Piracy in Somalia: Targeting the Source

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Abstract

In spite of the current apathetic nature regarding Somalia by world leaders, Somalia's lawless coastlands serve as a base for an increasing wave of piracy that disrupts international trade and severely threatens both national and international security. What began as a group of armed Somali fishermen seeking to defend their territory has flourished into a movement that takes in a lucrative amount in ransom fees each year, and as the pirates grow in their sophistication, oil tankers and large vessels—especially American ships—have become prime targets in the Indian Ocean. Efforts to combat piracy at sea have proven unsuccessful in the wake of collective action problems on the part of the international community and difficulties concerning how to prosecute nationals of a failed state. The evidence reveals that Somali piracy must be targeted at its source—Somali's lack of a stable government—and that the problem must be dealt with before rogue groups or terrorists use Somali pirates to hijack the shipping routes leading through the Gulf of Aden, and before other failed states choose to follow Somalia's example.

Key Terms: Somalia, Piracy, International Trade, National Security, International Security, Failed State, Oil, International Economy, Collective Action

Ever since the collapse of the government under Siad Barre's regime in 1991, Somalia has become a complex security problem for both America and the international community. With warlords competing for control of the country, the United Nations have found it increasingly difficult to disperse humanitarian aid throughout the region, and after the tragic humanitarian operation of 1993 when eighteen American soldiers were killed by Somali militants, it is unlikely that a similarly aggressive mission will be undertaken in the near future unless the threat of Somalia is made apparent to world leaders (Eichstaedt, 2010). In spite of the current apathetic nature regarding Somalia by world leaders, Somalia's lawless coastlands serve as a base for an increasing wave of piracy that disrupts international trade and severely threatens both national and international security.

What began with a number of armed fishermen hoping to defend their waters from illegal international encroachment has evolved into a multi-million dollar organization that takes in roughly two million per ship in ransom from shipping companies all across the globe (Eichstaedt, 2010). Though security in the Indian Ocean has increased under the watch of American, European, Chinese, and other maritime forces, there is simply too much ocean to cover and problems of collective action and debates over how to prosecute captured pirates has enabled Somali piracy to flourish in recent years ("Q&A: What Do You Do with a Captured Pirate?", 2011).

With these concerns in mind, and after reviewing the reasons behind Somalia's support of piracy, the evidence dictates that the only sure way to diffuse piracy in the region is by focusing on the source of the problem—Somalia's lack of government. The international community must establish a stable, legitimate government in Somalia, one that can both protect Somalia's waters from international encroachment and ensure the people of Somalia a legal means of living, before the issue of piracy off the Horn of Africa can be resolved.

Somalia: An Overview

A failed state occurs when a nation's government is no longer capable of providing law and order for its territory. In many cases, there is no longer any legitimate government within a state to prevent the people from descending into anarchy. Common institutions, such as education, public services, and other forms of public goods are almost nonexistent, if they are present at all ("Failed States", 2011). Failed states are usually marked with violence and crime, and at times the United Nations may be forced to intervene—if they are able—to provide humanitarian aid to the people of failed states (Cockburn, 2002).

Such is the case with Somalia. In 1991, Somali dictator Muhamed Siad Barre was removed from office and his regime disposed of, leaving a power vacuum in Somalia as warlords and gangs within the state took up arms against one another in a bid to gain control of the country. In 1992, a United Nations peacekeeping operation, led by American forces, went into Somalia in an effort to stabilize the region. What began as a humanitarian operation evolved into a mission designed to neutralize the Habr Gedir gang leader, Mohamed Aideed, in the city of Mogadishu (Cockburn, 2002). Tragically, the mission ended in failure at the cost of eighteen American lives in 1993. The grieved American public soon withdrew from the operation, forcing the remaining members of the peacekeeping mission to withdraw from Somalia as well (Potgieter, 2009).

Now, twenty years later, Somalia still lacks a centralized form of government, and the people of Somalia live in abject poverty as they have no legal means to earn a living without a functioning government and economy. Furthermore, the vacuum of power within Somalia proved too tempting for various European and Asian powers who took advantage of Somalia's lack of maritime forces to engage in illegal activities in Somalia's unguarded waters during the 1990s.

