

THE ROOT CAUSES OF THE SOMALI PIRACY

By

Joana Ama Osei-Tutu¹



KAIPTC Occasional Paper No. 31

March 2011



¹ Joana Ama Osei-Tutu is a Research Associate at the Kofi Annan International Peacekeeping Training Center (KAIPTC). This paper was partially extracted from her thesis “*Piracy in Somalia: A Case for Human Security*”, Ewha Woman’s University, Seoul Korea, 2009. The thesis paper was completed while she was serving as an intern at the KAIPTC.

Contents

INTRODUCTION..... 3

PIRACY IN SOMALIA 5

BACKGROUND AND CURRENT CONDITIONS IN SOMALIA 8

Somalia as a failed state..... 8

The Genesis of the Somali Piracy 10

Addressing the Somali Piracy Problem 11

FINDINGS AND ITS IMPLICATIONS 13

RECOMMENDATIONS AND CONCLUSION..... 18

BIBLIOGRAPHY 19

INTRODUCTION

The continuous attacks by pirates in the Gulf of Aden have attracted immense interest from the international community to Somalia. In 2009, the Forbes Magazine named the East African country the ‘World’s Most Dangerous Country’ (O'Malley, 2009). This ‘honor’ bestowed on Somalia is not attributed only to the activities of the pirates but rather as a result of the steady decline of interest in the nation until the upsurge of the pirates.

In addition to the many problems of Somalia, beginning in the 1990s, piracy off the coastlines of Somalia has become the greatest headache of the international community. Efforts by international bodies and western countries to combat the problem have rather seemed to escalate it and even compounded it. Bands of pirates on small speedboats patrol the waters in the Gulf of Aden and the Suez Canal targeting any ship that crosses their paths. These pirates seize the ship, most of the crew and demand a ransom from the shipping company (Brice, 2008).

In 2008 there were 184 reported pirate incidents off the Somali coast. Out of these, 41 were hijackings and 53 were attempts on commercial vessels (North Atlantic Treaty Organization [NATO], 2009). In addition to the increase in the number of seizures and incidence of attempted hijackings, the amount of money demanded as ransom has also increased from \$1m in July 2008 to \$1.4m in December 2008. According to *Timesonline*, \$3.5m was paid as ransom for the MV Faina, a Ukrainian operated vessel carrying Russian tanks – the largest ransom paid to date (Crilly, 2009).

Piracy is becoming a lucrative business for the Somalis despite the numerous patrol ships sent in from the United States of America, China and other western countries, and the breathtaking rescues carried out by the crews on board these patrol vessels. The situation is becoming so unmanageable that many shipping companies prefer to take the longer route through the Cape of Good Hope off the coast of South Africa to avoid a possible hijack or attack by the pirates. These events have had spill-over effects into other businesses: shipping insurance premium has skyrocketed for ships travelling through the dangerous waters; private military contractors have begun hiring out security teams to accompany ships and their cargos as they travel through the Gulf of Aden (Abdi Skeikh, 2009).

This on-going chaos in Somalia has contributed to numerous papers being written about the piracy². This paper however seeks to analyze the piracy situation in Somalia with particular

² Examples of other papers written on the Somali piracy: Lennox, P. (2008, December). Contemporary piracy off the Horn of Africa; Lehr, P. Somali piracy: The next iteration. *Perspectives on terrorism, III, (4)* : Middleton, R. (2009, April, 22). Pirates and how to deal with them. African Programme and International Law Discussion, *Chatham House Briefing Paper & Piracy in Somalia- Threatening global trade, feeding local wars. African programme, Chatham House Briefing Paper*. AFP BP 08/02

interest in the root causes of piracy. Furthermore, it would examine the attempts being made by the international community to address the situation. This paper is based on the premise that Somalia's piracy problem cannot be successfully tackled by the international community's use of deterrence and defense but rather by firstly addressing the root causes.

This paper aims, among other things, to answer a few questions; firstly, what are the root causes of piracy in Somalia. Secondly, the efforts the international community has adopted to address the piracy issues and its effectiveness. Thirdly, how these international efforts addressed the root causes; and possible alternative routes to the international community's attempts. The answers to these questions will give a clearer picture of the Somali piracy problem and its genesis as well as why stakeholders' efforts have not resolved the problem. There will be an initial presentation of scholarly discussion on the Somali piracy issue. This would be followed by an account of attempts by both Somalis and international organizations to bring to bear some of the causes of piracy in the Gulf of Aden. The findings of these would be stated and finally, recommendations for addressing the piracy would be proposed.

All data and materials for this paper was be gathered from secondary sources. These sources include, among others; academic books, journals, articles, and internet searches.

PIRACY IN SOMALIA

According to the Geneva Convention on the Law of the Sea of 1958, piracy is any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, (a) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;(b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State³. For the purpose of this paper this would be the operational definition applied.

The problem of piracy has never truly been eliminated or eradicated in the world. It has merely been suppressed in one area only to sprout up vigorously in another. It has generally followed a constant pattern: it begins with erratic attacks on soft targets, and gradually becomes more organized and frequent, targeting harder and more valuable targets. The intensity and frequency of the attacks rockets so much that it simply cripples maritime commerce. The states whose maritime commerce is affected then collaborate and mobilize their navies to counter and combat the pirates. Through the collective efforts of these navies, the activities of the pirates are brought to a standstill; their havens and hideouts destroyed; their leaders and operators captured, prosecuted and in some cases killed. This results in the seas being declared safe and secured for maritime commerce (Lennox, 2008).

