

Stig Jarle Hansen

# Piracy in the greater Gulf of Aden

Myths, Misconception and Remedies



**NIBR**

Norwegian Institute for Urban and Regional Research

**Title:** Piracy in the greater Gulf of Aden  
Myths, Misconceptions and Remedies

**Author:** Stig Jarle Hansen

**NIBR Report:** 2009:29  
**ISSN:** 1502-9794  
**ISBN:** 978-82-7071-810-8  
**Project number:** O-2755  
**Project name:** Piracy, causes and remedies, a case study of the Greater Gulf of Aden

**Head of project:** Stig Jarle Hansen

**Financial supporter:** Ministry of Defence

**Abstract:** This report explores several of the most commonly stated causes of Somali piracy, as well as the history and structure of Somali piracy, showing that piracy is rather a spatiotemporal and geographically constrained phenomenon than a general Somali phenomenon, which started after the collapse of Somalia in 1991. Solutions must take this into consideration, focus on local conditions in the pirate areas and the causes that made piracy explode, first in 2004-2005, and most recently in 2008 and onwards.

**Summary:** English

**Date:** October 2009  
**Pages:** 70

**Publisher::** Norwegian Institute for Urban and Regional Research  
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N-0349 OSLO  
Telephone (+47) 22 95 88 00  
Telefax (+47) 22 60 77 74  
E-mail: [nibr@nibr.no](mailto:nibr@nibr.no)  
<http://www.nibr.no>  
Org. no. NO 970205284 MVA  
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# Preface

This study is one of the few piracy studies based on field studies in pirate areas. It is the product of a large effort on behalf of NIBR's international department, and would not have been possible without the help of Mohammed Gaas, as well as many of the author's old friends in Somalia. NIBR would also like to thank Martin Murphy, Jay Bahadur and Arnaoud Laloum for their very helpful comments on draft versions of the report. The various conversations that the author had with Hans Tino Hansen and Nis Lerskov Mathisen have also been very helpful. Finally, we would like to thank the Norwegian Ministry of Defence for the generous funding of this study.

Oslo, October 2009

Marit Haug  
Research Director

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# Summary

*Stig Jarle Hansen*

**Piracy in the greater Gulf of Aden**

Myths, Misconceptions and Remedies

NIBR Report 2009:29

This report explores several of the most commonly stated causes of Somali piracy, as well as the history and structure of Somali piracy, showing that piracy is rather a spatiotemporal and geographically constrained phenomenon than a general Somali phenomenon, which started after the collapse of Somalia in 1991. Solutions must take this into consideration, focus on local conditions in the pirate areas and the causes that made piracy explode, first in 2004-2005, and most recently in 2008 and onwards.

Solutions should be geographically focussed on piracy areas, and the international powers must liaise more efficiently with local institutions, preferably by putting liaison officers on the ground.

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# 1 Piracy in the greater Gulf of Aden, myths and misconceptions

## 1.1 Introduction

During August 2008, the frequency of Somali piracy exploded and the drastic increase in frequency meant that waters adjacent to Somalia became the most pirate-infested waters in the world.<sup>1</sup> However, Somalia as a whole is not pirate infested; the pirates operate out of only some regions, using less than a handful of ports to anchor their hijacked ships.<sup>2</sup> This report argues that one has to look into the specific local traits in the pirate areas in order to both curtail and explain piracy. Current policies against piracy seems to be flawed because such policies largely focus on rebuilding the Somali state, and a central Somali coast guard, rather than focus on building stable local institutions in the regions that have pirate ports - regions outside the control of the western-backed government. A solution in the pirate-infested regions will be a solution that can curtail piracy where it is needed. A central state is not the only remedy against piracy. Local Somali institutions such as Sharia courts and the Somaliland entity have prevented piracy before and are handling piracy today, and regional institutions might function as building blocks in a future Somali state.

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<sup>1</sup> International Maritime Organization (2009) "Reports on Acts of Piracy and Armed Robbery against ships, Annual Report 2008" MSC.4/Circ.115

<sup>2</sup> The hijacked ships are in general taken to areas around four ports, namely Harardhere, Hobyo, Garad and Eyl. Parts of Somalia, as the Somaliland entity, or the whole coast line south of Mogadishu, seldom or never (depending on the region) have/had ports that host hijacked ships. Somali politics today are complex and the country is divided in several regions with wide differences.

The analysis is based on three types of data. The first type is piracy statistics from the region. During the period 1986-2000, the US Maritime Administration (MARAD) issued statistics over security-related incidents outside Somalia.<sup>3</sup> After 1999, the piracy statistics of the International Maritime Organization (IMO) are used. Statistics are a tool that must be used carefully; there are strong indications that there is a general underreporting, and definitions might vary from statistical source to statistical source, indeed, the definition used by IMO is very different from the one used by MARAD, the latter registering all maritime security-related incidents, the former focussing more on piracy incidents. However, both MARAD and IMO statistics contain enough information to re-code the incidents; this report uses the standard ICC International Maritime Bureau (IMB) definition of piracy as a point of departure for coding.<sup>4</sup> :

An act of boarding or attempting to board any ship with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act.

The second type of data consists of interviews with locals, crew, and with pirates themselves, conducted both by the press and by the writer. This type of data will be analyzed in a way that takes potentially vested interests into account. All in all, the project interviewed 25 pirates or former pirates in Nairobi, Puntland, and Mogadishu. The project also talked to politicians, members of the civil society, and traditional leaders in the pirate areas.

The third type of data consists of analyses of existing research. These analyses are based on a triangulation of these three types of information.

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<sup>3</sup> The statistics employed here consist of *Anti-Shipping Activity Messages* that were collected and available at the [EAS website](#). The pages on the Federation of American Scientists (FAS) website have been created by using the *Anti-Shipping Activity Messages Database*, which is created and maintained by the National Imagery and Mapping Agency (NIMA) and the Maritime Safety Information Centre (MISC) for the US Maritime Administration (MARAD) government agency. They have been screened by the researcher.

<sup>4</sup> ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships: Annual Report 2006* (Barking: ICC Publishing, 2006), 3



## 1.2 Explaining Piracy

In order for piracy to occur there must be available targets - sea traffic in the area where potential pirates might operate. Well-traversed straits are thus tempting for pirates.<sup>5</sup> Keeping such geographical factors in mind, piracy in general is explained mainly by six factors: *culture, exclusion and relative deprivation, poverty, organizational sponsorship, failure of legal and maritime counter-strategies, and weak/weakening state/institutional structures.*<sup>6</sup> These factors can in turn be divided into two sets: one set that includes *poverty, organizational sponsorship, failure of counter-strategies* and *weak/weakening state/institutional structures* tends to view piracy as a product of rational cost-benefit analyses conducted by the potential pirates. Piracy becomes the result of a balance between expected gains from piracy, and expected losses from working as pirates, as perceived by the potential pirates. Basically, it is claimed that people engage in piracy because they benefit more from it than from other, alternative activities; either because there are no alternatives (for example due to a lack of work opportunities), or because the benefits that can be achieved by piracy are so great that it draws recruits away from other relatively good jobs. In other words, you are drawn into piracy because of opportunities for increased income. Because the potential cost of piracy could be perceived as low compared with the gains, potential pirates are not sufficiently deterred from engaging in acts of piracy. This could be due to several reasons. Punishment for piracy could be weak, for example, because the state/institutions are so weak that piracy cannot be punished. The state might actively support piracy because the geographical features involved increase the opportunities for pirates to hide from authorities who are out to punish them, or because confusion in legal matters acts as a hindrance to punishment.

The premises of two factors, *cultural explanations* or *relative deprivation/exclusion* are slightly different: *cultural explanations* focus on how traditions could contribute to the social legitimacy of piracy, while *exclusion/relative deprivation*, will focus on the anger emerging after potential pirates have been denied access to benefits that they feel they are entitled to. The *cultural factor*, often mentioned in connection with South East Asian piracy, seems to be ill adapted as

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<sup>5</sup> I would like to thank Martin Murphy for bringing this point up.

<sup>6</sup> Stig Jarle Hansen (2008) "Modern Piracy as a Subject of Academic Enquiry" *International relations* 12/18

an explanatory factor in the case of Somalia. In the case of Somalia, the piracy traditions are weak, and thus lack the power to explain the relatively modern phenomena of piracy.<sup>7</sup> This reflects a general problem with culturally based explanations. A culturally focussed approach makes the claim that culture and piracy are connected, generally sees culture as something stable and fails to account for general changes in the frequency of piracy. For example, how can piracy increase when the culture remains stable?

The *Exclusion/Relative deprivation* argument has several variations in the case of Somalia, all tied to illegal fishing. The “Coast Guard” version claimed by the pirates themselves focuses on piracy as a product of the need to prevent illegal fishing; pirates are merely “Coast Guards” protecting Somali waters, attacking illegal trawlers. Piracy becomes prompted by the relative deprivation felt by seeing foreign ships take advantage of Somali waters and the exclusion of Somali fishers from the harvesting of Somalia’s marine resources. Many pirates claim to be coast guard militias protecting Somali waters.<sup>8</sup> The “Coast Guard” version has several weaknesses. While it is highly likely that pirates actually do prevent illegal fishing by scaring foreign trawlers, the pirate’s targets clearly indicate that profit considerations are more important than any agenda to protect against illegal fishing. The ships captured by pirates are generally not trawlers fishing illegally but ordinary cargo ships and bulk carriers just passing through Somali, Yemeni or international waters.<sup>9</sup> It should not be forgotten that the name “Coast Guard” brought pirates advantages during their start-up phase in the 1990s. Several crewmembers of cargo ships falling victim to early acts of piracy claimed that the coast guard term partly came in use for practical reasons; in the early 1990s, it allowed pirates to hail ships and get them to slow down by claiming to be Somali coast guard forces.<sup>10</sup>

<sup>7</sup> The social acceptability of piracy in Southeast Asia has been explored by John Vagg (1995); see “Rough Seas? Contemporary Piracy in South East Asia”, *The British Journal of Criminology* 35 (1).

<sup>8</sup> Interview with Pirate “Ali” in Eyl, 2 August 2009. Interview with Pirate “Shaeed” in Eyl, 2 August 2009.

<sup>9</sup> The calculation of the average victim of Somali piracy is based on the International Maritime Organization annual Reports on attacks and armed robbery against ships 1998-2008. MARISK figures in 2009. Before 1998 it is based on figures from *Anti-Shipping Activity Messages* that were collected and available at the [FAS website](#). The pages on the FAS website have been created using the *Anti-Shipping Activity Messages Database* which is created and maintained by the [National Imagery and Mapping Agency](#) (NIMA) and the Maritime Safety Information Centre (MISC) for the US Maritime Administration (MARAD).

<sup>10</sup> Ibid. See also Staff Writer (1995) *Armed forces involved in raids*, *The Independent* 7 April 1995.

The “empty sea” version of the argument is related to the *poverty argument* and the cost/benefit balance. It claims that the pirates simply have no alternatives due to overfishing the sea is said to have become empty. For Eric Pardo Sauvageot the real cause of the fact that fishing activities were made impracticable for Somalis was illegal exploitation by foreign trawlers.<sup>11</sup> It is hard to evaluate the amount and impact of foreign illegal trawling, and in-depth research, neglected since the 1970s, needs to be done. However, there are indications that the stocks are still large enough to supply local fishers and allow for export. During the field studies conducted in connection with this report, several of the large fishing companies in Puntland said that “the fishing is good”, but that piracy actually crowds out the fishing sector, as fishers quit to become pirates because of the potential for more income in the latter sector, and it becomes harder to put together a fishing crew.<sup>12</sup> The argument is that Puntlanders are less willing to work in the fishing industry since piracy seems to be more profitable. Fishers have to pay more to get a crew together for fishing expeditions, if they are able to get one at all. The Puntland offshore resources are estimated to generate as much as from 100 to 300 million dollars a year, and while much of this is fished by illegal international trawlers, the numbers indicate that Puntland waters still yield sizable catches.<sup>13</sup>

The third variant, “the illegal fishing started it” seems to hold more promise. It suggests that piracy started out as a defensive measure taken due to illegal foreign fishing, which over time has turned into professional piracy. Ken Menkhaus states that piracy on the greater Gulf of Aden<sup>14</sup> evolved as a defensive strategy against exploitation by foreign vessels. He notes that, “In 1991, foreign fishing trawlers aggressively moved into Somalia’s rich and unpatrolled waters, at the expense of coastal fishing villages. Angry Somali fishermen secured weapons and began firing on foreign trawlers.”<sup>15</sup> For Mohamed Waldo, piracy off GGOA is the product of the Illegal, Unregulated, and Unreported (IUU) fishing of foreign trawlers or as he terms it

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<sup>11</sup> Sauvageot, Eric Pardo (2009) “Piracy off Somalia and its Challenges to Maritime Security: Problems and Solutions”, UNISCI Discussion Papers, N° 19 (Enero/January 2009)

<sup>12</sup> Interviews with pirate “Muhamed” in Garoowe Puntland, 3 August 2009

<sup>13</sup> United States Department of State (2009) “Puntland, Instability masking Economic Viability”, 23 April 2009.

<sup>14</sup> The greater Gulf of Aden is defined as the Gulf of Aden, the southern part of the Red Sea and parts of the western Indian Ocean adjacent to Somalia, the Seychelles and Kenya.