In the aftermath of the 2004 tsunami which swept across the region, the United Nations called for an environmental investigation of affected regions to determine the levels of damage. The findings in Somalia were shocking—hazardous materials such as uranium radioactive waste, mercury, lead, along with hospital, chemical and other toxic waste had been pushed by the tsunami from the coastal waters onto the shore where it seeped into the groundwater with the result of causing severe health problems for the surrounding populations (Eichstaedt, 2010).

Several European nations were found to have dumped tons of hazardous waste off of Somalia's coast with dubious claims of legitimacy. Hazardous waste can be dumped for as little as $2.50 a ton in Somalia, whereas the removal of hazardous materials in Europe costs nearly $250 a ton, yet the contracts that allegedly enabled the European companies to dispose of their waste off of Somalia's coastline were made with various warlords or with whoever claimed to be the law of the land at the time (Eichstaedt, 2010).

In addition to the disposal of toxic waste into Somalia's waters, various Asian, European, and Yeminis fishermen also took advantage of Somalia's lack of maritime forces to engage in

illegal fishing within Somali waters in the Gulf of Aden, causing the fisheries there to dwindle from overfishing. Some Somali fishermen claimed that they retrieved as little as a sixth of what they originally caught following the collapse of the Siad Barre regime (Eichstaedt, 2010).

Ismail Abdullahi Ibrihim, one of the first Somalis to engage in piracy, told his story to journalist Peter Eichstaed who traveled to Somalia in the hopes of unraveling the mystery surrounding Somali piracy. "[The foreigners] collected our animals from the seas," Ismail stated. "When we tried to fish, we didn't get anything. We became very angry…so we decided to attack the Yemenis." Ismail explains that while he and his friends hoped to scare away the trespassers, nothing worked, so they eventually decided to take a German fishing trawler and emptied it of her cargo before releasing the ship (Eichstaedt, 2010).

Outraged, other Somali fishermen, having been inspired by Ismail and those like him, confronted foreign vessels as they entered their territory and held them for ransom, demanding payment for use of their fisheries. Over time, the confrontations proved lucrative. Now, Somali piracy has grown into a monumental international problem as the Somali pirates continue to branch out and now hold great influence within the Indian Sea. Unchecked, the situation in Somalia has worsened over the decades. Somali pirates, through their enterprises, now have several larger vessels—or "motherships"—in their possession and are able to snare larger and better-guarded prey farther away from the Somali coastland. Oil tankers and ships with cargo worth in the hundreds of millions are priority targets as the cargo and crews of these vessels can be held for random by Somalia at exuberant prices ("The Losing Battle against Somali Piracy", 2011). Clearly, piracy in Somalia has grown to the point where it can no longer be ignored.

The Problem: Threats Real and Foreseen

More than 80% of all international trade is done through shipping, and nearly half of the world's daily consumption in oil likewise travels through confined waterways such as straits and canals, which are easy prey for pirates (Potgieter, 2009). Somalia lies on the Horn of Africa and has nearly 2,000 miles of coastland, giving Somalia an ideal vantage point of all trade that passes from the Western Hemisphere to the Eastern Hemisphere through the Indian Ocean (Eichstaedt, 2010). Shipping travels from the Mediterranean through the Suez Canal into the Red Sea, where it then must pass through the Strait of Bab-el-Mandeb before it can enter the Gulf of Aden and the Indian Ocean (Ghose, 2010).

Choke points such as the Bab-el-Mandeb Strait and the Gulf of Aden are ideal target points for pirates, who watch shipping caravans from afar before singling out a vessel to seize. The Gulf of Aden is especially vital to international shipping as nearly 30,000 ships pass through its waters in a given year, and only 170 nautical miles divide the Yemeni and Somali coastlines at its widest point, making it difficult for heavy-laden cargo ships to avoid being surrounded and boarded by smaller, faster-moving pirate vessels (Eichstaedt, 2010).