The piracy on-going in Somalia has evolved along the lines of this old-time pattern. Though there is a distinctive pattern of evolution to piracy, the motives and considered valuables in the attacks vary from pirate to pirate. Even though the situation in Somalia seems to have followed this pattern, it is yet to reach the final stage- where navies are able to successfully destroy havens, hideouts and prosecute all captured pirates. In summary, the presence of the navy has failed to be adequate agents of deterrence and defense against the piracy phenomenon in Somalia.

Wilson (2009) states that piracy generally occurs when poverty is present, coupled with a weak or non-existent government. He notes that maritime crimes in Somalia gradually soared in 2005, resulting from the deteriorating economic situation in the country and the absolute neglect by the international community. This culminated in extreme anxiety on the part of Somalis to survive. The annual income in Somalia is estimated at US \$650 whereas a single act of piracy can yield US\$10,000 or even more for an average pirate. The quest for economic survival has thus been the major propeller of some citizens into piracy in Somalia.

Piracy, in the long run, is detrimental to political and social progression and it all but eliminates economic growth. Almost 80% of the world's trade is transported via water thus

³ The remainder of Article 15 is... and directed:

(2) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(3) Any act of inciting or of intentionally facilitating an act described in subparagraph 1 or subparagraph 2 of this article.

piracy places a hindrance on trade. The threat of piracy, though seen as a local event, actually has global repercussions and only by collaboration among states can the threat be dissolved. However, it must be noted that the problem of piracy cannot be eliminated, just contained, reduced and the perpetrators punished. The stabilization of Somalia would be the first step to overcoming piracy (Wilson, 2009). This is one of the solutions to addressing the piracy problem- a solution the international has not yet channeled resources into.

The prevailing lawlessness in Somalia makes it a prime target for abuse by Islamist insurgency groups looking for a base to destabilize other states. This makes piracy in Somalia not only a local problem but a great concern for the international community as a whole. There is an urgent need for states negatively affected by piracy to collectively take action to address the problem (Murphy, 2009). However in addressing the problem, care must be taken to ensure that the singular act of piracy is placed in an adequate framework to ensure tackling the root problem and not the symptoms.

Lennox (2008) provides a patterned mechanism which most piratical attacks have followed in recent years. Though there is a general pattern, the motivation and cause for the attacks have always been different depending on the pirates. Murphy (2009) offers the difference between the Somali pirates and other pirates. As stated earlier, Somali pirates engage in the act solely for economic reasons. Whereas other bands of pirates steal and confiscate entire cargoes and kill crew members, the Somali pirates place value on the lives of the hijacked crew and cargoes so as to ensure the payment of their ransom. Once the ransom has been paid, ship, crew and cargo are released. Contrary to Wilson (2009), Murphy (2009) argues that the piracy in Somalia is mainly a political issue rather than an economic one. He argues that it is essential to find a workable solution to the political problems in Somalia and not focus attention on the narrow issue of protecting the sea. He further argues that there may be the need to officially break up Somalia and allow Puntland and Somaliland to become independent states. These two states though still considered a part of Somalia are in actual fact semi-autonomous. This happened in Cyprus and Kosovo in order to promote immediate peace and stability. The continuous attacks on ships should serve as a wake-up call to nations to foster greater political discussions and not ineffective naval activities.

Piracy in Somalia is a multifaceted problem that the warships of the international community alone cannot solve. Solving the problem will literally mean addressing the various facets of piracy, namely: geopolitical, regional, legal and operational. However, the issue of this piracy is not just sea-based but also land-based. There is therefore the need to cease using the sea as the sole route to solve the problem. The increase in numbers of insurgents in Somalia is of great worry especially with regards to the fight against terrorism. If careful and thoughtful tactics are not employed, there is the probability that Somalia could fall into the hands of the Al Shabab and become a haven for terrorists (Van Ginkel, B. et al, 2009).

A policy brief by the Clingendael Security and Conflict Programme of Somalia identified that the laws surrounding the detention and prosecution of captured pirates need to be clearly stated to avoid putting undue pressure on a single country – as is currently happening with Kenya. Requiring one nation to prosecute captured pirates has the potential risk of overburdening that country. There would eventually be the need to establish a regional international piracy tribunal to handle the cases of captured pirates (2009).

The call to pay closer attention to what happens with captured pirates is reiterated by Kraska & Wilson (2008). They argue that the greatest challenge is not the capturing of the pirates; however it is the detention and prosecution of them after their capture that becomes a challenge. The complexities stem from the numerous nationalities involved, for example; a hijacked ship may be registered in France, owned by a company in Malaysia, and operated by various nationalities. Also, most often the cargo being transported is owned by a company in a different country. Once the pirates are captured the complexity that arises is, which of the nations associated with the ship prosecutes the pirates? ⁴

The ‘catch and release’ approach where nations have had to return captured pirates to the beaches of Somalia because jurisdiction on the case was unclear and Somalia was in no capacity to process these pirates for court needs to be avoided. The Somali state currently lacks the social infrastructure to prosecute captured pirates. Even though France and Kenya are commended for successfully interdicting and prosecuting pirates, currently cases of captured pirates are treated in an *ad hoc* manner and there is no solution to detangle the diplomatic and logistical knot created by this complex problem. It is suggested that if the pirates are successfully prosecuted and punished, the frequency of piracy will drastically decrease. Essentially, the deterrence benefit gained from successful prosecutions will be substantial. ⁵

However, since Somalia is currently in no position to carry out such prosecutions, it falls upon the international community to take steps in this direction until Somalia is capable of taking over. Finally, states around the Gulf of Aden and Red Sea need to develop a legal framework to effectively and efficiently deal with the provision of lawyers, courtrooms and confinement facilities for captured pirates. This would go a long way to ensure more willingness on the part of states to enforce maritime laws in the vicinity (Kraska & Wilson, 2008).