<sup>15</sup> Menkhaus, Ken (2009) “Dangerous Waters”, *Survival*, 51:1, 21-25: p 22

foreign “piracy” since 1991.<sup>16</sup> This is also a common thread when interviewing locals in the piracy regions, who often claim that piracy was “different before”, that it targeted fishing boats.<sup>17</sup> Importantly, several facts contradict this claim. Firstly, as described earlier, Somali pirates have always targeted non-fishing vessels. When the statistical records are examined, it is the easiest and most valuable targets, slow-moving cargo ships usually with no ties whatsoever to illegal fishing, that are the most popular victims in the 1980s, the 1990s, as well as in this decennium. In other words, Somali pirates (or some of them) seem to have always hunted for profit.<sup>18</sup> It could be argued that attacks against foreign fishing boats in general are underreported because of the embarrassment of being discovered operating in Somali waters and this is indeed highly likely.<sup>19</sup> The documented attacks against other types of boats nevertheless clearly indicate that the early pirates showed a strong interest in pure piracy; this means that profitable attacks against non-fishing boats always have made up a sizable proportion of the total pirate attacks off Somalia, the quest for profit always seems to have been there in some form or another.<sup>20</sup>

Perhaps some groups did start out by attacking illegal fishers, and statistics seem to indicate that this could have been the case around Kismayo during the period from 1998-2001, but there were clearly groups that were profit-based from the start of the modern history of piracy in Somalia. One should not forget that both the “Coast guard” variation and the “Illegal fishing argument” might serve psychological needs for self-justification among the pirates, creating a justification when pirates are questioned about their activities by their local

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<sup>16</sup> Waldo, Mohamed Abshir (2009) “The two piracies in Somalia: Why the world ignores the other?” See also Lehr, Peter and Hendrick Lehmann, “Somalia - Pirates’ New Paradise” in Peter Lehr (ed.) *Violence at Sea: Piracy in the Age of Global Terrorism* (New York: Routledge, 2007), p 12.

<sup>17</sup> Interview of the pirate “Abdulmalik”, in Garoowe Puntland 3 August.

<sup>18</sup> This conclusion is based on figures from *Anti-Shipping Activity Messages* that were collected and available at the [FAS website](#). The pages on the FAS website have been created using the *Anti-Shipping Activity Messages Database*, which is created and maintained by the [National Imagery and Mapping Agency](#) (NIMA) and the Maritime Safety Information Centre (MISC) for the US Maritime Administration (MARAD) government agency. The dataset can be requested from either this writer or MARAD.

<sup>19</sup> A comprehensive analysis of positions indicates that many fishing vessels systematically withheld their position from authorities such as the IMB and the IMO when attacked by pirates. It is notable that the commercial MaRisk system, basing its positions on data from the recordings of the coalition fleet often collected by satellites and sensors, seem to report that captured fishing vessels are deep within the Somali economic zone when captured by pirates. The IMO-IMB logs tend to avoid reporting positions in these cases, and these sources are based on self-reporting from the fishing vessels.

<sup>20</sup> The calculation of the average victim of Somali piracy is based on the International Maritime Organization annual Report on attacks and armed robbery against ships. The dataset can be requested from this writer.

communities; indeed this was claimed by at least one pirate interviewed for this project.

**Box 1 An example of early piracy: the MV Bonsella**

On 9 September 1994, the cargo ship MV Bonsella, transporting emergency aid (first aid medicine) to Somalia, was approached by a dhow that started to fire on it using highly inefficient mortar rounds. The Bonsella issued a Mayday call, which resulted in the pursuing boat making radio contact, claiming to be the Somali Coast Guard patrolling to catch illegal fishers, and that Bonsella should stop “in the name of the law”. Assurances were made that the firing would stop when the Bonsella stopped, the Bonsella was then boarded by 11 men. A total of 2 pirates were involved. Despite carrying first aid to Somalia, and despite not being involved in illegal fishing, the ship was hijacked. The pirates justified this by claiming that they needed a faster ship to stop illegal fishing. The boat was then used to follow and attempt to capture two other ships using the same strategy - hailing them in the name of the Coast Guard to get them to slow down. These ships were also cargo ships, and there was no reason to assume they were connected with illegal fishing.

The attempted attacks failed. The Bonsella was released after being plundered of the emergency aid destined for Somalia, and the valuables of the crew.

It should also be kept in mind that clashes between Somali boats seem to be a frequent occurrence; clans, as well as individuals, accused each other of fishing illegally from “their grounds”. This is one of the reasons that Somali fishers in general are armed. It also makes it easier for pirates to hide among fishermen and for fishermen who are tempted to turn to piracy when they spot an easy prey.

The fourth version is the “anger” version, where it is claimed that general anger over illegal fishing contributes to the general legitimacy of the pirates – it provides a sort of discursive justification even when attacking cargo ships. As expressed by a special forces soldier after his tour of duty in the “Bay of Aden”, the pirates are angry at foreign ships for tearing up their fishing nets, and act against most foreign

ships because of this general anger against all things foreign.<sup>21</sup> A majority of the pirates interviewed for this project indicated such general anger, but it is important to note that several pirates also claimed to have other motives. For example, one of the pirates interviewed stated “In reality pirates are all bad. They are groups of people that agreed on just to rob ships at sea.”<sup>22</sup> General anger fails to explain changes in the frequency of piracy, since illegal fishing was a large problem in Somali waters even before the collapse of the state in 1991. The pre-1991 state simply lacked adequate means to control foreign trawlers.<sup>23</sup> Large-scale piracy, however, emerged as late as in 2004-2005.

It should not be forgotten that general anger at illegal fishing could be one motive among several, as expressed by another pirate. “First there are the foreign ships that are illegally fishing in our sea and tearing up our nets. Second, there is the tremendous wealth gleaned from hijacked ships. The local people coming back home with huge amounts of money also attracted me.”<sup>24</sup> It is important to emphasise that the perhaps 2000 pirates of Somalia are heterogeneous and that motivations may vary from pirate to pirate, group to group and geographical location to geographical location.<sup>25</sup>

Statistics, the fact that easy and profitable ships that have no connection with illegal fishing are the main target and information from pirate interviews indicate that profit is a very important factor in motivating pirates. It should not be believed that piracy could be stopped by curtailing illegal fishing only. Nevertheless, the fact that many of the pirates interviewed mentioned illegal fishing as a motivation means that the resentment against international illegal fishing aroused locally is important today. Illegal fishing has to be combated: firstly, to prevent the crime itself; secondly, to prevent the feeling of exclusion that fosters anger and gives legitimacy to the pirates among the local population, and thirdly to prevent the pirates from making excuses that legitimize their own acts. This should be

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<sup>21</sup> Conversation, 15 September 2009.

<sup>22</sup> Interview with pirate “Adan”, Nairobi, 3 August 2009.

<sup>23</sup> Interview with Steinar Bastesen, by telephone, 3 May 2009.

<sup>24</sup> Interview with pirate “Absiyee”, Hoby, 1 June 2009.

<sup>25</sup> Local sources estimated that 1,500 pirates exist in Puntland, while another 500 operate from central Somalia and the border areas between Puntland and Somaliland. This is a very rough estimate, and pirates frequently enter and leave piracy.

combined as a package with other solutions.<sup>26</sup> The general anger that is felt about illegal fishing contributes to legitimizing pirates, and makes symbols more important. It is thus difficult to understand why coalition partners in the international fleet would allow countries such as Spain to lead international operation when there is wide belief among Somalis that Spanish fishers are fishing illegally in Somali waters. One Spanish boat even had to negotiate a legal settlement in the United Kingdom for illegal fishing in Somalia.<sup>27</sup> Spain has also been accused unofficially by the Atalanta officials interviewed for this report for unilaterally protecting illegal fishers by dispatching vessels from the Atalanta operation, and this, true or not, should be taken seriously. At best, it illustrates a serious information deficit. The consequence of the general anger created by illegal fishing is that remedies against illegal fishing must always be a part of any durable solution to the piracy problem.

Several newspaper journalists and politicians have made the claim that piracy is caused by widespread *poverty* in Somalia.<sup>28</sup> The pirates are said to lack alternatives to piracy, a situation that pushes them into the piracy business, since alternatives to piracy simply bring too little gains, even too little to survive. While there are some important insights in this, these explanations also fail to explain notable traits of Somali piracy. First, as mentioned in the introduction, piracy is not a Somali problem, only some regions host pirate ports, while widespread poverty is common in the whole of Somalia. The main pirate areas are located in four of the old Somali regions. Sanaag (contested between the two entities Somaliland-Puntland) is estimated by the World Bank and the United Nations to be comparatively rich in a Somali setting. Bari (a part of Puntland, a self-governed regional entity) is also estimated to be comparatively rich in a Somali setting. Nugal (also a part Puntland) is average and Mudug is estimated to be slightly below average when it comes to income per family.<sup>29</sup> There are variations in poverty within these regions. The International Crisis Group correctly suggests that the Coastal Areas are neglected in Puntland, but Puntland is on average more well off than the rest of Somalia and it is highly unlikely that the pirate areas are less well of

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<sup>26</sup> Interviews with the pirates “Abulqadir” and “Mahad”, Garoowe, 5 August 2009.

<sup>27</sup> See Hansen, Stig Jarle (2008) “Helpers or Proxies? The Politics of Private Military Force in Somalia” *Review of African Political Economy* 35:116, Winter 2008.

<sup>28</sup> E.g., see Minter, William & Daniel Volman “Piracy and Washington” *Towards Freedom*, 13 June 2009.

<sup>29</sup> United Nations and The World Bank (2008) “Deepening Peace and Reducing Poverty”, January; *Ibid.*, p 14

than some of the coastal areas, for example in Togdheer, lower Juba or parts of Shabelle.<sup>30</sup> Indeed, poverty is also common in coastal areas in neighbouring states such as Yemen, Kenya and Tanzania, yet the frequency of piracy today in these areas is low compared to the pirate regions of Somalia.<sup>31</sup> In other words, piracy never occurred or was limited in other places that were equally poor or poorer.

Second, there are no indications of change in poverty levels in Somalia, while there are drastic changes in the frequency of piracy. Some attempts to explain the changes in the frequency of piracy by referring to the 2004 Tsunami and the destruction of maritime livelihoods seem more convincing. However, this fails to explain why an explosion of piracy took place in 2008; the increase simply came too late.<sup>32</sup> Third, while recruits could be poor, the costs of running a group demands investment. Admittedly, the pirate groups surveyed during the work leading up to this report minimized their costs, often by putting pirate crews on commission (no prey, no pay). Additionally, some of the piracy attacks are little more than “a boat and two men”, some are subsistence pirates, part-time fishers part-time pirates.<sup>33</sup> However, a 15-foot pirate skiff costs between USD 1000 and 2000 and supplies have to be bought. Skiffs are seldom rented, many attacks involve more than two boats and the investor has to provide food and supplies for the expedition, perhaps some USD 100 a day for a sizable group. We have also seen examples where pirates must bring their own money in order to be recruited by the pirate groups.

The poverty argument at best explains only part of the problem. It adds an element to the calculations of potential piracy recruits, but fails to explain geographical differences as well as changes in

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<sup>30</sup> International Crisis Group (2009); “The trouble with Puntland”, *Africa Briefing* N° 64

<sup>31</sup> Somali life expectancy is for example higher than in Kenya (45 years), and Tanzania (43 years), the average life expectancy is probably lower in the Coastal areas of Kenya and Tanzania. Kenya also has a worse malnutrition rate for children than Somali. Somali Reconstruction and Development Program (2008) “Deepening Peace and Reducing poverty”, United Nations/World Bank report, Nairobi, January 2008, 13. In Kenya the Taita Taveta, Malindi, Kilifi and Kwale Districts were exposed to severe food shortages in 2009. Inter Agency Standing Committee, Kenya Team (2009) “Drought Alert Vol. I”, Nairobi. Similarly, some of the coastal areas in Yemen are extremely poor: 35% of Yemenis live under the Yemeni poverty line. DFID Yemen “Our Program”, Sana 30/01/2009. Tanzania has similar problems.

<sup>32</sup> See Møller, Bjørn (2009) “Piracy off the Coast of Somalia”, *DIIS brief*, for an explanation that elaborates on the effects of the Tsunami.

<sup>33</sup> Interviews with pirate “Muahammed” in Garoowe Puntland 3 August; In Puntland alone, 61 big businessmen are said to be backing the around 51 groups.



frequencies over time.<sup>34</sup> While poverty pushes recruits towards piracy, it does not explain why piracy began where it began, why it occurred in many of the (relatively) richer parts of Somalia and why it has increased so much around Somalia compared to other areas where the poverty level is more or less the same. All in all, these facts seem to be better explained by the varying strength of local institutions (see the section on local institutions). This leads to a very important conclusion: the alleviation of poverty alone can do little to stop piracy. In fact, efforts directed at improving livelihoods such as the provision of boats, piers or infrastructure, might aid piracy since these resources could be poured into the lucrative piracy industry. Local institutions must be a key to piracy prevention and poverty alleviation strategies must be supplemental.