Taking full advantage of Somalia's geographical location, Somali pirates have adapted quickly in the last two decades, creating an ever-growing strain upon the international economy. Last year, pirate attacks worldwide were recorded to have increased 10%, and the cost to the world market was between $7 billion and $12 billion dollars. Much of these attacks occurred near the coast of Somalia. According to the International Maritime Bureau, 53 hijackings were recorded during the year 2010, with 49 of those occurring off of Somalia's coastline ("Q&A: What Do You Do with a Captured Pirate?" 2011). During the year 2009, experts estimate that

after considering the cost of their expeditions, Somali pirates turned a profit of $82 million dollars in ransoms (Eichstaedt, 2010).

The reason behind the increase in pirate activity is simple; piracy is a profitable business, and the money earned through hijackings trickles down from those who provide the ships to those who actually do the hijacking to informants in various international ports who keep the pirates informed of the kinds of vessels that are headed their way.   Essentially, piracy provides for entire communities within Somalia. According to Abu Suleiman, a pirate negotiator in Somaliland, hijacked ships used to be ransomed for $600,000 to $800,000, but now the amount is closer to $1.8 million to $2 million dollars per ship. Local merchants benefit as well, as they can charge the pirates exuberant prices for the food and supplies they need to keep their hostages alive during negotiations. Peter Eichstaedt writes in his book, *Pirate State*, that Abu Suleiman told him that though Somali piracy may have begun with a handful of outraged fishermen, piracy has continued for far too long for the fisheries to be of any importance anymore and that greed is now the driving factor (Eichstaedt, 2010).

America has particular cause for concern, especially now that Somali pirates have openly declared their intentions to impede as much American traffic through the Gulf of Aden as possible ("Captain Freed after Snipers Kill Somali Pirates", 2009). On April 8, 2009, Captain Richard Phillips of the *Measrk Alabama* surrendered himself as a hostage to a group of Somali pirates in return for the safety of his crew. First Mate Shane Murphy, who claimed he has witnessed pirate attacks in the past, told the press that he was alarmed to see a boat of Somali pirates dogging after the *Alabama* "faster than anything [he had seen before]," hinting at the quality of nautical equipment the Somali pirates have seized for themselves over the years (Eichstaedt, 2010).

In a desperate rescue mission, United States Navy Seals saved Phillips after snipers killed the pirates, enabling the vessel to be boarded. Though Phillips was returned safely to his family, Jamac Habeb, a veteran pirate, told the press that Somalia would not stand for the death of their men. "From now on," he told reporters, "if we capture foreign ships and their respective countries try to attack us, we will kill [the hostages]. [The U.S. forces have] become our number one enemy" ("Captain Freed after Snipers Kill Somali Pirates", 2009).

Two years later, four American missionaries were captured as they sailed through the Indian Ocean (Tenety, 2011). When a U.S. Navy Destroyer trailed after the hijacked yachts, the pirates fired a rocket grenade at the destroyer, and after a gunfight, U.S. forces regained control of the yachts. Unfortunately, the four Americans had already been killed, proving Habeb's claims to be true ("4 Americans on Hijacked Yacht Dead off Somalia", 2011).

Yet there are other dangers surrounding Somali piracy, risks that must be considered before the United States and the international community continues to allow Somalia to exist in a state of anarchy. The Gulf of Aden is a prominent waterway for international shipping, particularly for oil, and whoever controls the waters between Yemen and Somalia essentially controls all of the shipping that flows into the Indian Ocean. On February 9, 2011, Somali pirates seized a Greece-flagged oil tanker near the coast of Omen. Joe Angelo, Head of the International Association of Independent Tank Owners, claims that the cargo containing nearly $200 million dollars' worth of crude oil was the equivalent of 20% of America's daily consumption of imported oil. The day before the attack on the Greece tanker, Somali pirates seized an Italian tanker 800 miles from Somalia's coastline ("Somalia Piracy Threatens Global Oil Supplies", 2011).

It is clear that the Somali pirates are targeting the oil tankers in the hopes of earning more ransom per ship. This growing trend poses a severe threat to American national security and to the well-being of American allies. Japan, for instance, imports more than 70% of its oil from Middle Eastern countries such as Saudi Arabia and Iran, while it only imports around 7% of its oil from Russia. As trade from the Middle East must come to Japan through the Indian Ocean, the Somali pirates could easily choke Japan's oil supply, placing the already weakened Japanese economy in jeopardy (Iran Provided 9.6% of Japan's Oil Imports in 2010", 2011).