These are just but a few on-going discussions on the issue of piracy in Somalia, highlighting the possible causes and solutions to the problem. The next section would try to give a better understanding to the situation in Somalia. It would bring to bear the gradual destruction of Somalia and the conditions currently prevailing in the nation.

⁴ This can also pose as a challenge to the pirates when they are putting in their request for ransom. Who do they contact to deliver the ransom message to?

⁵ Even though some can argue that the use of deterrence can actually produce a negative consequence- whereby, the pirates instead of reducing their activities escalate it in a form of rebellion against the deterrence.

BACKGROUND AND CURRENT CONDITIONS IN SOMALIA

The gradual deterioration of the Somali state reached its peak in the early 1990s when a civil war broke out. The aftermath of the Somali civil war has been the seceding of many clans from the main Somalia; 1991 was the last time Somalia was united under one government. After the civil war, the Harti and Tanade clans declared a self-governing state in the northeast and called it Puntland. In 2002, Southwestern Somalia also declared itself autonomous. In 2006, a group of Islamists gained control of part of the southern sector including the capital by removing the warlords who had been ruling for 15 years. With the support of Ethiopian troops, forces loyal to the interim administration took control from the Islamists at the end of 2006. These are the constant internal conflicts going on in Somalia (British Broadcasting Cooperation [BBC], 2009a).

The internal conflict has propelled many Somalis to escape their country and seek refuge in other countries. The United Nations High Commission on Refugees (UNHCR), estimates that there are over 900,000 Somali refugees in neighboring countries and another 1.3 million internally displaced persons in Somalia (2009). The constant fighting and movement has hampered the ability of Somalis to provide food for themselves and their families. Most Somalis rely on the World Food Program (WFP) and other international agencies for their supply of food.

Despite suffering fatalities among staff members and constant looting of its supplies by militias and rebels, the WFP continues to strive to provide food supplies to the needy. According to the Food Security Analysis Unit (FSAU) the number of persons needing food aid has risen from 2.6 million to 3.25 million since the beginning of 2008 and this account for a 77% increase (WFP, 2009).

Somalia as a failed state

A state can be defined as the expanse and consolidation of territorial and demographic domain under a political authority, including the imposition of order on contested territorial and demographic space (Ayoob, 2005). It can further be defined as a decentralized method of delivering political (public) goods to persons living within designated parameters (borders) (Rotberg, 2004). The political authority is expected to meet the basic needs of the large majority of their people. The state begins to fail when it becomes consumed by internal violence and cease delivering positive political good to its citizens. This leads to political authority losing credibility among the people.

It is the State's ability to effectively deliver the most crucial political goods that determine whether a State is strong, weak, failed or even collapsed. In the hierarchy of public goods, the most essential is the authority's potential ability to provide security, most especially human security to its people. Individuals and privates sectors cannot easily provide and sustain the full force of a publicly controlled security service.

“The state’s prime function is to provide that political good of security-to prevent cross-border invasions and infiltrations, and any loss of territory; to eliminate domestic threats to or attacks upon the national order and social structure; to prevent crime and any related dangers to domestic human security; and to enable citizens to resolve their difference with the state and with their fellow inhabitants without recourse to arms or other forms of physical coercion” (Rotberg, 2004).

The statement encompasses in totality what role the state or political authority should play in ensuring the safety of both its people and territory. If a state is unable to effectively provide this level of security than it risks the possibility of being classified as a failed state.

Somalia unfortunately over the years has not been able to provide these basic political goods for its citizens. The country has over the years plunged into a state of failure. There is a lack of united political authority in the state. The current political authority in place is a transitional one that was established to attempt to unite the fragmented country.

The absence of a political authority to provide the safety of its people and borders resulted in the fragmentation of Somalia. Over the years with further absence of governmental institutions and structures there has been chaos. As a result of the instability and the constant overthrowing of administration, Somali’s parliament, the Transitional Federal Authority had to meet in neighboring Djibouti to swear in the parliamentarians. This constant instability has compelled Somalis to flee and seek refuge in Kenya and other countries.

The high numbers of Somali refugees and internally displaced persons further highlights that there is a lack of not only political insecurity but also a lack of personal security for Somalis. This constant personal insecurity has propelled many Somalis to be on the move seeking for a safe and secured haven. The proceeding section would discuss the genesis of the Somali piracy; this discussion would further highlight how state failure aided or contributed to the surge of pirates.

The Genesis of the Somali Piracy

Piracy off the Somali coast did not begin with a group of bandits looking for money or the best way to make money off the ships that travel through the Gulf of Aden. It began with fishermen who were tired of foreign fishing fleets taking advantage of the instability in the country, dumping toxic waste and illegally fishing in the Somali waters. These activities hampered the economic, environmental and health of the country and its people (Waldo, 2009).