Following an *insurgency/terrorism/state activities* focussed approach, piracy receives some form of organized sponsorship from a state, an insurgency group or a terrorist group. For example, historically, Mediterranean piracy was sponsored by states in North Africa.<sup>35</sup> Analysts have pointed to connections between Somali piracy and various Islamist groups, as well as some regional governing organizations, especially the radical Islamists in the Harakat Al Shebab.<sup>36</sup> Indeed, some form of connection is likely. The Shebab have used, and use, arms smugglers to get arms from Yemen. Most of the large pirate ports also function as large smuggling ports. The Shebab, as most Somali factions, are dependent on arms smuggling to survive, and it is highly likely that some arms smuggling groups have ventured into piracy. However, the fact that the Shebab until quite recently have lacked a military presence in pirate ports indicates that pirates probably have little motivation to pay shares to them, and that the Shebab have few means to pressure them to do so.<sup>37</sup> While some of our local sources mention links with the Shebab, they seem to be of relatively low level, implicating low- to mid-level Shebab leaders.<sup>38</sup>

<sup>34</sup> International Maritime Organization (2009) "Reports on Act of Piracy and Armed Robbery against ships, Annual Report 2008" MSC.4/Circ.115

<sup>35</sup> Earle, Peter (2003) *The Pirate Wars*. (London: Thomas Dunne,)

<sup>36</sup> Middleton, Roger (2008) "Piracy in Somalia: Threatening Global Trade, Feeding Local Wars" *Chatham House Briefing Paper* AFP BP 08/02. The Chatham House report includes only one explicit source to support its allegations that there is a link between piracy and the radical Al Shebab group in Somalia, a source that failed to fully corroborate its assertion.

<sup>37</sup> Some news agencies reported that Harardhere and Hobyo had been captured by Shebab in December 2008, this was wrong, the occupiers were from the ARS-D group, and were weak in numbers.

<sup>38</sup> One of the individuals explicitly linked to piracy is the now deceased Shebab leader of Mogadishu, Timojele Rambo. It is important to underline that Rambo also had other illegal activities, and seemingly were unpopular with the top leadership of the organization because of this.

The evidence for high-level cooperation is simply not conclusive.<sup>39</sup> Importantly, Shebab controlled areas have actually so far remained free of hijacked ships. It thus seems as though the Shebab have denied the use of ports to pirate ships. This is not surprising given the high emphasis on “law and order” rhetoric in Shebab propaganda. Allegations of connections between the Islamist Sharia court administrations and pirates become strange, as Sharia courts were one of the most efficient remedies against piracy. Piracy was almost stopped under their reign in 2006, before the union of the courts collapsed in 2007.<sup>40</sup>

Maritime analysts often focus on a fifth factor – *failure of counter-strategies*, often focussing on legal and maritime counter-strategies. The underlying assumption is that counter-strategies will increase the punishment that pirates might expect, and that the attack itself would become harder to carry out. Several ships passing through piracy areas now use barbed wire, water-hoses, private security and other countermeasures, but this only makes the pirates go for ships that fail to have self-defence arrangements. Pirates in general go for the easiest target. So far, many ships lack countermeasures, and many operate countermeasures in a rudimentary way, leaving many targets for the pirates. Ships from poor countries will have less money to deploy advanced counter measures, thus leaving them more vulnerable. While frequency in use of countermeasures has risen in parallel with piracy, it has not thus far deterred it.

The development of legal countermeasures has come a long way regarding the pirates outside Somalia. Several states now have agreements with Kenya that allow pirates to be prosecuted and face imprisonment in that country.<sup>41</sup> Still, legal measures have limited impact if there are no onshore legal institutions that can deal with the logistics of piracy. First, in order for international legal measures to work, pirates have to be arrested. The international anti-piracy fleet might arrest pirates, but the seas off Somalia are vast, and the

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<sup>39</sup> There were erroneous reports that Shebab took control over the Harardhere-Hobyos areas in 2008, probably confusing the TFG allied Islamist Sheikh Abdirahim Isse Adow with a Shebab leader. It was the forces of current president Sheikh Sherif Sheikh Ahmed who controlled the southern pirate ports for two months. Another story that circulated was that Shebab leader Indadde took control of Kismayo with the help of pirate money. However, Indadde was never a Shebab member, and was denounced by the Shebab as early as 2006.

<sup>40</sup> See International Maritime Organization annual Report on attacks and armed robbery against ships” 1998-2008

<sup>41</sup> Middleton, Roger (2009) “Pirates and How to Deal With Them” Chatham house briefing note. 22 April

international naval resources are simply not enough to handle the piracy problem, nor can they stay remain in the area forever. The pirates also have relatively secure ports. The United Nations now allows foreign powers to intervene against pirates on Somali soil. Without the aid of local institutions in such efforts, however, Somali pirates can easily blend in with the local population; their logistical trails are hard for outsiders to identify and they will use the natural features of their home ports (caves and more important hiding places for pirates) to avoid arrests. Memories from the ill-fated international interventions of the 1990s will make it hard to marshal support for a more durable military engagement – an engagement that would be seen as an occupation by many locals, and this limits the possibility for effective international interventions. In other words, there must be some form of local institution in place to protect against piracy.

Historically, state and institution building have been seen as a solution to piracy. Analysts such as Carolin Liss, Ger Teitler and Kerstin Petretto suggest that *weak institutional structures* are factors contributing to piracy.<sup>42</sup> For Liss, global economic problems and local wars weaken state structures, preventing the enforcement of local laws.<sup>43</sup> Local police forces and legal institutions might be corrupt due to low pay, or indeed no pay; they might also be weak or understaffed, thus hindering attempts to arrest the pirates. Indeed, local enforcement institutions might not even exist. Liss correctly argues that the criminal networks needed to handle smuggled goods are extensive and would be easy to detect in a “normal” state with working police institutions as well as a checks and balances system of governance. Following Liss’ argument, John Vagg shows how piracy outside the United Kingdom disappeared as the state grew stronger.<sup>44</sup> It seems like the most common onshore solution is believed to be rebuilding the Somali state institutions.<sup>45</sup> The solution does seem to be flawed, however. It assumes that a transitional government would have local support and local control in the pirate areas. In Puntland and Mudug this is not the case. Indeed, the Somali government today controls

<sup>42</sup> Petretto, Kerstin (2008) “Weak states, Offshore piracy in modern times” *East African Human Security Forum Discussion Paper* March 2008; Liss (2003); Teitler, Ger (2001) “Piracy in Southeast Asia: A Historical Comparison”, *Maritime Studies* 1 (1), 77.

<sup>43</sup> Liss, Carolin (2003), “Maritime Piracy in Southeast Asia,” *Southeast Asian Affairs* vol. 29

, Liss, Carolin (2007) “The Privatization of Maritime Security- Maritime Security in Southeast Asia: Between a rock and a hard place?” *Murdoch university working paper* 141, 2

<sup>44</sup> Vagg, John (1995) see “Rough Seas? Contemporary Piracy in South East Asia”, *The British Journal of Criminology* 35 (1).

<sup>45</sup> See for example 2943rd External Relations Council meeting, Brussels: “Council conclusions on European Security and Defence Policy (ESDP)”, 18 May 2009.

only six districts in Mogadishu and only a small strip of coastline within Mogadishu, which is frequently bombarded by the insurgents.

There is another way. Some researchers, including Mesøy and Hansen, see possibilities for pirate prevention by local institutions. Some of these might be strong enough to be the most efficient elements in the fight against piracy, and even act as allies of international naval units.<sup>46</sup> In the case of Somalia, the frontline against piracy does not necessarily run parallel to a long-term state building project. The frontline in the struggle against piracy rather runs through the entities that so far have successfully prevented piracy, namely Somaliland, and the regions where piracy is rampant, namely Harardhere-Hobyo and Puntland. Fortunately, the latter region, which is also the most pirate-infested region, already has institutions to build upon, and it will be shown that it was the near collapse of these institutions and a change in political dynamics that triggered the 2008 increase in frequencies. This report will also show that regional factors and pirate entrepreneurs caused the 2005 and 2008 increases in piracy, and that these are the most important variables when explaining Somali piracy and attempting to find remedies for it.

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<sup>46</sup> Hansen, Stig Jarle and Atle Mesoy (2006) "The Pirates of the Horn – State Collapse and the Maritime Threat", *Strategic Insights* 3 (1).

## 2 Origins

Piracy statistics seem to present us with a puzzle. There have been large variations in the frequency of piracy which some of the more common variables used to explain piracy could not explain. Piracy could be said to have started as early as in 1989, but it completely disappeared in 1992. It re-emerged in 1993, and 1994-1995 saw an increase, 1996 again saw a decline, from 1997 and until 2000, there was a slow increase, then it stabilized and increased slightly. Piracy exploded in 2004-2005, putting Somalia on the international maritime security map for the first time, but then it declined in 2006. In 2008 piracy again exploded.

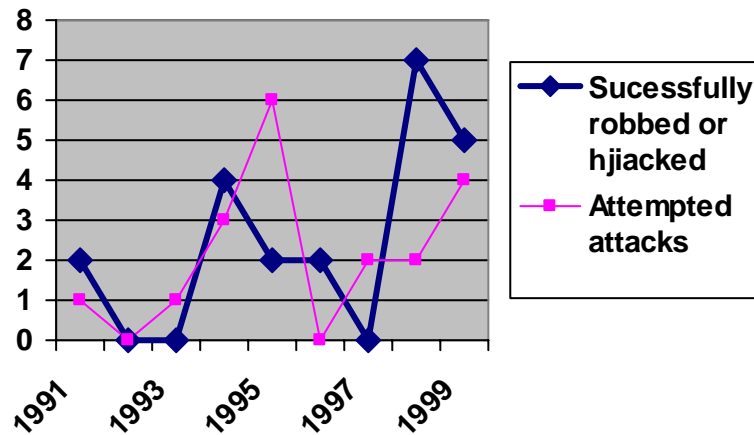
Maybe the frequent changes in frequencies are why researchers and even the pirates themselves seem to disagree over when the Somali piracy phenomenon actually started. Ken Menkhaus, for example, suggests that piracy started in 1991, in parallel with the state collapse. Karl Sörenson claims that piracy started much later in 2003.<sup>47</sup> Local pirates and politicians will also give various starting dates for Somali piracy in general mentioning the years 1994-1995, 2003 or 2005.<sup>48</sup> There is some truth to all of these views.

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<sup>47</sup> Sörenson, Karl (2008). "State Failure on the High Seas - Reviewing the Somali Piracy", *FOI Somalia Papers* : Report 3. Murphy, Martin (2007) "Contemporary Piracy and Maritime Terrorism: The Threat to International Security", *Adelphi Paper*: AP 388 Menkhaus, Ken (2009) "Dangerous waters", *Survival*, 51:1, 21-25

<sup>48</sup> Interview with Puntland ex-minister of fisheries Said O'Nour, Bahadur, 19 May 2009; Bahadur, Jay "I'm not a pirate, I'm the savior of the sea" *The Times* 16 April 2009. Bahadur, Jay "The Pirate King of Somalia", *Somaliland Press* 6 May 2009. Interview with Puntland ex-minister of the interior Abdi Ali Aware, Nairobi, 20 February 2008.

Figure 2.1 *Frequencies (MARAD): Piracy attacks in the vicinity of Somalia (1990-1999)*

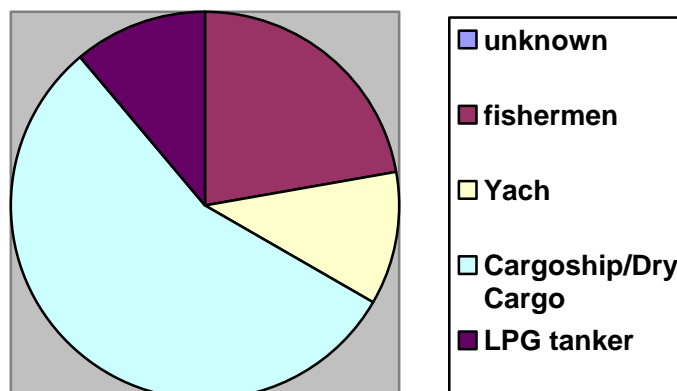


In the period 1989-1991, boats from the Somali National Movement (SNM) hijacked ships and took their goods, allegedly to prevent them from reaching government-controlled areas. The cargo was nevertheless confiscated and re-sold for profit. Although occurring in a legal grey zone, these incidents could be defined as the first piracy incidents in modern Somali history.<sup>49</sup> The first pirate attack not associated with a rebel group took place in 1991, but frequencies were low. In 1992 there were simply no recorded piracy attacks in Somalia. In 1993, there were fewer recorded incidents of piracy in Somalia than in Italy. One of the veteran pirate leaders in Somalia, Farah Hirsi Kulan “Boya”, claims that professional piracy started in 1994, but that it was based on a group engaged in struggles against foreign trawlers in 1992. The statistics show that there were pirate attacks as early as in 1991, which targeted cargo ships, vessels not related to illegal fishing. This shows that vessels not related to illegal fishing were targeted from the start of the history of Somali piracy. If we are to believe

<sup>49</sup> On 12 May 1989, “The Somali National Movement (SNM) warns all shipping agencies not to cooperate with the dying regime of Mogadishu, because they are not able to ensure the safety of ships and their crews against any dangers that they may be exposed to. For this reason on 5 December 1989, the SNM Coast Guard seized a ship flying a Panamanian flag en-route to Berbera, Somalia. This is a major port still in the hands of the loyalist troops of the Mogadishu Regime. This is the third ship the SNM has seized.” ASAM (1989) <http://www.fas.org/irp/world/para/docs/ASAM-1989.htm>

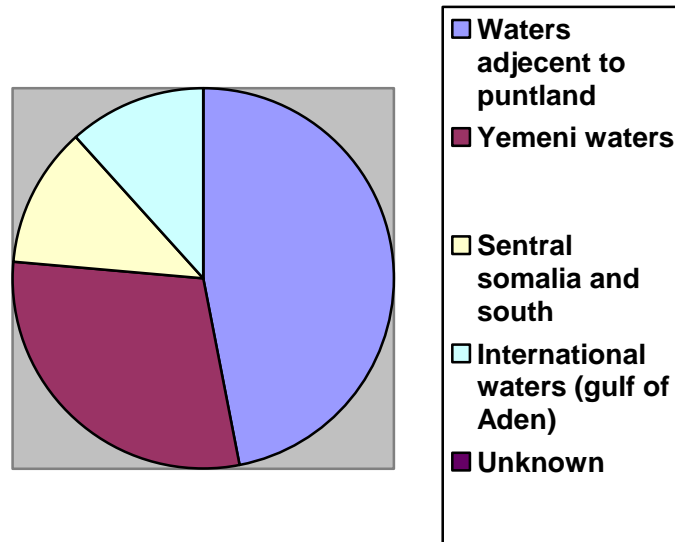
Boya that his group only targeted illegal fishermen, there might have been other pirate groups around. However, something happened in 1994, statistics show an increase in piracy off Puntland. Pirate attacks intensified, perhaps, as Boya says, his group fragmented into four groups in this year.<sup>50</sup>

Figure 2.2 *The registered victims of early pirate attacks (1989-1995)*



<sup>50</sup> Interview with Farah Hirsi Kulan Boya, Garoowe, 4 August 2008. The groups then fragment even more, and result in a multitude of groups.