Furthermore, should terrorists, an international crime syndicate, or a rogue state obtain the allegiance of the Somali pirates, any ships—particularly oil tankers—that pass through the Gulf of Aden could be withheld indefinitely to suit the aims of these groups. Though many have speculated where the ransom money goes once it reaches Somalia, to date there is no outstanding evidence that reveals that the pirates are working for anyone save themselves and their local sponsors. However, experts fear that if Somali piracy continues to flourish, international crime syndicates may take an interest in the operations just as they took an interest in the South American drugs' trade during the 1970s. Even so, evidence has shown that the Somali "motherships" are often resupplied and armed in Yemen, giving validity to the fear that Somali piracy is beginning to spread beyond the borders of Somalia (Harper, 2009).

Yet Somali piracy poses other risks besides its threat to the world's shipment of oil. The situation in Somalia is hardly unique. There are several failed states around the globe, and many of them are located near major international trade routes. The people of Somalia took to piracy as a sure and easy way to make money; who is to say other failed states, such as Burma or Haiti, will not turn to similar methods ("The Failed States Index", 2010)?

Haiti, for instance, rests in the midst of all traffic that travels through the Gulf of Mexico and the Caribbean Sea. Should the people of Haiti seek piracy in their desperation, their actions could place a huge strain on American shipping and on maritime security for the southern states. On the other hand, nations such as Mexico, Honduras, Guatemala, and other nations of Central America are in danger of losing stability as well, potentially increasing the risk for piracy on America's doorstep. Across the Atlantic Ocean, critical states such as Iraq, Pakistan, and Burma could also pose a severe threat to international trade should these states follow Somalia's example ("The Failed States Index", 2010).

Somali serves to prove that America and the international community cannot afford to ignore failed states. While failed states may seem like a distant problem, the situation in Somalia reveals that in time, failed states can become potent threats. Somalia must be dealt with and it must be dealt with soon before the problem exacerbates and multiplies within failed states across the globe.

The Solution: Targeting the Source

But how does one combat piracy in a state that has lacked stable governance for twenty years? The Preamble to the United Nations Convention on the Laws of the Sea declares in concerning pirates that "All States shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State" ("Preamble on the United nations Convention on the Laws of the Sea", 1982). Furthermore, the guidelines that were laid out by the convention enable nations to capture and prosecute pirates according to their own jurisdiction, meaning that under international law, every state has the right—and

obligation—to hunt down and arrest pirates ("Preamble on the United nations Convention on the Laws of the Sea", 1982).

To begin with, having international laws in place that advocate the arrest of pirates does not guarantee that all of the pirates will be caught, nor does it solve the overarching problem within Somalia. In regards to capturing and arresting pirates, problems of collective action, such as free-riding, hamper any progress in the matter (Friedan, 2010). Though the members of the United Nations may agree to do everything in their power to enforce the law of the seas, lack of enforcement of the Preamble will inevitably result in only a handful of countries—such as the United States—doing what they can to restore law and order to the Indian Ocean and the Gulf of Aden, while the remaining nations will free-ride on the security these few states provide ("Q&A: What Do You Do with a Captured Pirate?", 2011).

Secondly, even if the Preamble could be enforced, there still remains the issue of what to do with pirates once they are captured. Normally, pirates are returned to their home states for prosecution, but as Somalia is a failed state, captured pirates become the responsibility of their captors upon arrest. Many states do not have jurisdiction for apprehended foreigners taken in international waters, and for those who do, the cost of placing pirates on trial and imprisoning them places an additional burden on economies. In 2009, Kenya made an agreement with the United States, China, and other nations to prosecute and hold pirates in Kenya in exchange for monetary aid. However, in 2010, Kenya was forced to resend the agreement, saying that the overwhelming number of pirates was placing too much of a strain on Kenya's legal system ("Q&A: What Do You Do with a Captured Pirate?" 2011).