The activities of these illegal fishing fleets is known as Illegal, Unreported and Unregulated (IUU). It is estimated that annually between \$4-9billion is generated from this illegal activity with encroachment in Sub-Saharan Africa's waters amounting to about \$1billion. With no effective authority over the territorial waters of Somalia, these fishing fleets have taken control of the 3,300km coastline available to Somalia and its abundant marine resources. It is estimated that annually about 700 international vessels illegally poach in Somali territorial waters exploiting species of high value such as deep-water shrimps, lobsters, tuna and sharks (High Seas Task Force [HSTF], 2006).

In addition to the illegal fishing, there has also been the dumping of toxic waste into the waters by international companies. The 2005 United Nations Environmental Program (UNEP) Report acknowledged that indeed industrialized nations are reported to be dumping their hazardous waste in Somali territorial waters and the main reason for this practice is cost. In 2009, it cost a European country \$2.50 per tonne to dump its toxic waste in Somalia and \$250 per tonne to dump it safely in Europe. Thus, taking advantage of the lack of political security and non enforcement of environmental security laws, the companies are dumping waste in Somali waters. This is a practice that has been ongoing since the outbreak of the civil war. However, evidence became available after the 2004 tsunami, which washed ashore the containers and barrels, resulting in an outbreak of diseases among the villagers (UNEP, 2006).

This is how the war between the local fishermen and the foreign encroachers began in the 1990s. The fishermen in an attempt to protect their waters and livelihood from being encroached upon by the foreign vessels confronted the acts of foreigners. There are documented cases of these fishermen being drenched with boiling water in their canoes, their nets being destroyed and those with smaller boats crushed and killed in addition to other forms of abuse. The fishermen, to protect themselves, began bearing arms and the trawlers began bearing more sophisticated weapons to overpower the fishermen. As a result the fishermen then up-scaled their protection and the cycle continued and thus the war began and over the years it has developed into what we now call Somalia's piracy problem (Waldo, 2009).

Addressing the Somali Piracy Problem

It has been identified that two main problems – illegal fishing and dumping of toxic waste in Somalia's territorial waters coupled with Somalia's failed status as a state were the underlining issues that contributed to the genesis of piracy in Somalia. The Somali fishermen took steps to address the activities of IUU and illegal dumping. The international community also adopted measures to address the piracy problem. However the approaches used by both parties have been diverse and currently not very effective.

On the 16th of September 1991, a press statement was released by the administration of the Northeastern Regions of Somalia (SSDF). They warned that all illegal fishing vessels should cease activities and that their presence was prohibited. In April 1992, the same SSDF through its Chairman, Gen. Mohamed Abshir Musse, wrote to the then Italian Foreign Minister, Gianni De Michelis alerting him to the crimes being committed on the Somali shore by unlicensed Italian trawlers (Somali Fisheries Society).

In September 1995, Somali leaders of the then 12 political factions in conjunction with 2 Somali NGOs wrote to the Secretary General of the UN, Dr. Boutros Boutros Ghali giving account of the dumping of toxic waste and pair-trolling activities in the Somali territorial waters and asked for an intervention from the UN through the setting up of a body that will manage Somalia's sea until a reliable and stable national government is in place, the European Union, Organization of African Union, Arab League and OIC were each copied in this letter (Somali Fisheries Society).

Consecutive Ministers of Fisheries in the Puntland State between 1998 and 2006 consistently appealed to the international community for assistance. The Ministers asked the industrialized nations to inform their companies and citizens to keep their illegal fleets and ships dumping oil, toxic and nuclear waste off the Somali waters. Fishermen in various regions of the country continued to complain to the international bodies and to highlight the negative effects of the illegal fleet on their coast. These fleets used indiscriminate methods such as drift nets, under water explosives among others in fishing (Somali Fisheries Society).

The UN Security Council (UNSC) in 2008 passed the following resolutions - 1816, 1838, 1846, and 1851 in an attempt to curb the piracy issues off the Somali coast. These resolutions give authority to cooperating nations with military and naval presence to use all means possible to intervene in accordance with the United Nations Convention on the Law of the Sea 1982 and to curb the piracy issue off the Somali coast. In addition to capturing pirates in Somali waters, UNSCR 1851 gives the nations the right to even pursue the pirates in Somali land. The resolution however requires that approval must first be sought from the Transitional Federal Government (TFG) operating in Somalia and the UN Secretary General notified (UN Security Council, 2008).

Another aspect of the resolution is the explicit citation of the assistance of the EU and NATO. It further promotes the usage of ship riders (this is a system that allows law enforcement personnel from the regional states to board foreign warships and effect arrest of the pirates captured by the warships). The systems further permit the pursuit of the pirates into territorial waters of the sending states. This is similar to an arrangement practiced in the Caribbean to combat drug smuggling (Middleton, 2009).

The EU responded to the Somali problem with Operation Atlanta. Operation Atlanta was launched December 2008 and was the first ever naval mission of the EU, it comprised of seven ships and a budget of 8m Euros per year. The primary aim of Operation Atlanta was to provide escort to WFP ships delivering humanitarian aid to Somali people and its secondary aim, to combat piracy (De Vrej, 2008)

Operation Allied Provider was initiated by NATO in October 2008 and it completed its mission in December 2008. Similar to Operation Atlanta, its primary goal was to escort WFP ships delivering supplies to Somalia safely into the country and to offer protection against possible pirate attacks. The mission provided eight successful escorts and assisted in delivering 30,000 metric tons of aid to Somalia (NATOa, 2008). In March 2009, NATO began another mission, Operation Allied Protector. This mission was to continue contributing towards the fight against piracy in the Horn of Africa and also to ensure safe passage of maritime routes and navigation (NATOb, 2009).