Figure 2.3 *Where they were attacked (1991-1995)*



Several notable traits of Somali piracy were established during the early years. The pirates began to initiate pirating campaigns, a multitude of attacks within a short time span often in a limited geographical sector. This indicated that pirate groups were financing expeditions that stayed at sea for a period of time, scouting and selecting opportune targets within their “hunting grounds”, and returning to their bases when they ran out of supplies or patience.<sup>51</sup> The Somali piracy theatre has since been characterized by *campaigns*, intensive periods with several attacks followed by quiescent periods. The weather also clearly influenced piracy since the small skiffs employed by the Somali pirates had, and still have problems in rough seas and in strong winds. The monsoon periods, Northeast Monsoon from December to March, and the Southwest Monsoon from June to September, usually led to a decrease in pirate activities.

<sup>51</sup> Interview with Puntland ex-minister of fisheries Said O’Nour, the 19<sup>th</sup> of May 2009; Jay Bahadur “I’m not a pirate, I’m the savior of the sea” *The Times* 16<sup>th</sup> April 2009.



Why 1994? Several factors could explain the timing. In 1991, it would have been extremely hard to start a piracy group in the region. The fighting in these areas at that time was more severe than during any period after this, and the facilities for maintaining hijacked ships would have been hard to provide. Earlier research on the war-economy of Mogadishu indicates that the fighting made it harder to create private business organizations, including pirate groups.<sup>52</sup> Indeed, historically, piracy has been less frequent in the most conflict-filled regions of Somalia, and it emerged in more peaceful regions. Ironically, some form of local peace is needed for piracy to exist in Somalia.<sup>53</sup>

While the frequency of Somali pirate attacks went up in 1994-1995, and slowly continued to increase towards the end of the Millennium, it nevertheless remained statistically small compared to data from states in the region that had state structures, such as Kenya, Eritrea and Yemen.<sup>54</sup> Somali piracy was first put on the international agenda in 2004, during the first “golden age” of Somali piracy (an era created by one man, Mohamed Abdi Hassan “Afweyne”), when it was concentrated in the Harardhere-Hoby area. The emergence of this golden age underlined the roles of individuals and clans in Somali piracy.

## 2.1 The role of individuals

The Hoby-Harardhere cartel set the stage for current day piracy and put Somalia piracy on the international map. The group was small, but efficient, and multi-clan. It was mainly a product of the efforts of one man: Mohamed Abdi Hassan “Afweyne”. Afweyne was a former civil servant with a good business idea. “Afweyne started up in 2003. He asked me to invest USD 2,000, as he was gathering money for his

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<sup>52</sup> Hansen, Stig Jarle (2006): “The war economy of Mogadishu 1991 to 2007”, NIBR-BATH working paper 1

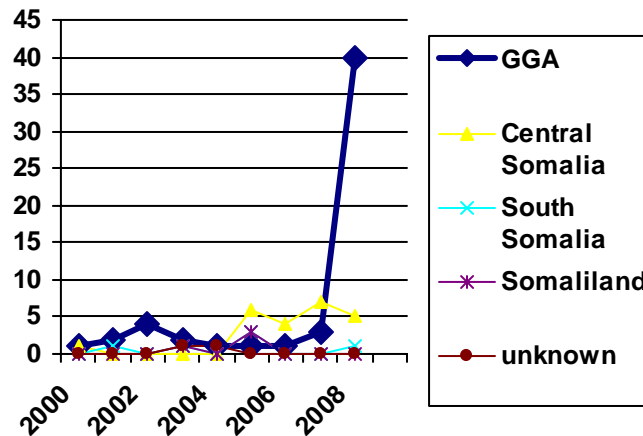
<sup>53</sup> Two of the more peaceful regions in Somalia, Mudug (Harardhere-Hoby) and Puntland (including the contested Sanaag region), roughly held 90% of the captured ships. Of these two regions Puntland dominated and still dominates. Indeed more than 70% of the recorded attacks during 1995-2000 took place in adjacent waters. Today, 60% of the ships captured are taken into ports in the Puntland region, the rest going to Mudug (Harardhere-Hoby).

<sup>54</sup> International Maritime Organization annual Report on attacks and armed robbery against ships? 1998-2008

new business venture. He was begging, he said ‘I have a very good business idea’. I did not invest and I regret it so much today.”<sup>55</sup>

Before 2004, piracy was mainly a Puntland phenomenon, dominated by the Majerteen clan, the dominant clan of the region, although a few other individuals, often with matrilineal clan ties to Puntland, also participated.<sup>56</sup> Afweyne was from a region with relatively little piracy, at least until 2003. He came from Mudug, from the city of Harardhere, and this area was to become a major stronghold of piracy. He also came from a clan that was relatively new to piracy, the Suleiman clan of the Hawiye clan family, and he was a good organizer. Afweyne hand picked his pirate group, carefully designed it to keep costs low, profits high and to maximize efficiency.<sup>57</sup>

Figure 2.4 *Captured ships 2000-2008 and regions*<sup>58</sup>



GGA= Greater Gulf of Aden Area

While Afweyne more or less introduced members of the central Somali Suleiman clan to piracy, he also managed to transcend clan, by actively recruiting the best pirates for his group. Afweyne searched

<sup>55</sup> Interview with anonymous, in Mogadishu 3 April 2009.

<sup>56</sup> Interview with Boya, Garoowe, 4 August 2008.

<sup>57</sup> Interview with Boya, Garoowe, 4 August 2008.

<sup>58</sup> Most of the ships captured north of the 4th longitude have gone to Puntland ports, as have all of the ships known to have been captured in the Gulf of Aden. I therefore chose to operate with a greater Gulf of Aden graph, covering Yemeni waters, as well as international waters down to the 4th longitude.

Puntland for trainers that he wanted to use to train the new group. According to pirate veteran Boya, Afweyne actually head-hunted veteran pirates from the Puntland area, picking the pirates with the best reputation locally. Famous pirate leaders such as Garad Muhammed, Boya and Farah Abdullahi travelled south as instructors and active pirates.<sup>59</sup> Harardhere provided the perfect base for the pirates as it was far away from the factions in the Somali civil war. There was thus no pressing need to share profits with any political faction and no corrupt officials that needed to be bribed. The money could be kept and re-invested, mainly in new piracy attacks. The Harardhere-Hobyo group was based on a clan alliance, mainly between the Suleiman clan of Mudug and the Majerteen clan of Puntland, not in the sense that the leaders of these clans formally decided to create pirate groups, but rather as an entrepreneurial venture between members of Afweyne's clan, and the more veteran Majerteen pirate leaders. Later members of other clans with a local presence, especially the Saad clan, were to join, but Suleiman and Majerteen still dominate Somali piracy today.<sup>60</sup>

The organization of the Harardhere-Hobyo group illustrates how clan considerations influence Somali piracy. The Somali clan system, following a patrilineal pattern, in which each clan is divided into sub clans, sub-sub clans, and sub-sub-sub clans, according to ancestors on the male side of a family. Clan considerations will always be an underlying factor influencing group dynamics within the various piracy groups, clan-based clashes between pirates have been recorded, and a majority of the pirate groups are dominated by recruits from one clan. There are several reasons for this. A group from a single clan will not be entangled in the many clan conflicts in Somalia.<sup>61</sup> Pirates might even have some protection from their own clan and it becomes hard for outsiders to apprehend them without arousing the anger of the clan. As expressed by a pirate commenting on Puntland:

Puntland is a small, clan-based entity and thus clan is stronger than it is. Pirates depend on clans that defend them. The reason for this is that pirates are asked by their

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<sup>59</sup> Interview with Boya, Garoowe, 4 August 2008.

<sup>60</sup> Which according to Boya, again was based on old clan ties forged in the struggle against the Siad Barre regime. Ibid.

<sup>61</sup> The clan connection has been noted by TV teams exploring piracy, which tend to visit pirate towns after making security arrangements with prominent figures within the local clans. The BBC, for example, made their arrangements with members of the Farole family; the family itself had ties to the Issa Mahmud sub clan in the EYL area.

clan to pay *Qaaraan*<sup>62</sup> and pirates usually pay. Hence the clan defends them. Therefore, the Puntland Administration cannot do that much against pirates.<sup>63</sup>

As claimed by a former Harardhere pirate interviewed for this report “Yes clan is crucial, without it you cannot organize anything.”<sup>64</sup> It is expected that the pirates show loyalty to their sub-clans in conflicts, and also by avoiding the capture of ships belonging to clan members. Thus, when a ship with goods belonging to the Suleiman businessman Ali Dheere and others was captured by Suleiman pirates outside of Somalia in 2009, it was released without payment of ransom.<sup>65</sup>

Basically, a ship captured close to the territory of one clan, is seldom led to the territories of another clan. Ships captured in the vicinity of Puntland in general remain in Puntland, while ships captured in the vicinity of central Somalia remain in central Somalia. This remains true even though the increased patrols in the Gulf of Aden might have made it more tempting for Majerteen pirates to operate outside of Suleiman ports, and that we have seen an increased in hijacked ships from central areas taken to Majerteen-controlled ports. The numbers of hijacked ships taken from one clan area to another are, despite the increase, relatively small.<sup>66</sup> Clan laws, the *Xeer*, also govern pirate groups and the *Xeer* is often used to settle conflicts.

Two sub clans, the Majerteens and the Suleiman, will be over represented among the pirates, and clearly homogeneous groups are the most common pirate groups. Other sub clans as the Warsangelis and Saads, also will have pirate groups. However, during our research we also discovered a few multi-clan groups, often in the areas traditionally co-habited by several clans, but also, in some cases, specially designed for a purpose. A lobster company that turned into a piracy group in Eyl was for example multi-clan, with southern Somali members; the company had previously recruited expertise from all

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<sup>62</sup> *Qaaraan* is a Somali word that can be described as “the collection of money or livestock for the needy”.

<sup>63</sup> Interview with Pirate “Issa”, Nairobi, 8 August 2009. Within Puntland, the major rivalry is between sub-sub clans, the Issa Mahmud, the Osman Mahmud, and the Omar Mahmud, all of the Majerteen sub-clans.

<sup>64</sup> Interview, with Pirate “Abdullah”, Nairobi, 6 August 2009.

<sup>65</sup> The ship was the *Al Miisaan*, captured in May 2009 outside El Maan. It also contained goods from other businessmen in Mogadishu: the Bakara traders association, and Dayx and S Company, the latter fronts for Mogadishu businessman Ismael Goole.

<sup>66</sup> A list has been made using information from the Nato Maritime shipping centre

over Somalia in order to maximize their profit.<sup>67</sup> Similar to Somali businessmen, pirate groups in some cases will transcend clan to obtain access to resources or to specialists and to operate in new areas, the latter to avoid clan conflicts. When local clans get a share in the spoils they become less likely to create trouble, and one way to ensure this is to recruit members from the clan in question either as financiers or as pirates or both. In the case of Afweyne's group, he wanted expertise that was only available from another clan and so he transcended clan.

Pirate groups might thus contain individuals from various clans but will probably be dominated by a clan from the area in which the pirates initiate the attacks (the launching points), or the areas in which hijacked ships are kept.

The problems faced by the central pirate groups illustrate how local institutions manage to curtail piracy. In 2006, the Sharia courts of Mogadishu consolidated into a wider alliance. By the autumn of 2006, the Supreme Council of Islamic Courts (SCIC) decided to end piracy, publicly claiming that piracy was *Haraam* (against Islam) and launched an attack against the pirate ports. Several pirates were wounded, some fled, and others remained but kept a low profile.<sup>68</sup> SCIC ended piracy in central Somalia, although piracy re-emerged after the Ethiopian intervention that in the end destroyed the SCIC. Compared to other strategies and institutions employed against piracy, the Sharia court alliance achieved staggering results, being one of the most efficient local remedies against piracy in Somalia used so far. However, by the spring of 2007, SCIC forces had been withdrawn from the piracy areas, while the Ethiopians chose to refrain from occupying them. Piracy re-emerged and was then re-organized. The Afweyne family was still involved, but many of the central groups had fragmented into clan-based entities. By 2008, the increased success of piracy in the greater Gulf of Aden drove many of the Majerteen pirates, back to their home areas.

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<sup>67</sup> Interview, with Pirate "Khalif", Nairobi, 6 August 2009.

<sup>68</sup> Interview with Boya, Garoowe, 4 August 2008. Interview with pirate "Mahad", 4 August 2009.

