

FINAL

Testimony of Ambassador Mull before the
House Committee on Armed Services
on Combating Piracy on the High Seas
Thursday, March 5, 2009 at 10am
in Room 2118 of the Rayburn House Office Building

Chairman Skelton, Ranking Member McHugh, and Members of the Committee: Thank you for inviting me today to provide an overview of current U.S. efforts to suppress piracy. I am pleased to appear beside Admiral Gortney.

Over the past year the United States has noted with growing concern the emergence of piracy as a significant threat to international security and the global economy. 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 will be priorities for the new Administration and Secretary of State Clinton. Beyond ensuring the security of maritime trade and access to critical energy resources upon which our national and the global economies depend, collaboration with both traditional and non-traditional partners on counter-piracy in this region offers strategic opportunities to strengthen existing alliances and coalitions and to create new ones. Counter-piracy efforts could become mutually beneficial platforms for regional capacity-building programs and provide a non-controversial basis for security cooperation in the maritime domain with non-traditional partners such as China, Russia, and India.

Though U.S. ships have not been victimized by piracy attacks off the coast of Somalia, these attacks have disrupted U.S.-supported 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 United States has developed a multifaceted strategy to suppress piracy that the Departments of State, Defense, Justice, Homeland Security, and Transportation are in the process of implementing. This strategy includes leading efforts to enhance existing international legal authorities to combat piracy; enhancing multilateral cooperation; collaborating closely with the international shipping industry; coordinating national and coalition military responses to piracy; and pursuing broader diplomatic and political approaches to the longer-term challenge of re-establishing a stable and secure environment in Somalia.

Though international law, as reflected in the Law of the Sea Convention, as well as the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the United Nations Convention Against Transnational Organized Crime, already provides extensive international authority for the apprehension and prosecution of suspected pirates, the United States played a leadership role in securing the passage of United Nations Security Council resolutions 1846 and 1851, adopted late last year, that expanded international authorities to conduct counter-piracy operations off the coast of, and in, Somalia.

The United States is also pursuing bilateral arrangements with countries to ensure suspected pirates are appropriately charged and prosecuted. We are grateful for the leadership the Government of Kenya has shown in bringing to justice those persons engaged in piratical actions, including by concluding a Memorandum of Understanding with the United States for this purpose. We also hope to establish similar bilateral arrangements with other states to ensure that one country alone does not bear the burden of prosecution. Furthermore, we strongly encourage other states affected by an act of piracy to exercise their jurisdiction to charge and prosecute suspects in accordance with international law and any applicable national laws.

United Nations Security Council resolution 1851 also encouraged creation of an international mechanism to coordinate between states and organizations cooperating on combating piracy. Pursuant to this resolution, the United States hosted the first meeting of the Contact Group on Piracy off the Coast of Somalia (CGPCS) in New York on January 14. There, participating countries and organizations established four working groups to review and make recommendations on military and operational coordination and information sharing, judicial aspects of piracy, shipping best practices, and the diplomatic and public information aspects of piracy. The Contact Group, which currently numbers 34 participants, offers participation to nations and international organizations making tangible contributions to counter-piracy efforts, or any country significantly affected by piracy off the coast of Somalia, and may be expanded in the future.

With the support of the International Maritime Organization, the United States is leading the Contact Group's third working group, focused on

strengthening shipping self-awareness and other capabilities. This working group met in London February 26 and 27 where a report on *Best Management Practices to Deter Piracy in the Gulf of Aden and off the Coast of Somalia* was presented by representatives of the International Chamber of Shipping on behalf of the shipping industry. We recognize the central importance of the shipping industry to counter-piracy efforts and look forward to continuing our collaboration.

The United States is also contributing to military efforts through Combined Task Force (CTF) 151, a multinational coalition with a specific mandate to conduct counter-piracy operations in the Gulf of Aden, Red Sea, and Indian Ocean. CTF-151 has joined other forces already operating in the region, notably EU NAVFOR-Operation. International counter-piracy military cooperation also extends to a number of countries – including Russia, China and India – that have deployed national missions to the area, and may grow in the future.

The United States recognizes 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 to conflict 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 provided the mechanism for Somalis to make important political and security decisions in recent months, and work with a broad international group of donors to support the reconciliation process. The United States also remains committed to

supporting the African Union Mission in Somalia (AMISOM) and Somalia security forces.

Over the past five months, the number of successful attacks has declined from an average of seven a month in October, November and December to only two a month in January and February. While we do not know with certainty the degree to which this decline is a direct result of our and/or our partners' efforts, we believe the unified response of the international community has been a contributing factor, and we plan to build on this success. The Contact Group will reconvene in two weeks at a meeting hosted by the Government of Egypt, where it will receive recommendations from the four working groups and consider the requests of other countries to join the group. We look forward to continuing these important discussions.

The area affected by piracy is of critical importance to the United States, both in economic and in political terms. We need to build upon the enhanced multilateral cooperation the international community has shown itself capable of bringing to bear against shared challenges to peace and security, both in the region and beyond.

We have developed an international consensus for better military, judicial and diplomatic coordination that provide a foundation for near-term regional benefits. International cooperation in support of counter-piracy can and should be expanded in support of security objectives that include building interoperability among forces in the region; extending cooperation in interdiction activities; improving international responses to humanitarian emergencies; and increasing our shared air and maritime domain awareness.

We will continue to explore these opportunities with our partners and will be working with them to identify appropriate areas for engagement.

Mr. Chairman, Ranking Member McHugh, 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.