FINDINGS AND ITS IMPLICATIONS

Throughout this paper it has been the goal to identify the root causes of the piracy crisis in Somalia, how the crisis itself has transformed over time, efforts to respond to it, and the extent of success. The greatest component that enables all other activities to accelerate the piracy issue in Somalia is the fact that Somalia can be classified as a failed state. All the finding stated below further alludes to that fact.

Piracy began when local Somali fishermen took up arms in an attempt to protect their waters from the activities of IUU and illegal dumping of toxic waste. The fishermen were compelled to take up arms because the country lacked any form of political stability or central government, resulting in no security agency in the form of navy or coast guards to patrol the waters and prevent these illegal activities from occurring. In reality some pirates consider themselves to be the coast guards of Somalia. The lack of a government created a perfect environment for piracy to thrive. In the second half of 2006, the Islamic Courts Union (ICU) ruled Somalia for a six month period. During the six month rule of ICU, piracy practically disappeared around Somalia. When the ICU was removed, piracy peaked again (Middleton, 2008).

The next finding was that since the inception of piracy in Somalia, the trade has grown into a very lucrative business. The lawlessness of Somalia provides a perfect breeding area for pirates; however, it is the increase in ransom that continues to serve as motivation for the continuous practice of the 'trade'. Initially, ransom ranged between tens to hundreds of thousands of US dollars; however, in 2008 this figure shot up to average between half a million to an astonishing \$3.5m. These outrageous payments continue to make piracy in Somalia a very attractive business. Countries and shipping companies are most often very willing to pay these ransoms because the value of the ships and its crew members outweigh the ransom being demanded (Hunter, 2008).

With the increase in ransom and the attractiveness of the piracy business in the Gulf of Aden, pirates are discovering and adopting more innovative ways to carry out their activities. In 2007, most of the piracy activities were carried out in Southern Somalia and the Mogadishu port. From 2008, there has been a shift into the Gulf of Aden. This results from the Gulf being a major shipping route with over 16,000 vessels sailing through each year. In addition to richer pickings than Mogadishu, the funnel like shape of the Gulf makes it easier for the pirates to track and locate ships. The equipment of the pirates has also drastically improved. The pirates have employed the use of Global Positioning System and satellite phones. It is believed that they have been able to plug into international networks to relay information from the Gulf, Europe, and Asia and back to Somalia. Furthermore, the use of mother-ships gives the pirates greater ability to seek and capture prospective victims (UN Security Council, 2008).

These changes have transformed the pirates from simple opportunists into sophisticated professional operators. This is a situation which is likely to prolong the lifeline of their activity unless something is done to halt them. However, with the continuous existence of conditions motivating young men to enter piracy, the likelihood that the number of pirates will increase is high. The increase of pirates translates into more hijackings, higher demands of ransoms and in the case of non-delivery of the high ransoms there may be human casualties (BBCb, 2008).

A lawless nation with no central government, or any form of employment for its young men, it is estimated that approximately two-thirds of Somali youth are without jobs. Almost 75% of Somali households survive on less than \$2 a day; thus piracy provides an alternative to make a living in the face of such desperation. Piracy offer young men in Somalia an opportunity to join the economic elite of the country. Piracy reportedly generated over \$30million (USD) between January and November 2008 (Hunter, 2008). Monetary benefits have been the main attraction for young Somalis men to join the trade.

The next discovery was on the impact of piracy on the lives of Somalia's citizens. Piracy contributes further towards the instability in the state and further undermines the already weak TFG. The TFG was established to unite the fragmented state, but the activities of the pirates makes it almost impossible to firstly establish that front and furthermore provide the security the state and citizens need.

Secondly, the issue of food security is a great concern for the humanitarian community. This is having negative implications on the delivery of food to the needy persons in Somalia. The on-going drought and the political unrest have left about 70% of the population without needed humanitarian assistance . Six consecutive years of below average rainfall has greatly intensified the need for food assistance. However, the operations of the pirates make it extremely difficult for the WFP to deliver the needed food assistance to the affected persons. The WFP has to be escorted to enable them deliver the needed assistance. Since the escort service began in late 2007 over half a million tons of food has been delivered. This escort system is mainly provided by France, Denmark, the Netherlands and Canada. Before the escort system began, the WFP had to suspend the delivery of food to the displaced and hungry people of Somalia (WFP, 2010).

Unfortunately, whenever a state withdraws from the escort system the delivery of food has to be halted until another state pledges support and provides a navy to escort the food ships into Somalia. This inconsistency in the delivery of food needs to be stopped and a more effective and reliable system established to avoid gaps in the delivery system. The importance of food security cannot be over-emphasized. In a country like Somalia with no central government and so many displaced persons, the provision of food is a great necessity, and the international community must ensure the safe delivery of adequate food each day. The consequence of insecure food supply and inadequate food rations will be dire. The Somali people would only become more desperate, and as such even more of them would join the pirates.

The next finding was on the implication of piracy on security and the international community as a whole. One of the reasons for which Somalia is known as a dangerous and violent country is the free flow of arms in the country. No day goes by without reports of explosions, kidnappings, murders and battles. The pirates keep most of the money they gain for themselves and the maintenance of their lavish lifestyles. However, some of the money is passed down to significant natives some of whom are involved in the on-going war in the country thus indirectly financing the war (Reuters, 2008).