Figure 2.5 *Which ports do pirates use? (Ships hijacked in the greater Gulf of Aden and outside Somalia's eastern coast down to the 4<sup>th</sup> latitude (adjacent to Puntland) 2007-2009 (August))*

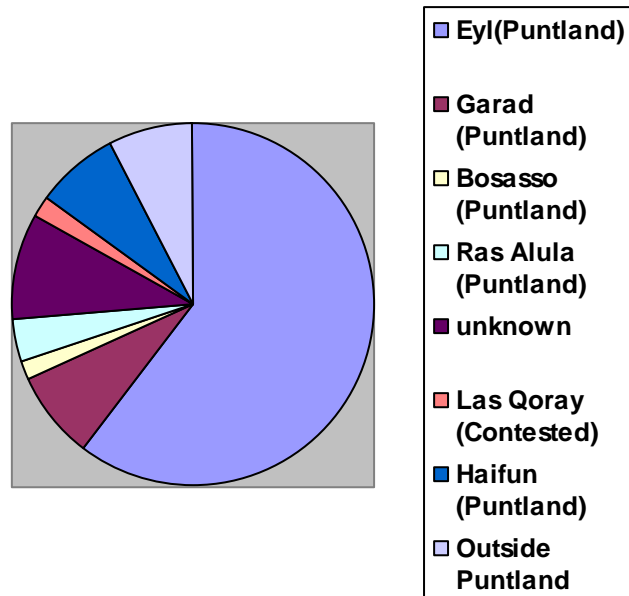
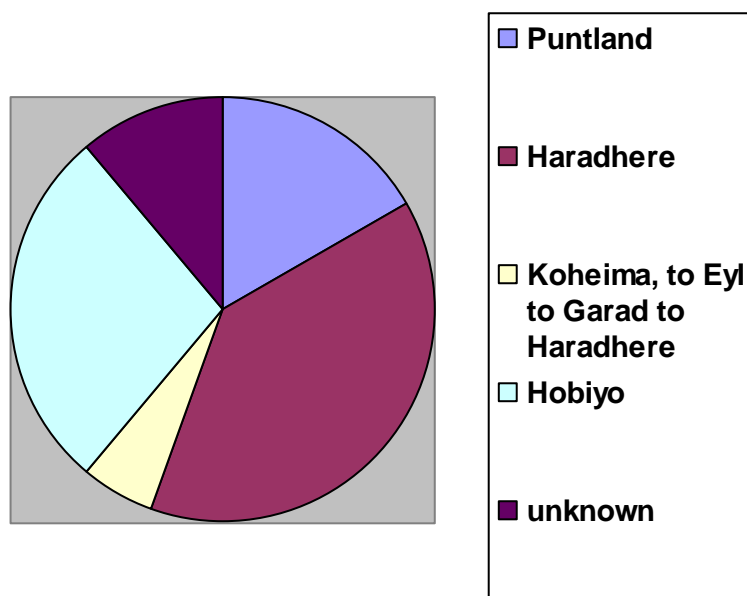


Figure 2.6 Which ports do pirates use? (Ships hijacked south of the 4<sup>th</sup> latitude) 2007- 2009 <sup>69</sup>



## 2.2 The role of local institutions

The northern piracy area had increasingly stabilized around the change of the millennium. By 1998, the northeastern part of Somalia was turned into the self-governed entity of Puntland. The foundation of the Puntland regional state, by means of a large-scale clan conference with participation from the civil society, created the foundation for security arrangements with local ownership. Despite the lack of resources, the young Puntland police and their colleagues in the border militia, the Darawisha, managed to remove checkpoints from the roads, and curtail banditry. As expressed by the international Crisis Group:

<sup>69</sup> The categories Unknown and Puntland have increased by 50% so far in 2009. It nevertheless remains a minority. Hobiyo has increased in relative importance compared to Harardhere.

A relatively more efficient tax and revenue collection system was inaugurated. Courts and prisons were rebuilt in all major towns. There was enthusiasm for the new regime and its attempts to create functioning institutions.<sup>70</sup>

The increased onshore security was reflected in increased offshore security. From 1999, the registered piracy attacks outside Puntland declined, although there might have been a price to pay for neighbouring countries as pirates seemingly were pushed to operate farther away.<sup>71</sup> The developments in Puntland were mirrored in another entity, Somaliland. Somaliland was established in 1991, but only turned into a peaceful oasis after the last internal conflict in 1996.<sup>72</sup> Somaliland, established onshore security, was popular with its citizens, and offshore security followed. Somaliland's achievements in the struggle against piracy are amazing. With the exception of the eastern part of the Sanaag province, a part contested by Puntland but not really controlled by either of the two entities, Somaliland ports have never been used to host hijacked ships. Despite having a very weak coast guard service, pirate attacks in their part of the Somali maritime economic zone number less than one every two years over the last ten years. Somaliland reacts fast against rumoured pirate groups, catching pirates when they are in the process of organizing themselves.<sup>73</sup> In this sense, Somaliland shows that piracy can be curtailed at a local level and this despite poverty problems in its coastal zone and a weak police force. The strength of Somaliland is not its offshore capacities, but the efficiency of local law enforcement, including popular militias, in curtailing piracy. Its strength lies in local ownership and control over relevant areas by means of local popularity.

Puntland nevertheless chose a different approach to that of Somaliland when it built up its offshore capacities. In 1999, it hired

<sup>70</sup> International Crisis Group (2009) "Somalia: The Trouble with Puntland" *Crisis Group Africa Briefing N° 64*, 12 August, 23

<sup>71</sup>By 2001, there was a slight increase of activities in Yemeni waters, perhaps created because the increased order in Puntland made it difficult for pirates there. Statistics based on the IMO 1998-1999-2000-2001-2002 Reports on Pirates and Armed Robberies against ships, Quarterly reports, MSC 4/923 to MSC 4/14. MARAD 1998 and 1999 reports.

<sup>72</sup> See for example Hansen, Stig Jarle and Berit Linderman (2003) "Somaliland, the elections and its implications", *Nordem Reports 3/2003*, University of Oslo.

<sup>73</sup> See for example Somaliland press (2009) "Pirates arrested near Berbera" 22 April 2009. And then: <http://somalilandpress.com/4583/somaliland-pirates-arrested-near-berbera/>; Somaliland Times (2009) "Somaliland security forces arrest seven pirates in Berbera", 14 February 2009.



the British Hart group to provide coast guard duties and training, and the group seems to have contributed to some success with respect to piracy and curtailing illegal fishing.<sup>74</sup> The initial agreement allowed Hart to finance itself by means of a fishing license scheme, and the lack of transparency regarding this scheme created local mistrust. Few Puntland parliamentarians were allowed to see the budgets for the new coast guard.<sup>75</sup> The Hart-Puntland agreement was also ideologically controversial. Several ministers within the Yusuf cabinet were opposed to the Hart-Puntland agreement because they felt a government-controlled coast guard should be created, since the Hart solution blocked local capacity building.<sup>76</sup> However, there were also notable successes. Foreign trawlers were arrested and at least three international fishing boats brought in to the Puntland court system, and in one instance even by means of a legal settlement in the United Kingdom.<sup>77</sup> The Puntland authorities also reined in Hassan Munya, Somalia's very own maritime warlord, who had an illegal fishing fleet, and by 2001, a settlement between Munya and Puntland had been reached.<sup>78</sup> Hart's involvement brought legal expertise as well as competence to Puntland.

In 2001-2002, Puntland saw an internal war between Jama Ali Jama, appointed as president by the Puntland authorities, and the incumbent president Abdullahi Yusuf; a war that in the end, Yusuf won. Hart pulled out due to the war and their licensing scheme collapsed. Former coast guard became unemployed, a far too common story in the Somali setting that was later repeated in the United Nations Rule of Law programme supporting the Transitional Federal Government in the south.<sup>79</sup> As in the Rule of Law programme, several of the officials trained by the foreigners turned to banditry, although figures are hard to give. The frequency of piracy did not immediately increase and it seems as though the intensity of the war and the possible disruption of the logistical lines needed to operate pirate groups could explain this.

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<sup>74</sup> Kinsley, Christopher Paul, Stig Jarle Hansen and George Franklin, "The Impact of Private Security Companies on Somalia's Governance Networks," *Review of International Affairs*, vol. 22, no. 1, March 2009

<sup>75</sup> Interview with former parliamentarians "Said" and "Salad" in Garoowe, 7 August 2009.

<sup>76</sup> Interview with Abduahi Said Samantar, Garoowe, 1 August 2009

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Hansen, Stig Jarle (2008) "Helpers or Proxies? The Politics of Private Military Force in Somalia" *Review of African Political Economy* 35:116, Winter 2008

By December 2002, serious fighting had ended and by 15 May, a cease-fire agreement was signed by the belligerents.<sup>80</sup> Puntland authorities again attempted to consolidate the police. From 2004 and onwards the financial resources of Puntland became more strained. A regional organization, the Intergovernmental Authority on Development (IGAD), and several western powers sponsored a peace conference in Kenya. Puntland's president at the time, Yusuf, was in 2004 appointed as the interim president of Somalia in the new Transitional Federal Government. This meant that Puntland became involved in the wider state-building projects in Somalia, and some of its most experienced managers, officers and police were sent south. Still, Puntland remained relatively safe, and piracy remained comparatively infrequent.

In 2005, Mohamoud Mussa Hersi (Adde), a Somali from the diaspora in Canada, came to power in Puntland. Adde's tenure was to face some of the greatest problems Puntland had encountered since its start, as well as the highest frequency ever of piracy. Several of the factors that created problems for the president and his cabinet were beyond his control. Puntland's loss of Las Anod to the neighbouring Somaliland occurred in part because resources were sent to fight in support of the new transitional government in Somalia. This loss nevertheless reduced the legitimacy of the Adde government. The western states and Puntland supported the state-building project in Mogadishu and Nairobi, the Transitional Federal Government (TFG), a product of negotiations in Nairobi (2002-2005), also drained Puntland's meagre resources and yielded few results. According to Farah Ali Farah, the current Puntland Minister of Finance, there was also a tendency to over-invest in infrastructure during the first years of the Ade administration, which in the long run led to a budget deficit and the lack of financial means to pay running expenses.<sup>81</sup> Hyperinflation was an additional factor. The salaries of the security forces declined in value from about USD 100/month to about USD 30.<sup>82</sup> The crisis became pressing when in February 2008, the Puntland Authorities failed to pay the Darawisha. By the spring of 2008, Puntland was retracting and its resources were concentrated along the axis between Bosaso and Gaalkacyo. By April, Puntland stopped paying its police forces. Onshore security declined rapidly as gangs

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<sup>80</sup> Johnson, Pat (2008) "The Search for peace, The Puntland Experience: A Bottom-up Approach to Peace and State Building" Interpeace/Puntland Research and Development Centre, Bosaso.

<sup>81</sup> Interview with Farah Ali Farah, Garoowe, 1 August 2009.

<sup>82</sup> I would like to thank Jay Bahadur for pointing this out to me.

and car thieves successfully managed to challenge the Puntland police. Analysts in Risk Intelligence and the writer of this report also warned that a drastic increase in the frequency of pirate attacks was about to occur, a prediction that was to prove true.<sup>83</sup>

A local crime wave ensued. The offshore security situation followed the onshore security situation. Piracy first increased in May 2008, one month after the police stopped getting their pay, then declined as the annual South Western Monsoon made piracy harder, only to explode in August when the monsoon ended.<sup>84</sup> Puntland's capacity to investigate piracy onshore, always weak, had totally collapsed. The police had to obtain income from other sources, possibly even from piracy, and civil servants were not paid. There was much alarm about what was happening and observers following maritime security warned about the potential consequences for piracy. Warnings were however not heeded as the world watched the civil war further south.<sup>85</sup>

Three other factors contributed to the increase in piracy. The fact that Ade Mussa was from different sub clan than the pirates in Eyl, made it necessary for him to be careful when dealing with the latter, in order to avoid sparking a clan war. The eagerness with which ransom was paid, denying Puntland the option of storming hijacked ships with the few troops it still managed to pay, meant that pirates became more and more aggressive as pirate money was reinvested in new pirate attacks. Puntland authorities were unable to do anything, as ship owners refused to allow them to act.<sup>86</sup> By the autumn of 2008, the largest crime wave in the modern history of the Western Indian Ocean was a fact.

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<sup>83</sup> Such warnings came from Risk Intelligence, see Hansen, Stig Jarle, Karsten von Hoesslin and Hans Tino Hansen (2008) "The Destabilization of Puntland: The Decline of Somalia's Strategic Semi-Autonomous Region and its Implications for Maritime Security" *Strategic insights* 11(4)

<sup>84</sup> Ibid.

<sup>85</sup> See Ibid. for the warnings.

<sup>86</sup> Interview with Abdiweili Taar, by telephone, 10 September 2008. Interview with Ali Abdi Aware, by telephone, 20 September 2008.

