established five Working Groups (WG) to address the following focus areas: activities related to military and operational coordination and information sharing (chaired by the United Kingdom); legal aspects of piracy

(chaired by Denmark); measures to strengthen shipping self-awareness and other capabilities (chairmanship recently assumed by the Republic of Korea from the United States); improvement of diplomatic and public information efforts on all aspects of piracy (chaired by Egypt); and coordination of international efforts to identify and disrupt the financial networks of pirate leaders and their financiers (chaired by Italy). During the most recent Plenary Session held in December 2012, the CGPCS decided that the United States will hold the Chair of the Contact Group for 2013.

The Coast Guard has also conducted numerous outreach activities, or “roundtables,” for the shipping industry and mariners affected by U.S. government anti-piracy guidance. These activities are well attended by members of the interagency Piracy Action Team and ensure that the shipping industry and labor have the benefit of first-hand information exchange. During the time that the United States chaired Working Group 3, Best Management Practices (BMPs) for the marine industry were developed by industry. The BMPs have been revised several times and contain numerous counter piracy measures for companies and crews to implement onboard their vessels. These BMPs have proven to be one of the most effective tools for the industry and vessel crews to use against piracy.

Counter-piracy Enforcement

Coast Guard forces (boarding teams) operate in support of U.S. Central Command (CENTCOM) based on a formal Request for Forces. CENTCOM has operational and tactical control of these forces which participate in a multinational task force to actively deter, disrupt, and suppress piracy in order to protect global maritime security and freedom of navigation.

The following is a recent summary of the Coast Guard’s support to CENTCOM regarding counter-piracy operations.

In March 2013, an advanced interdiction team (AIT) from the Coast Guard Maritime Security Response Team returned home to the United States following a five-month counter-piracy deployment to the Middle East.

Under the direction of the U. S. Navy’s 5th Fleet, the detachment served aboard the Jacksonville, Fl., based USS FARRAGUT (DDG-99) and the Portsmouth, Va., based USS WINSTON S. CHURCHILL (DDG-81), assigned to Combined Task Force (CTF) 151.

While aboard the Navy ships, the AIT provided subject matter expertise to the Visit, Board, Search and Seizure teams in emergency medical procedures, mission planning and execution, detecting hidden compartments onboard vessels suspected of smuggling contraband, and conducting drills involving the interdiction of suspected pirate skiffs and vessels involved in illicit activity.

In the Arabian Gulf, they took part in IRON SIREN, a multi-national evolution designed to assess the interoperability of the U.S. and United Arab Emirates navies to conduct counter-piracy and smuggling operations.

The detachment attended NATO’s Maritime Interdiction Operations Training Course of counter piracy and advanced boarding tactics training before deploying to CTF 151’s area of responsibility. The course prepared the team for the execution of surface, sub-surface, aerial surveillance and special operations activities in support of maritime interdiction operations.

East Africa: An Update on Piracy Attacks Near Somalia

All of the efforts and coordination of anti-piracy measures has brought about an impressive reduction of successful pirate attacks in the Horn of Africa region. In 2010, there were 119 attacks with 51 vessels hijacked

and well over 1,000 mariners held hostage. Last year, there were 24 attacks, seven of which resulted in a vessel being hijacked. To date in 2013, there have been no successful attacks and currently there are only two vessels and fewer than 80 mariners being held hostage in Somalia. While this number is still too high, it is a clear indication that the U.S. government, international community, and maritime industry efforts have been effective. This significant drop may be attributed to continued naval deployments benefitting from excellent coordination mechanisms, development and implementation of Best Management Practices, and the increased use of privately armed security aboard many vessels operating in these high risk waters.

West Africa: A Different Challenge

Piracy, armed robbery at sea and maritime crime remain a continued threat to U.S. vessels and mariners operating within the Gulf of Guinea. The U.S. maritime industry footprint in the Gulf of Guinea is most prominent in Nigeria, where five U.S. companies operate offshore supply vessels in support of petroleum production. Hijackings for fuel theft, smash and grab-style robberies, and kidnapping of crewmembers for ransom continue to be the most common types of incidents. In 2012, 58 incidents were noted in the Gulf of Guinea. Maritime crime, armed robbery at sea and piracy that persists in the Gulf of Guinea differs from piracy off the coast of Somalia, though both are crimes of opportunity and plagued with violence. The Coast Guard continues to monitor evolving piracy and security risks in the Gulf of Guinea and maintains communications with the marine industry, crews and Company Security Officers who operate U.S. vessels in this region. Finally, in an effort to address maritime crime, piracy and armed robbery at sea in this region, the U.S. government, to include the U.S. Coast Guard, played a supporting role to the Central and West African regional bodies and states in their development and review of a draft Gulf of Guinea Code of Conduct. The IMO has pledged its support to assist in the implementation of the Code of Conduct “concerning the prevention and repression of piracy, armed robbery against ships and illicit maritime activity in west and central Africa,”² which was adopted at a regional Ministerial meeting in Cotonou, Benin on March 19. The Code is expected to be opened for signature at the Central and West Africa Heads of State Summit on Gulf of Guinea Maritime Security, expected to be held in Yaoundé, Cameroon, on May 17-18, 2013.

Counter-piracy Prosecution

Piracy is a felony offense under U.S. law. 18 U.S.C. § 1651 provides that, “whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life.” Dozens of Somali pirates have been prosecuted in U.S. courts for their role in attacks against U.S. Flag vessels and interests on the high seas. The five defendants who mistook the USS NICHOLAS for a merchant vessel and attacked it were found guilty on all charges and each defendant was sentenced to life plus 80 years. The five defendants who attacked the USS ASHLAND have been convicted and await sentencing. In the sailing yacht QUEST case, fifteen defendants were brought to Norfolk, Virginia for prosecution. Twelve defendants have been convicted or pled guilty and face mandatory life sentences. The three remaining defendants now face capital charges.

Conclusion

The threats piracy pose to the United States, our international partners, the maritime industry and mariners are multi-faceted. The response to these threats requires a broad array of legal authorities, operational capabilities, skills and competencies, and the support and expertise of numerous U.S. government, international, and commercial entities. The Coast Guard has an important role to play, and remains committed to working with our military, government, maritime industry, and international partners to reduce acts of piracy, bring these criminals to justice and forge long-term solutions for regional maritime safety and security.

Thank you for the opportunity to address you today and for your attention. I look forward to your questions.

² <http://www.imo.org/MediaCentre/PressBriefings/Pages/09-westcentralafricapiracycode.aspx>