There have been reports of the piracy money being linked with the US terror-listed Al Shabaab. Al Shabaab emerged as a young militia during the rule of the Islamic Courts. The USA believes it has close ties with Al Qaeda and is currently fighting an insurgency against the Ethiopian and Somali transitional government troops. Indeed, exterminating piracy would not stop the war but it may reduce the availability of money for the purchasing of arms (Reuters, 2008). The lack of any form of maritime security allows for the flourishing of a people and arms smuggling operation in addition to the already mentioned illegal fishing in the Somali waters.

The greatest threat that the pirates of Somalia pose to security and the international community is the reports that these pirates could or are becoming agents of international terrorism. Though there has not been, to date, any concrete evidence to prove this statement, happenings and attacks in the region seem to point to that fact. The possibilities of the Somali piracy linking with international terrorism is a concern that needs to be taken very seriously. Seaborne terrorism needs to be taken very seriously considering that a US naval vessel, *The USS Cole*, was attacked in that region. Terrorism at sea can take many forms including direct attacks on naval or commercial ships such as the attack on the *MV Limburg*; using hostages from pleasure ships as leverage or bargaining chips for higher ransom; using high profile victims for an atrocity; or using hijacked ships as floating weapons. As already mentioned, the financial returns of piracy can be used to fund the activities of terrorists worldwide (Lehr, Vol. III).

The effect of piracy on international trade is extremely costly. The companies whose ships are prevented from reaching their destination on time lose great money. In addition, the ransom paid to the pirates makes sailing through the Gulf of Aden a very costly journey. With the increase in hijacking, the cost of insurance premiums for ships sailing through the Gulf of Aden has been increased. With the possibility of hijacking, war risk insurance has to be paid before a ship sails out. There are reports that the premiums have been raised tenfold in a year. If it becomes too costly to insure a ship to sail safely and timely through the Gulf of Aden, then ships will have to take the longer route to Europe and North America through the Cape of Good Hope (Costello, 2008).

This option seems to be a real possibility but the additional cost of extra traveling days and fuel consumption will add significantly to the cost of transporting goods. These additional costs will most definitely be transferred onto the retail cost of the goods. With most of the goods being transported through the Gulf of Aden being oil and weapons, and the inconsistency of oil

prices on the world market, anything that would further raise the price is of major concern not only to international trade but to nations as well (Tsvetkova, 2009).

It was further found out that piracy also poses a threat to the environment. Environmental security for a country that depends heavily on agriculture and fishery is essential. Huge oil tankers sail through the Gulf of Aden and there is a constant fear that a pirate attack can aggravate into a major oil spill. During the attack of the *Takayama*, the ship's fuel tanks were hit and oil spilled into the water (Cable News Network [CNN], 2008). In order to seize large oil tankers, the pirates use anti-tankers rockets launchers and grenades- which are readily available in Somalia. With the frequency and intensity of these attacks the possibility of hitting an oil tanker and causing a spillage is likely, resulting in a devastating environmental disaster. Oil spillage is very difficult to clean up and more dangerous to contain on sea as compared to land. It can spread very quickly covering the beaches and damaging and killing local flora and fauna as well as coastal and sea-borne wildlife. In a country like Somalia where the citizens depend greatly on fishing and agriculture such an environmental damage can be detrimental to the wellbeing of the population (Tsvetkova, 2009).

With pirates becoming bolder, more daring and employing more powerful weapons, a tanker can be set on fire, sunk or forced aground. Any of these situations will be catastrophic and the consequences deadly. Considering the already alarming level of unauthorized and unsafe fishing methods adopted by the IUU, the already fragile ecosystem could suffer more catastrophic environmental damage for years to come. The pirates are indeed only concerned with extracting ransom payments but the possibility of them destroying a ship is an option that should not be overlooked.

The last finding was on the efforts adopted in addressing the problem. Thus far the international community through the UN Security Council has adopted some Resolutions that are aimed at countering the piracy attacks. Mainly, the international community's response has been the deployment of navies and warships. Together the nations affected by the activities of the pirates have both collectively or singularly deployed warship and their navies into the Somali waters to ensure safety for maritime travels. Countries affected but not in a position to singularly send out troops, have the opportunity to do so under the umbrella of an international organization such as the EU and NATO.

This tactic adopted by the international community has not been very effective mainly because the world has been trying to protect their property- similarly to ideologies of traditional security. In traditional security, states provided security for their property against external adversaries. It can be interpreted that the international community perceives the pirates as adversaries attacking their states and must apply force to halt the problem. Furthermore it can be seen that the international community has been trying through the use of force to cease the acts of piracy. However because the internal conflicts of Somalia are not addressed the maritime conflicts cannot be eliminated.

As part of the resolutions adopted by the UN Security Council and in conformity with international law, crew of naval ships are permitted to board, inspect and seize any questionable vessel on the high seas. This means the navies of the international community can seize and occupy the cargoes of a pirate ship, arrest the crew and place the pirates on trial under their national jurisdiction. However this law is relevant and operational if the seizure occurred on either the high seas or any waters beyond the jurisdiction of any particular state (Sauvageot, 2009 p. 4). Unfortunately not many countries are willing to bear the cost of prosecuting the pirates.