### 3 The current organization of piracy

The 2008 boom led to the fragmentation of piracy, and groups became smaller and more varied. Some of the old pirate leaders, such as Garad Muhammed and Afweyne (and his sons), remain active, enjoying a special position due to their role as coordinators and pioneers. They also seem to play a special role in recruitment where, since they are well known, potential recruits will approach them for contacts among the pirate groups. However, they are less important today than before.<sup>87</sup>

When registering and interviewing pirates we noticed the heterogeneity among the various pirate groups. Groups vary in complexity from the small subsistence group that consists of a father, a son and a single skiff, to larger groups of up to 200 individuals. Our project even found two lobster companies that had completely converted their business, employing all their former assets in piracy. In general, groups seem to be recruited from individuals with previous family or village ties. Some groups, such as the Ali Dhuruwa and Sons group, operating from around Bosaso, or indeed the Afweyne family from the Harardhere area, seem to be organized around a closely-knit family tie. Some “Robin Hood” groups, especially the Warsangeli groups in Sanaag, actually do invest heavily in the local community. One example in particular is the Warsangeli pirate group of Ali “Horhor”, a former fisherman who justifiably bears the sobriquet “the Robin Hood of Somalia”. However, generally such investment is not the case. Each pirate group is usually a loose constellation around a pirate leader who is usually a veteran pirate, reinvesting funds in new pirate missions, who often functions as a fund raiser. Three basic modes of organization were identified by

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<sup>87</sup> While Garad Mohamed boasts of controlling 800 men in 13 groups, other pirates reject this, claiming that Garad only controls a core group of between 20-30. Interview with Boya, Garoowe, 4 August 2008.

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the pirates themselves. The first two are very well-described by a Bosaso pirate:

There are two ways. The first is the whole operation is owned by one man who funds everything. He is the owner of the boats, the guns, etc. and in such cases, the owner agrees with the people involved in the mission on certain percentage of payment if a ship is captured. He is the owner of the food, the communication equipment. The second way is a number of people coming together. In this case everyone brings his own food and guns, but the boat is owned by a specific person.<sup>88</sup>

The third way consists of a fund raiser who collects money from investors and then funds the pirate mission.

To sum up the three approaches, the first one involves a responsible group structure within which an investor functions as leader, carrying all costs, but also taking most of the ransom. The second one has a shareholder structure in which the pirates themselves invest to meet the current running expenses of the group. The third and last one has a shareholder structure in which a leader gathers shares from local investors and hires a crew (often on commission). In all three cases, the pirate leader should be well-connected and respected in the community, and thus able to draw upon his personal network for protection and problem solving. Infamous pirates such as Garad Muhammed also act as vital points for recruitment; would-be pirates know their names and contact them when entering piracy. Famous pirate leaders thus have their pick among recruits, adding to the quality of their group.

How the mission is organized also influences how much it costs, and the sum might vary from a multi-ship (more than two ships) pirate group running as high as USD 30,000 to a mere USD 300 for a small fishing family attempting to venture into piracy because an opportune target is spotted. Of course, the smaller operation has fewer chances for success. Group members are eager to retire, and often withdraw from piracy after substantial earnings (considered to be USD 50,000 and upwards).

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<sup>88</sup> Interview with pirate "Sultan", 5 August 2009.

The average pirate group is run according to two principles, 1) keep the costs down, and 2) maintain efficiency. An average group tends to consist of around 12 to 35 individuals, often, as mentioned earlier, working on commission (the “No prey, no pay” system). The groups are often, but not always, divided into an attack team and a hold team. The first team attacks the prey, while the second keeps it after it is hijacked. In the words of a pirate: “generally the hijackers are people called *xeebjooog* (roughly translated coast stayer). I was never involved in guarding because my gun is big and then this job is for the ones that are with small guns.”<sup>89</sup>

Importantly, the project also registered out-sourcing, mainly in that one group would “out-source” the keeping of a hijacked ship to another pirate group. If a group lacks a mother ship, a common strategy is to sail close to Yemen and hijack a Yemeni dhow. Local Somali sources call this modus operandi the “hidden tragedy of piracy”, and it is highly likely that the practice leads to casualties among Yemenis. Some of the Yemenis captured/killed by international warships in the greater Gulf of Aden could be prisoners who have been captured by the Somalis. Indeed, rumours of Yemeni pirates seem to be highly exaggerated and none of the pirates interviewed for this report had ever seen a Yemeni pirate. However, the use of Yemeni ports, especially Al Mukalla, for re-supply seems to be quite common.

The technological resources available are limited. GPS systems and night vision goggles are used but not common. GPS and goggles are often ordered from local businessmen who travel to Dubai especially to buy them. Ship identification systems are very rarely used, only one was recorded from one interview. Skiffs purchased for other purposes (e.g. for fishing) are often used. In some cases, the skiffs were rumoured to have been supplied by aid organizations after the 2004 Tsunami. Much has been said about the pirates’ use of spotters, individuals operating in Djibouti or Mombasa, to designate targets, but the usual pirate attack seems to be based on patrolling. Pirates will patrol an area looking for prey. When an easy target is spotted (slow with low freeboard, preferably without passive security or barbed wire) the pirates will attack.

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<sup>89</sup> Interviews with pirate “Swedan”, Nairobi, 14 August 2009

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The role of the diaspora is also often discussed. According to our interviews it would seem as though pirates often aim to travel to Western Europe, the United States or Canada – they want to join the diaspora. Many pirates claim that their group does not make use of, nor does it have connections with the diaspora, but others again say that the diaspora plays a role. One pirate for example claims:

There are usually Somali diaspora involved in piracy serving several functions. A) They provide satellite telecommunication systems, and goggles. B) In rare cases they provide some money and encouragement. C) They participate in translating when negotiating for ransom. They are from Kenya, Ethiopia, and the Gulf states.<sup>90</sup>

The pirates tend to be self-financing and the money from hijackings is reinvested in new attacks. Additionally, former pirates that have invested their gains in legitimate business quite commonly reinvest in piracy. The non-pirate businessman investing in piracy seems to be from the mid-level business strata – not a small trader, but not a member of the large trading families of Somalia either. In Puntland, local researchers have identified 51 investors, mid-level businessmen mostly from the clans of the respective pirate groups. The investors will often join in a structure resembling a share holding company (if the pirate groups can be said to have such a structure). If there are plans to bring the ship out of the local clan's area, "shareholders" from other clans become involved. The shareholding structure also tends to integrate downwards into the logistics supply stream, e.g. food suppliers may exchange provision of food for shares in the venture.

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<sup>90</sup> Ibid.

**Box 2 The story of a Hobyo pirate**

I come from the central regions especially Gaalkacyo. I was a driver that drives to everywhere in Somalia from Bosaso and up to Mogadishu and including coastal towns where fishermen and pirates operate. Sometimes I worked for the pirates since they rented my lorry. My life was that of a driver that drives a lorry to everywhere.

I joined the pirates in 2005. I personally decided to join them. Nobody recruited me. I had experience in the civil war and I knew how to use guns and how to fight. That experience made it easy for me to become a pirate and join a piracy group. I joined them and the reason was that before I joined the pirates they used to rent my car and I saw the abundance of the money the pirates had. I joined them seeking money. I participated in four attacks on ships. We failed in three of these four attacks, and we succeeded in one of the attacks. We captured a huge ship loaded with goods and brought it into Harardheere. We had that ship for four months and we treated the crew of the ship well. We didn't harm any of them. Then we were paid a ransom and we released it. This was in the beginning of 2006. I used that money to the best way for my family and relatives and I am happy that I used it in that way. All in all, I got USD 70,000 from piracy.

How do we organize ourselves? We operated in Harardhere, Garacad and Hobyo coastal areas. We bring boats that are fast, we bring even lifejackets to survive in case the boat wrecks. We bring with big guns like RPG and small guns like Kalashnikov. We also bring food. We have a relationship with business people that we borrow from what we need and pay a little bit more money for them later when we succeed. And when we make sure that we have all we need we go hunting the ships. Clan is crucial [for our operations], without it you cannot organize anything.

To maintain a ship after it has been hijacked is expensive. Food for the hijacked crew has to be bought, local police bribed and more investment is thus needed. These sums are still relatively low, up-keep running as low as USD 100 a day, and the operation is very often run on credit.



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Offshore pirates face a gruelling task. A pirate group attempting to conquer a ship is usually a low-tech outfit, with equipment adapted to coastal fishing attempting to capture a high-tech vessel on the high seas. One pirate explains the challenges of piracy:

If we move from coast we don't have specific place of boundary but when we are about 20 km away from the shore we zigzag our movement we reach up to Oman. We know which ship is what. We use goggles and look at the target ship - if the ship has in its tip big radars then we know such ship is a military ship and we move away from it instead of attacking it. But if it is a small ship then we don't want it, as it is useless. However, if the ship is big and large, we fire some bullets and wait if it returns to fire. After that, we repeat firing at it and it slows its speed and as we have speedy boats we move swiftly and throw our ladder that is ready. One man goes first and that man gives information back to us and we all board on the ship then.<sup>91</sup>

There are several strategies for attacking the pirates designated victims. The use of two skiffs using ropes over the bow of the ship, thus swinging the pirate skiffs along the side of the victim has recently been adopted from Asian pirates, but the most common attack strategy consists of using two skiffs where one covers the ship while the other attempts to scale it. Again, there are large variations in strategy.

After a successful operation, the ransom tends to be divided up on shore, either far from the coast or in hidden places along the coast, as for example in pirate caves. Boya claims that 30% will go to bribes, although ordinary pirates will most likely pay less as they try to keep away from local authorities. The first to enter a ship under a hijacking operation will also get a bonus. It should be noted that many of the other Puntland pirates claim that they avoid bribes by operating from areas where the Puntland authorities have little or no power, as for example around the Ras Alula area in Puntland, or in the Mudug area in central Somalia where there are no authorities, also making piracy easier.<sup>92</sup> As claimed by one of the pirates:

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<sup>91</sup> Interview with pirate "Red Beard", Bosaso, 12 August 2009

<sup>92</sup> Interview with pirate "Abdullahi", Nairobi, 11 August 2009.

When a ransom is secured, the first step is to pay the cost of the operation and other expenses that could be borrowed from someone. Then the group is divided into the ones that hijacked the ship and the ones that guarded it afterwards. Hijackers get more than the guards. However, the highest share goes to the first person that boards the ship.

There are sizable rewards, as for example land cruisers, for the first pirate that boards a ship. Piracy also bestows social rewards:

When you capture a ship people welcome you like you are a president. Piracy is something that is bad now and in hereafter and people know that and I know that, but some people just respect you and welcome you per se but they also pray for you.<sup>93</sup>

What happens to pirates after they have had one successful raid? Many of them invest in import-export businesses, some of them leave Somalia altogether, for the United States, Western Europe or Canada or for Dubai or Kenya. Most pirates interviewed by the project bought a house and a car. The project also found at least one Hotel in Eastleigh, Nairobi bought for pirate money. However, piracy has had little relevance for the general Somali investment boom in Nairobi, a boom that rather depends on Somali investors in Dubai. Nor should it be forgotten that the closely-knit Somali family structure makes a pirate share of USD 30,000 less than it would have been in Europe. It is expected that the greater family, brothers, uncles, cousins, in-laws, should all enjoy some of the spoils. Pirates also tend to press up inflation locally, making pirates less popular among the rest of the population.

Some pirates are arrested by the Puntland authorities. Nevertheless, a majority escape. Interviewed pirates said that clans gave protection, as did corrupted police, preventing arrests. The usual arrested pirate will be from a non-local clan, an alien in the local community, lacking the protection given by clan membership. Pirates also claimed that they were vulnerable when walking alone, and thus should stay together and keep a low profile. "Some pirates have a clan backing, other pirates have relations with the police, while a third group of pirates has neither the backing of a clan nor a relationship with the police but

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<sup>93</sup> Interview with pirate "Muhammed", Nairobi, 12 August 2009.

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they rather hide here and there.”<sup>94</sup> Pirates fear the Puntland authorities, and prefer to stay away from this institution, but they also stress that low pay, a mere USD 50 a month, makes it easier to corrupt the latter, and that the limits of the geographical scope of Puntland institutions makes it easier to escape the police:

(How do we manage to avoid capture?) First Puntland forces are forces with no salary. We usually hide ourselves and put the ship we capture in far from the shore and move from place to place when we see them around. (Do local people defend pirates against the forces?) No they can’t because Puntland forces are a mix of all clans in Puntland. There are some of the members of the forces that are informants to us in advance of the Puntland security force operations. There are also some politicians that are part of us but they are not one in the administration involved in piracy<sup>95</sup>

The myths of piracy in the greater Gulf of Aden are many, but the average pirate group is a clan-based, low-tech group, consisting of former fishermen. Pirates are thus decentralized, and far from the advanced structures suggested by many observers. The investor structure behind them resembles Somali investor structures around the world.

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<sup>94</sup> Ibid.

<sup>95</sup> Interview with pirate “Sultan”, 5 August 2009

## 4 The remedies and how to evaluate them

The previous analysis indicates several very important facts regarding Somali piracy. First, pirate groups are in general small, locally recruited, and run according to strict economic principles of minimizing costs and maximizing profit. Second, the pirates operate in a low cost fashion that makes it quite cheap to launch a pirate attack. Third, the provision of onshore security and offshore security has been strongly correlated. Institutions handling local security for Somalis successfully generally also handle piracy successfully.

Indeed, contrary to the popular image of Somalia, relative onshore security does exist in enclaves in Somalia, and has for the last 13 years.<sup>96</sup> Crucially, such security has never been provided by any central authority or any western-backed government sitting in Mogadishu. In fact, after the new central state-building project was announced in Mogadishu in 2006, the city has seen more severe fighting than during any other period of its modern history except the so-called 4-month war in 1991.<sup>97</sup> The basic premises listed above have to underlie any solution.