Even when looking beyond the problems of free-riding and prosecution, however, it is apparent that piracy cannot be dealt with at sea alone. The Indian Ocean is too large a territory to keep under constant watch, and evidence reveals that increased security has done little to deter the pirates. The core problem behind Somali piracy is the fact that Somalia has no legitimate government. After the successful retrieval of Captain Phillips, Defense Secretary Robert Gates openly acknowledged that the solution to Somali piracy lay on the land, not at sea. Gates told the press, "As long as you've got this incredible number of poor people…there's really no way in my view to control [piracy] unless you get something on land that begins to change the equation for these kids" (Thompson, 2009).

Without a legitimate government, the people of Somalia have no legal way to provide for themselves. Furthermore, so long as Somalia lacks a government, the use of sanctions or other forms of soft diplomacy against Somalia will only serve to drive the population deeper into poverty, aggravating the problem. In short, until order is restored within Somalia, piracy in the Indian Ocean and the Gulf of Aden will not dissipate. Somalia must be dealt with directly through the use of force to restore order to the region. The United Nations—or at the very least, the United States—must be prepared to enter Somalia again if there is to be any chance of curbing the threat of piracy in the Indian Ocean.

Somalia is a relatively large nation, being slightly smaller in square miles than the state of Texas, and the extent of its territory along the Ethiopian border is not strictly defined ("Somalia—Location, Size, and Extent"). Ousting the warlords from Somalia will be a daunting task, yet the use of air power may prove very effective as NATO forces successfully relied on air strikes to curtail the violence in Kosovo in 1999 (Byman, 2000). However, the American-Iraqi War has shown that air power alone will not bring control to a region that is steeped in militant factions who are trained in guerilla warfare tactics. For this reason, ground troops will be needed in addition to air forces to sweep out the militant groups.

To prevent the warring gangs from fleeing into the neighboring states of Kenya, Ethiopia, and Djibouti, militant forces must be dispensed to these states with the permission of their respective governments to secure the neighboring borders. Finally, to ensure that ground troops have a clear line to supplies, Somalia must first be entered from the coastline. Only after the coastal regions are secure can operations move inland, driving the militant gangs into the far corners of the state. With the aid of air power, a significant amount of ground troops, and with the cooperation of the surrounding states, Somalia can be reclaimed.

Establishing public support for a military operation in Somalia will not be easy, especially in the aftermath of the 1993 mission. Unless the American public is convinced of the need to deal with the Somali threat immediately, American leaders will be unwilling to send forces into Somalia. Without the American forces to spearhead the operation with their carriers and numerous military bases throughout the region, it is unlikely that the other members of the United Nations will be willing to embark on such a costly enterprise.

Furthermore, even if the American forces could be drawn into an international effort to establish a government within Somalia, there remains the problems associated with collective action. Just as the various members of the international community are willing to free-ride their trade security on the efforts of the few maritime forces that now patrol the Indian Ocean, these same states may decide not to risk their forces in a land battle within Somalia. Unless the United Nations can find some way to enforce the joint action of the international community, it is likely that a large-scale mission within Somalia will not take place until the threat of piracy has become too great to ignore. By then, however, intervention may prove too late.

To conclude, Somali piracy stands as a very real and critical threat to both national and international security. Somali pirates have expanded their operations throughout the Indian Ocean and severely hamper all trade that passes through the Gulf of Aden, with particular consequence to the movement of oil. The influence the Somali pirates now hold over the shipping lanes could potentially be used by enemy factions, such as international crime syndicates, terrorists, and rogue states to harmfully impede the global economy. This must not be allowed to continue.

Even so, there is no simple way of dealing with Somali pirates. Somalia has existed as a failed state for twenty years, and the people of Somalia face poverty and death at the hands of warlords who are tearing the country apart in their attempt to gain supremacy. Without a stable government, the people of Somalia look to piracy as the only means of providing for themselves. Evidence reveals that the only sure way to diffuse Somali piracy is to combat the source of the problem: Somalia's lack of a stable government. Though an aggressive military operation within Somalia will no doubt prove daunting to both America and the international community, the alternative could prove to be far worse as Somali pirates continue to gain power and influence over the region.

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