The literature review on Somalia and piracy reinforced the need for the international community to collaborate and collectively try and disperse the activities of the pirates. The writers attributed piracy to political or economic insecurity in Somalia and reiterated the need for the international community to address the internal causes on land to achieve positive results at sea. Sadly resulting from the absence of Somali governmental institutions and structure, though the navies are occasionally able to capture some pirates, there are many challenges to getting these pirates prosecuted. Aside from the unwillingness of states to take up the responsibility of prosecution, there are not sufficient facilities and logistics to prosecute captured pirates.

RECOMMENDATIONS AND CONCLUSION

This paper primarily set out to investigate what the root cause(s) of piracy in Somalia is (are). Secondly, the paper aimed at discovering what approaches and means the international community has adopted in addressing the piracy issue. Lastly, it aimed to examine the effectiveness of these solutions and suggest some recommendations on how to better the attempts. The paper was based on the premise that the international community's attempts thus far have not been extremely effective since it did not target the root causes of piracy in Somalia but rather targeted the immediate problem. A summation of the readings and findings indicated that the Somali piracy is not a sea-born event but rather a land-based one resulting mainly from the failed state status of the country. Consequently, though the international community's attempts of deploying naval warship into the area were commendable there was the need to tackle the problem both on land and at sea.

The paper concluded with some recommendations or alternative approaches the international community can adopt. Firstly, there is the need to restore a central government in Somalia. An effective central government in charge of the country will help restore some stability and political security in the country. Secondly, the international community should have an effective roaster for naval ships that escort the ships of the WFP to enable them safely deliver food and humanitarian aid to the people of Somalia. In addition to the WFP, commercial ships could also be escorted by the naval ships.

Furthermore, the numerous naval and warships patrolling the waters of Somalia should be on the lookout for foreign ships dumping toxic waste into the water and those illegally fishing. If any of these foreign ships are found culpable of either IUU or illegal dumping they should be arrested and prosecuted. In addition, there needs to be a coordinated effort among the ships patrolling the waters. The numerous naval and warships need to be in constant communication so as to provide support and assistance when the need arises.

There is the need to establish a regional tribunal charged with providing all logistics to prosecute and punish captured Somali pirates. In addition to the captured pirates, persons suspected to be engaging in illegal dumping and IUU

could be tried in this tribunal. Consequently, known hideouts and havens of pirates need to be raided, and the pirates captured prosecuted and punished to serve as a deterrent to others thinking of taking up the trade. Finally, there is the need to improve on the transmitting of information at sea. With their advanced equipments, the pirates are able to listen in on sea communications and this assists them determine the current location of ships and helps in the planning of the hijacking. A more closed frequency and communication needs to be adopted by ships when sailing through the Gulf of Aden.

The internal conflicts of Somalia are closely linked with the piracy at sea. There is the need to simultaneously address and adopt approaches for both land and sea problems if piracy is to be contained in Somalia. It must be remembered that though Somalia is a failed state, it is not a failed society and the society of Somalia must be considered and consulted when measures are being taken to resolve its problem. Piracy can never be eliminated but it can be contained and controlled and that should be the target of not only the international community but the Somali society as well.

BIBLIOGRAPHY

Brice, A. (2008, October 1). 'Somali piracy threatens trade, boosts terrorists,

analysts say'. Cable News Network (CNN). Retrieved on 30th November 2009 from

<http://www.cnn.com/2008/WORLD/africa/10/01/piracy.terror/index.html>

British Broadcasting Cooperation. (2009). Country Profile-Somalia, 2009.

Retrieved on 16th May

2009 from http://news.bbc.co.uk/2/hi/africa/country_profiles/1072592.stm

British Broadcasting Cooperation. (2008, August 9). 'Somali pirates free two

- Germans'. Retrieved on 20th April 2010 from <http://news.bbc.co.uk/2/hi/africa/7551298.stm>
- Costello, M. (2008, September, 11). Shipping insurance cost soars with piracy surge off Somalia. Retrieved on 20th April 2010 from http://business.timesonline.co.uk/tol/business/industry_sectors/banking_and_finance/article4727372.ece
- Crilly, R. (2009, February 5). Somali pirates are paid record \$3.5 million ransom for MV Faina. Timesonline. Retrieved on 16th May 2009 from <http://www.timesonline.co.uk/tol/news/world/africa/article5663504.ece>
- De Vrej, H. (2008, November 21). *EU to deploy first-ever naval force off Somalia.*
- Radio Netherlands Worldwide. Retrieved May 19th 2009 from <http://www.rnw.nl/internationaljustice/specials/Universal/081121-EU-Somalia-piracy>
- High Seas Task Force. (2006). Closing the Net: Stopping illegal fishing in the High Seas- Final Report of the Ministerial led Task Force on IUU fishing on the High Seas. Retrieved on 18th May 2009 from http://www.high-seas.org/docs/HSTFfinal/HSTFFINAL_web.pdf
- Hunter, R. (2008, October 28). Somali pirates living the high life. BBC News. Retrieved on 20th April 2010 from <http://news.bbc.co.uk/2/hi/africa/7650415.stm>
- Kraska, J. & Wilson, B. (2008/2009, Winter). Fighting pirates: The pen and the sword. *World Policy Journal*, 25, (4), 41-52.
- Lehr, P. Somali piracy: The next iteration. *Perspectives on terrorism*, III, (4).
- Lennox, P. (2008, December). Contemporary piracy off the Horn of Africa. *Canadian Defense and Foreign Affairs Institute.*