Previous attempts to provide solutions have also illustrated several other principles of great importance in producing durable solutions. The first principle of any strategy has to be *sustainability*. Outsiders' attempts to address security issues in Somalia have often collapsed because of their inability to sustain the solutions. The UNDP's Rule of Law programme failed to guarantee the wages of police officers,

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<sup>96</sup> Local institutions in Somalia have shown themselves to be perfectly able to curtail piracy, Somaliland's institutions and the Sharia courts of Mogadishu successfully curtailed piracy. Interestingly they also managed to provide onshore security; offshore security and onshore security seem to be correlated with each other.

<sup>97</sup> See Human Rights Watch (2008) "So Much Fear, War Crimes and the Devastation of Somalia" *Report 1-56432-415-X*, 3

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and thus indirectly created trained bandits. Hart might similarly have contributed to piracy directly because its coast guard members stood without support after Hart withdrew from Somalia. An effort that lacks sustainability might leave piracy more rampant after its collapse.

The second principle is *relevance*. A problem has to be handled where it actually occurs – not where it is politically convenient. It also has to take into consideration the local situation, not necessarily of Somalia, but rather of the relevant region. The basic principle is simple: you cannot fix a bike in Los Angeles by sending a broken car to New York for repairs.

The third principle is *local ownership*. Piracy is a pressing international problem, but not necessarily a pressing Somali issue. There are other issues that hamper the Somali economy more than piracy – war, illegal fishing, and so forth. In order to have local ownership, there should be local benefits such as the potential to use local solutions to catch illegal fishers or that anti-piracy institutions make their purchases locally. Local participation also enhances ownership. This was illustrated by Somaliland's success in using the general population in catching pirates. The local popularity of any solution will increase its efficiency.

A fourth principle is *international coordination*. Any solution must be trusted by and coordinated with the victims of piracy, the ship owners as well as the coalition forces. If this trust is lacking, the cost of war insurance will remain high, and the effects will be low regardless of the efficiency of the solution. If a solution is not trusted by the international community, it could result in clashes, e.g. a solution involving a Somali coast guard with a lack of trust on the part of international forces, might be perceived by the international forces to be pirates. Additionally, international coordination will enable interested parties to make use of one another. Ship owners would obtain local information, international offshore efforts would be coordinated with onshore efforts and the international forces might in this way obtain information about details that can be used to question captured pirates, while onshore authorities obtain information about returning pirates.

The fifth principle must be to *do no harm*. A solution must not harm the local population or the shipping industry. Damage to

individuals outside piracy should be avoided and not all types of punishment are acceptable for the pirates.

The sixth principle should be *cost effectiveness*. In an ideal world, any measure to curtail piracy would be a good measure. However, few states currently have a strong interest in curtailing piracy. The United States views the conflict with radical Islam as more important; European countries have few interests in the greater Gulf of Aden aside from showing that the EU is actually able to cooperate within the field of security politics. Securing money and resources for Somali is hard, and will be even harder if the cost efficiency of the effort cannot be proven.

A weaker underlying principle is *positive spillover effects*. A solution that has positive side effects would be advantageous, creating gains for the local and perhaps even the international community even within other areas.

These are the principles that should be used to evaluate coercive strategies to block piracy in the greater Gulf of Aden. So far only two strategies seem to dominate the agenda. The first strategy is a *containment strategy*, aiming to block Somali piracy by employing international forces as well as supporting neighbouring countries. This is a maritime offshore strategy that emphasizes the use of naval forces. So far, it has seldom been coordinated with onshore efforts. The second strategy is an onshore strategy to *rebuild the central Somali state*, including a coast guard. There are however other options that have been neglected thus far, namely *to support local institutions*. This avenue has not been tried adequately, perhaps because of a lack of understanding.

## 4.1 Containment

The basic idea behind this strategy is to deter pirates by making it harder to hijack ships. The strategy is mainly an offshore focussed strategy, with little emphasis on onshore measures to prevent piracy, however, in practice it seems to be combined with an onshore, centralized state-building strategy.<sup>98</sup> The containment approach dominates the approaches to Somali piracy today; major funds are being used on it in order to contain piracy. The European Union for

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<sup>98</sup> See for example EU council secretariat (2009) "EU naval operation against piracy", *Press Brief* August 2009

example uses “The European Union’s Joint Strategy Paper for Somalia” and pledged €212 million for development assistance from 2008-2013, while the EU’s joint naval endeavour, Operation Atalanta, planned to spend an estimated \$450 million in one year only.<sup>99</sup> By means of international and regional alliances and agreements, international actors attempt to contain the Somali piracy problem by deploying and coordinating international naval forces outside Somalia. The largest of the international naval fleets is from the European Union. The fleet in question was established 8 December 2008, and the military operation named Operation Atalanta. By August 2009, the force controlled seven frigates, three corvettes, one submarine and four patrol aircrafts.<sup>100</sup> The EU fleet operates alongside Task Force 151, a US led coalition of the willing, established to counter piracy on 8 January 2009 and led today by Caner Bener, a Turkish Navy Rear Admiral. In August 2009, he commanded two frigates and one cruiser. NATO also has their operation *Ocean Shield* commanding four frigates and one destroyer.<sup>101</sup> With the notable exception of escorting World Food Programme boats with food aid to central Somalia, the various fleets are deployed in the greater Gulf of Aden, protecting the International Recommended Transit Corridor (IRTC) that ships travelling through the Gulf of Aden employ to enjoy naval protection. There are also other ships in the areas adjacent to Somalia, ships under national command and not fully integrated with the fleets. Several of these ships are efficiently integrated with the fleets, and Japan, Russia and Saudi Arabia, have shown their capacity to coordinate successfully with the international fleets. Others, like Iran, focus on protecting their own ships.<sup>102</sup>

A containment strategy not only involves the international fleets operating at sea, but also the navies, air forces and coast guards of adjacent countries as well as non-regional efforts to assist an expansion of the capacities of these countries. Two neighbouring countries, Yemen and the Seychelles, have taken a very active role in the anti-piracy work. The young Yemeni coast guard has successfully

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<sup>99</sup> Gilpin, Raymond (2009) “Counting the cost of Somali Piracy” *United States Institute of Peace Working Paper* April

<sup>100</sup> <http://www.consilium.europa.eu/uedocs/cmsUpload/naviresfinaout.pdf> (accessed 1 September 2009.) On 13 August 2009, command of this sizable fleet was taken by Commodore Pieter Bint, a Dutch commander, while Peter Hudson is the operational commander.

<sup>101</sup> The older Task Force 150 is mainly deployed for anti-terror purposes.

<sup>102</sup> The United States has a cruiser and an Orion surveillance plane under national command. China has two frigates and a tanker. Japan has two destroyers and a Orion plane. Iran has one supply ship and a frigate. Russia has a destroyer, a tanker and a tug. India has one frigate. Saudi Arabia has one tanker.

stormed ships held by pirates, e.g. the *Qana* in 2009. Moreover, Yemen provides guards for hire to ships travelling through the Gulf of Aden.<sup>103</sup> The 250-man strong Seychelles Coast Guard is overburdened by its tasks. Nevertheless, it has managed to provide important intelligence to the alliance partners. This intelligence was crucial when pirates targeted the *MSC Melody* in April 2009, and the Seychelles Coast Guard, cooperating with Spain, handled the case.<sup>104</sup> Similarly, The Seychelles Coast Guard patrol boat TOPAZ tracked and detained 11 suspected pirates after an attack on two fishing vessels in the morning of 10 October 2009.

The Seychelles also have a small air wing and are in the process of creating a special force unit to combat piracy among other things.<sup>105</sup> Kenya also provides some maritime capacities, and Djibouti provides base facilities.

The containment strategy also has a legal dimension. Western countries are reluctant to put captured pirates in their own prisons. Western prisons have a high standard and pirates could conceivably apply for asylum, e.g. on the basis that they face a death penalty from Islamist groups should they return home. Several countries or regional organizations have entered into agreements with countries in the region. For example, the European Union has an agreement with Kenya to send the prisoners captured to Kenya and Kenya has promised to treat the prisoners humanely, give them a fair trial and abstain from employing the death penalty.<sup>106</sup>

An evaluation of the containment strategy provides mixed results. Regarding the principle of *sustainability*, problematic scenarios could arise. The first scenario assumes that Somali pirates could abstain from piracy in order to decrease the international attention to the piracy problem. Naval operations might curb piracy but then fall victim to this success, leaving pirate structures intact onshore that would re-emerge when international presence disappears. Would the large forces employed outside Somalia be able to operate over a period of little or no piracy? The answer is not easy to predict, but it would probably be likely that naval presence would be scaled down.

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<sup>103</sup> Staff writer (2009) "Yemen frees ship, captures pirates" *Yemeni Times*, 27 April 2009.

<sup>104</sup> Staff writer (2009) "Seychelles Coast Guard and Spanish navy frigate arrest 9 Somali pirates" *Associated Press* 28 April 2009.

<sup>105</sup> It operates a BN-2 *Islander*, one Cessna 152 and one F406 *Caravan II*

<sup>106</sup> EU Navfor-Atalanta (2009) "Atalanta Frigate hands over 13 pirates to Kenyan Authorities" Press release, 16 May 2009.



A second question becomes, if piracy continues, will there be a will to continue the international effort? In general, such sustainability seems to be present and the participating forces have shown an ability to rotate their ships and maintain a presence. There are also other motives that result in good sustainability and relative newcomers to the security arena, such as the European Union, need to show flags, and that they can handle all the practicalities of larger military operations. In this sense, the presence of international ships in the greater Gulf of Aden is not only about piracy. It is also a matter of nations such as Norway, which is not a member of the EU, showing goodwill towards international partners such as the United States and the European Union, and it is about the European Union showing the ability to enter a new area of military cooperation.

Engagement with neighbouring states seems less stable. Diplomatic sources in Kenya claim that the around 100 pirates Kenya now has in its prisons are viewed as too many, and that the Kenyans are becoming more hesitant to handle newly arrested pirates.<sup>107</sup> However, the creation of a fund to pay expenses and support neighbouring countries might offset this.

***Relevancy*** is absent in the case of the containment approach.

Admittedly, the various international forces had an impact in the greater Gulf of Aden, reducing the time available for pirates to board a ship to as little as 20 minutes before a naval presence will close in. Moreover, the International Recommended Transit Corridor (IRTC) in the Gulf of Aden remains relatively safe. The statistics, which improved during the autumn of 2009, nevertheless show that the frequency of pirate attacks remains high despite the naval presence. In the Gulf of Aden, where the naval presence was strongest, the pirates succeeded in one out of every four attacks during the spring of 2009, a relatively good success rate. By autumn (14 September to 14 October) however, the success rate had declined to one in every eight attacks, although only three out of the seven ships escaped because of coalition rescue attempts. Moreover, although this is slowly changing, the pirates' failures seem to be connected more to the counter-measures employed by ship captains than to international efforts. Pirates state that the greatest obstacle they meet is the use of remote controlled hot water hoses by the ship they attack. Statistics show that evasive action is the most common way of stopping a pirate attack. A

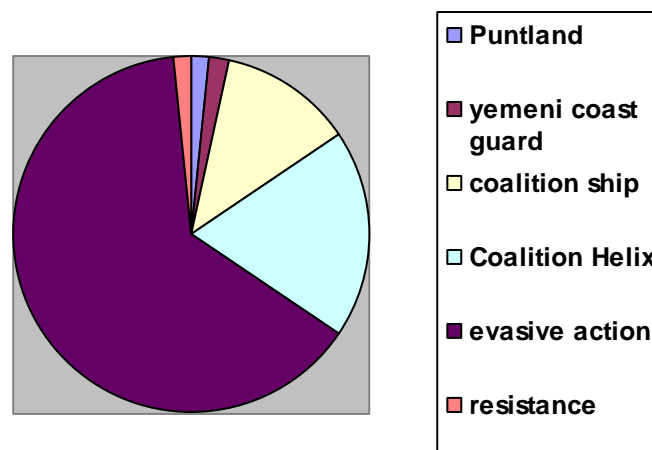
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<sup>107</sup> Philp, Catherine "Captured Somali pirates are being dumped in Kenya, officials say" June 12 2009

new factor has been the use of private security guards, or as countries such as France, Holland, Yemen and China have done, placing their soldiers on ships traversing dangerous areas and thus providing extra problems for pirates. Despite this, not all ships have yet taken countermeasures seriously and easy targets will still be present.

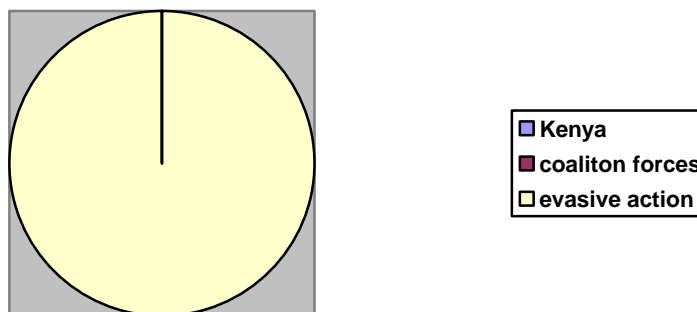
Outside of central Somalia, the ocean areas are wasteland, and the international naval presence is simply too small to cover the whole of the area. Airplanes can be slightly more effective. The deployment of Orion surveillance machines to the Seychelles and the use of Kenya's F5 fighter planes for anti-piracy purposes might help, but these measures are far from enough and the serviceability of the necessary sensors aboard the Kenyan F5 fighter planes is unknown. Ships that are attacked in these waters can expect little help from international forces.

Figure 4.1 *What would save you if you were attacked in the Gulf of Aden (2008)?*<sup>108</sup>



<sup>108</sup> The data is taken from the IMO quarterly reports.