- Middleton, R. (2008, October). Piracy in Somalia- Threatening global trade, feeding local wars. Africa programme, *Chatham House Briefing Paper*. AFP BP 08/02.
- Middleton, R. (2009, April, 22). Pirates and how to deal with them. African Programme and International Law Discussion, *Chatham House Briefing Paper*
- Murphy, M. (2009, April, 16). Somali piracy: Not just a naval problem. Accessed on 3/25/2010 from http://www.humansecuritygateway.com/documents/CSBA_SomaliPiracy_NotJustNavalProblem.pdf
- North Atlantic Treaty Organization. (2009, January 12). Somalia Piracy 2008. Retrieved 16th May 2009 from http://www.shipping.nato.int/InfoonSoma/SomaliPira/file/_WFS/piracy%202008%20overview.bmp
- North Atlantic Treaty Organization. (2008, December 12). *Successful Completion of NATO Mission Operation Allied Provider*. Retrieved on 19th May 2009 from <http://www.nato.int/shape/news/2008/12/081212a.html>
- O'Malley, Z. (2009, March 4). *World's most dangerous countries*. Forbes Magazine. Retrieved on 15th May 2009 from http://www.forbes.com/2009/03/04/most-dangerous-countries-lifestyle-travel_dangerous_countries.html
- Reuters. (2008, August 25, Monday). Somalia gunmen use piracy ransoms to fund insurgency. Retrieved on 20th April 2010 from <http://www.nation.co.ke/News/africa/-/1066/463664/-/item/0/-/wgs7qh/-/index.html>
- Sauvageot, E. (2009, January). Piracy off Somalia and its challenges to maritime

security: Problems and solutions. *Research Unit on International Security and Cooperation (UNISCI)*. 8, 1-18.

Sheikh, A. (2009, January 9). Ransom paid as Somali pirates free supertanker.

The Independent World. Retrieved on 16th May 2009 from
<http://www.independent.co.uk/news/world/africa/ransom-paid-as-somali-pirates-free-supertanker-1270796.html>

Somali Fisheries Society (n.d) Somali Complains and Appeals on Illegal Fishing and Hazardous Waste Dumping. Retrieved on 18th May 2009 from
http://somafish.org/index.php?option=com_content&view=article&id=11&Itemid=13

Tsvetkova, B. (2009). Securitizing piracy off the coast of Somalia. Retrieved on 25th February 2010 from
http://kms2.isn.ethz.ch/serviceengine/Files/RESSpecNet/102467/ichapters_ction_singledocument/43BC7EE7-00DB-4615-84DD-8547F2A80B50/en/Ch_3.pdf

United Nations Environment Programme Report. (2005). Tsunami Somalia layout.

Retrieved on 18th May 2009 from
http://www.unep.org/bh/Publications/Somalia/TSUNAMI_SOMALIA_LAYOUT.pdf

United Nations High Commission for Refugees. (2009, May 15). Heavy clashes cause fresh displacement in Mogadishu. Retrieved on 16th May 2009 from
<http://www.unhcr.org/news/NEWS/4a0d528f2.html>

United Nations Security Council. (2008, October 7). Security Council asks nations with military capacity in area: To 'actively fight piracy' on high seas off Somalia. Retrieved 18th May 2009 from
<http://www.un.org/News/Press/docs/2008/sc9467.doc.htm>

United Nations World Food Program. (2009). WFP Activities. Retrieved on 16th

May 2009 from <http://www.wfp.org/countries/Somalia>

United Nations World Food Program. (2010). *WFP Activities*. Retrieved on 20th

April 2010 from <http://www.wfp.org/node/3584>

Van Girkel, B., Hemmer, J., Kamerling, S., & Van der Putten, F. (2009, August).

Pioneering for solutions to Somali piracy- Facing the challenge, seizing the opportunity. *Clingendael Security and Conflict Programme (CSCP)*, 3, 1-5.

Waldo, M.A. (2009, January 8). The Two Piracies in Somalia: Why the world

ignores the other? Retrieved on 18th May 2009 from

http://wardheernews.com/Articles_09/Jan/Waldo/08_The_two_piracies_in_Somalia.html

Wilson, B. (2009). *Effectively Confronting a Regional Threat: Somali Piracy*.

The African Centre for the Constructive Resolution of Disputes *Conflict Trends Issue 1*. 11-1



About the author: Joana Ama Osei-Tutu is a Research Associate at the Kofi Annan International Peacekeeping Training Center (KAIPTC).

The **Kofi Annan International Peacekeeping Training Centre (KAIPTC)** is a Ghanaian led institution, which is supported by the international community through the provision of staff and specifically focused international financial assistance. It operates on behalf of the Economic Community of West African States (ECOWAS) to provide Operational Level training for personnel involved in global, regional and sub-regional Peace Support Operations. The Centre offers regional and international participants the opportunity to examine specific peace operations issues at the operational level and to update and share their knowledge of the latest practices through training courses, conferences and presentation and publishing of research findings.

© 2011, Kofi Annan International Peacekeeping Training Centre

Copyright in this Occasional Paper as a whole is vested in the Kofi Annan International Peacekeeping Training Centre, and no part may be reproduced in whole or in part without the express permission, in writing, of both the author and the KAIPTC. The opinions expressed in this Paper do not necessarily reflect those of the Kofi Annan Centre, its Governing Board, or partners. Authors contribute to KAIPTC publications in their individual capacity.

First published by the Kofi Annan International Peacekeeping Training Centre, PMB CT 210, Cantonments, Accra, Ghana.