Figure 4.2 *What would save you if you were attacked outside central Somalia in 2008?*<sup>109</sup>



A second issue is how pirates are treated when captured by the international naval forces. Because there is a lack of local informants, few details are available to the interrogators and pirates are often let loose – sometimes even without interrogation. Without local information, the evidence needed to convict pirates become harder to gather, and pirates are allowed to go, sometimes after having been given new and free supplies of food and petrol by the coalition forces. As Kenya seems to grow more wary of handling pirates, these problems will increase.

A containment approach seems to be less relevant since it lacks any mechanism to address the onshore causes of piracy and because lack of onshore coordination makes it very hard to gather intelligence. This is true even when combined with the state-building strategy (see the next section) because the central state structure that is supported controls few territories in Somalia.

There is simply *no local ownership* on behalf of the Somalis and the containment strategy may well lead to the opposite. The EU's decision to allow Spain to handle the leadership of Atalanta from 6 April to 13 August 2009 demonstrated how little local ownership

<sup>109</sup> Ibid.

matters to international forces. It is widely known that Spanish trawlers fish illegally in Somali waters, and the move was highly unpopular among Somalis.<sup>110</sup> Similarly, Kenya and Yemen have outstanding maritime border issues with Somalia, making any anti-piracy activities carried out by them suspicious to Somalis. Moreover, the naval presence is seen by many Somalis as aiding illegal fishing, providing protection to trawlers from the countries of the coalition forces.

*International coordination* seems to be good, although some countries, Iran for example, provide a challenge. Inside Somalia, the task fleets communicate with the central western-backed government, but this government wields little power in Somalia and has no control over any of the pirate areas. Leaders in Somaliland, who might have been a very good ally in the fight against piracy, seem to be ignored. There is some unofficial coordination with Puntland authorities, but the fact remains that international forces mostly coordinate with a central Somali authority that has little relevance on the ground and ignores the forces that hold such powers. The *do no harm* principle seems well in force. There has been little loss of crew during international interventions. There have been incidents, as when the INS Tabar sank the captured Ekawat Nava 5, that have contributed to the deaths of captured hostages.<sup>111</sup> That incident, and information gathered by this project seems to indicate that a number of hijacked Yemeni sailors might have been wounded during clashes between the naval forces and pirates. Somali pirates frequently hijack Yemeni dhows ostensibly for use as mother ships.

Moreover, there are also few *spillover effects* for Somalia. The international fleet does not address illegal fishing. International involvement might actually promote illegal fishing by decreasing the deterrent effect pirates have on illegal fishers since it scares away the former. It is also doubtful that the principle of *cost efficiency* applies - the fleet is expensive. In Somalia, the cost of one Norwegian frigate deployed for 6 months (NOK 200 million or about USD 30.7 million) represents pay for 100,000 Puntland police officers for the same period.<sup>112</sup>

<sup>110</sup> See for example Megalommatis, Muhammad S. (2009) "Somali Marine & Coastal Monitor – Part XII. The MV Maersk Alabama Predicament" *American Chronicle* 9 April 2009.

<sup>111</sup> Staff writer (2008) "India navy defends piracy sinking" *BBC* 25 November.

<sup>112</sup> This is based on the police wage suggested by Puntland security minister Samantar, during interviews in Puntland, namely USD 50 a month. The UNDP suggests USD 150, which would result in 33,000

Despite the success the international forces have enjoyed in protecting the WFP food transport, a very important humanitarian contribution, it seems as though the current containment strategy increases the pirate's costs in attacking, making it harder for them to succeed, and, just slightly, the probability that they will be caught. However, the strategy is expensive and seemingly inefficient. The solution must be found onshore, but the question remains: what kind of solution should that be?

## 4.2 Rebuilding the central state

Maritime and regional analysts in general seem to agree that an onshore solution must be found, although there is less clarity about what this solution is to be.<sup>113</sup> However, the major international onshore effort directed towards ending piracy in Somalia seems to be focussed on rebuilding the Somali state. The European Union seems to focus their major onshore anti-piracy measures on rebuilding the central Somali state, as do for example the Philippines.<sup>114</sup> Their main focus is on the Government of National Unity (GNU). The Government of National Unity (GNU) is a product of a cumbersome process where the old, western-backed Transitional Federal Government, itself a product of a long negotiation process (2002-2005), was joined by the Alliance for the Re-Liberation of Somalia, Djibouti Group (ARS-D), a group dominated by moderate members of the former Sharia courts.

The idea behind such an anti-piracy approach is to strengthen the GNU's ability to deal with pirates by supporting the construction of a coast guard, a GNU police force and a justice system. The GNU are in the process of implementing security reforms. Its police forces are being led by Abdi Qaibdeed, a former warlord, and supported by the UNDP's Rule of Law programme, as well as the newer AMISOM police support programme. GNU is also reforming a coast guard, led

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police officers instead of 100,000. The cost of the Norwegian deployment is taken from Berthelsen, Ole (2009) "Fridtjov Nansen på Pirat jakt" *TV2* 27 February.

<sup>113</sup> See for example Feingold, Russ (2009) "To stop piracy at sea, address the lawlessness on the shore in Somalia" *Hüran* 17 April. International Maritime Organisation (2009) "High-level meeting in Djibouti adopts a Code of Conduct to repress acts of piracy and armed robbery against ships" *Brief* 30 January 2009.

<sup>114</sup> See for example European Union Council Secretariat (2009) "Factsheet, EU Engagement in Somalia" *Press Brief* April 2009; European Union Council (2009) "Council Conclusions on Somalia" 2942nd GENERAL AFFAIRS Council meeting Brussels, 18 May 2009. Staff writer (2009) "Philippines offers training for Somali coast guard" *Shabelle news* 9/2/2009.

by Admiral Farah Ali Omar “Qare”, a former officer and lecturer at the Somali National University, consisting of 500 rapidly trained coast guard militias.<sup>115</sup> The Philippines have offered to support the training of the coast guard.<sup>116</sup> EU also pledged funds through the UNDP’s Rule of Law programme, making the total amount of EU support through this channel EUR 43 million.<sup>117</sup> The United States sees the GNU as an ally in their war against Al Qaeda and also supports the latter with arms and finances.<sup>118</sup>

Despite international support, the GNU has little presence within Somalia. Today the GNU barely holds on to power in one city, Mogadishu, where it controls only six of the 16 districts of Mogadishu. Six battalions of 5,300 Ugandan and Burundian forces that are deployed in Mogadishu actively protect the GNU forces and have probably saved the latter from annihilation.<sup>119</sup> Mogadishu port, the main (only) government port, is far from the pirate areas and bombarded by insurgents approximately once a week. Without a large military campaign to crush the insurgents in the South, GNU expansion seems to be impossible. Such a military campaign would either require a large-scale international commitment of forces, similar to the UN/US intervention in 1992-1995, or a full-scale Ethiopian-Kenyan invasion, both options rather unlikely.

The GNU have allies in Somalia. Puntland authorities still recognize its authority, in part because a Puntlander serves as prime minister. However in Puntland, the mood is turning against the GNU due to its lack of success and the problems Puntland encountered the last time it channelled its resources into a centralized state-building project. In Central Somalia, the GNU have a loose alliance with the Sufi Islamist Ahlu Sunna Waljamaaca group, which holds territories relatively close to the pirate areas in Mudug. The Ahlu Sunna Waljamaaca group has been on the offensive and expanded over the summer of 2009.

It becomes important to examine the *sustainability* of a GNU-based anti-piracy effort. The key sectors here are the police, the army and the coast guard. Despite supposedly being trained and even paid by the UNDP’s Rule of Law programme for over two years (this

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<sup>115</sup> Staff writer (2009) “Government officials say they are going to wrap up training for about 500 sea forces” *Shabelle news* 9/2/2009.

<sup>116</sup> Staff writer (2009) “Philippines offers training for Somali coast guard” *Shabelle news* 9/2/2009.

<sup>117</sup> European Union Council Secretariat (2009) “Factsheet, EU Engagement in Somalia” *Press Brief* April 2009.

<sup>118</sup> Staff Writer (2009) “U.S. arms Somali government, rebels amputate limbs” *Reuters* 25 June.

<sup>119</sup> Staff writer (2009) “Burundi sends troop reinforcements to Somalia” *AFP* 1 August.

includes the police force of GNU's predecessor, the TFG), pay is infrequent and often not forthcoming. Neither the GNU institutions, nor their international partners function in accordance with their own plan, nor do they seem able to sustain the GNU forces in an adequate way.<sup>120</sup> These failures are serious. Police had to sustain themselves by other means, through their families, by taking fees at police checkpoints or by outright plundering. Even today, there are large parts of the police forces that receive no pay.<sup>121</sup> Lack of pay may lead to piracy in the future, although the bases for any such pirates would be limited due to the GNU's limited ability to control coastal territories. There have been reforms of the police whereby the AMISOM has taken more responsibility for police training and international consultant firms oversee the payment routines. But the security situation limits the effect of control mechanisms - international consultants will, for example, have problems entering Mogadishu. There is a long way to go before the GNU has a functional police force even for six districts under their control, let alone throughout the whole of Somalia.<sup>122</sup> The *sustainability* of the GNU might expand with foreign support. The radicalism of al Shebab is seen as more threatening by the United States and the West, and the GNU receives more funds since the GNU is seen as a tool in the war on terror. GNU is also seen as a remedy against piracy. New donors, such as the Philippines, see the rebuilding of the Somali state to be a major tool in the struggle against piracy. However there is still a question of whether the GNU has the ability to transform this support into viable institutions, and so far, its track record does not look good. *Sustainability* is thus entirely dependent on massive foreign support, and even when this is forthcoming, the results seem feeble.

The second principle, *relevancy*, is not met, mainly because GNU holds little influence in Somalia, let alone in the piracy areas. The small GNU coast guard operating from its current bases in Mogadishu might reach the vicinity of the Harardhere-Hoby area, but would then be at the limit of its practical range of possible operations. Moreover, it will be hampered by the fact that the GNU

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<sup>120</sup> Interview with anonymous Mogadishu police by telephone 15 September 2009. In 2008, the UNDP blamed the problem on their limited budget of USD 18 million. According to the UNDP's own price calculations (USD 150 per policeman per month), this budget should have been enough to pay 9,000 policemen for one year.

<sup>121</sup> Ibid.

<sup>122</sup> Johnson, Barney "Somalia hires PwC to monitor aid" *FT Com* 8 July 2009

have no onshore territorial control in the area. The lack of control will limit the ability of the GNU to strike in pirate-infested areas, and if such strikes are merely raids, the raids might easily lead to larger clan conflicts. Operating from Mogadishu, it will be even harder to strike against pirate bases in far away Puntland. Raids in Puntland, if not handled correctly, have the potential to hurt fragile relationships between Puntland and the GNU, making the latter less able to draw upon Puntland, one of its few allies within Somalia, for practical support.

The GNU's limitations are understood by GNU officials as well as their international partners, and several solutions have been suggested. The first solution, suggested by Mr. Abdirahman Ibbi, Somalia's Minister of Fisheries, is to create a GNU coast guard in neighbouring Djibouti to curtail piracy along Somalia's northern shore.<sup>123</sup> The second solution, fronted by Omar Abdirashid Ali Sharmake (the Somali Prime Minister, from Puntland), is to create some form of Somali Coast Guard within Puntland. The first option has the potential to disrupt the only pirate-free area in Somalia, Somaliland, which is highly sceptical of GNU forces in their waters, and would be even more so if these forces were to intervene on shore. The irony of this proposal is that it might contribute to the weakening of the entity in Somalia most efficiently preventing piracy, namely Somaliland, and do this in order to promote a coast guard that would be met with hostility by locals. This plan might actually promote piracy rather than curtail it, by destabilizing one of the few anti-piracy successes in Somalia. The second alternative, a Puntland GNU coast guard, is a more viable option. However, in order to gain access to onshore intelligence, a Puntland-based GNU coast guard could not be efficient without liaison officers with the Puntland Police and the Darawish. Such a solution would not be efficient without local support. This means that the clan system would have to be taken into consideration, and several Puntland sub-clans would have to have a thorough representation within the coast guard and its leadership. If this fails to emerge, the institution will be viewed with hostility, and pirates will enjoy the efficient protection of local clans, one of today's most efficient protective mechanisms.

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<sup>123</sup> Hussein, Mohammed Omar (2009) "Somalia: Can Anyone Trust a Hyena to Take Goats to The Field?" *Somali Media Centre*, 14 September 2009. Staff writer (2009) "Somalia MPs oppose Djibouti anti-piracy deal", *Garoonne online* 14 September.



Both of the above suggestions have resulted in treaties, one with Puntland and one with Djibouti. However, GNU does not speak with one voice about this; the GNU faction signing the treaty with Puntland and the faction behind the treaty with Djibouti seem to disagree, and the approach has created tension within the GNU.<sup>124</sup>

It is important to note that most GNU-based solutions will lack *local ownership*. While the GNU was very popular in early 2009, its lack of progress has resulted in alienating large segments of the Somali population. Fighting, lack of transparency and corrupt police forces (partly due to lack of pay) have contributed to its general unpopularity within Somalia. Indeed, after the creation of the GNU, Mogadishu has seen some of its worst fighting ever. The GNU might counter this by stressing the anti-illegal-fishing tasks of a new coast guard and gain some local popularity because of this. However, the GNU simply lacks control over the richest Somali fishing grounds, and it is doubtful if entities that de facto are stronger than the GNU, such as Puntland and Somaliland, will allow such control to take place without conflict.

*International coordination* between the GNU and international actors seems to be good. It has to, since the GNU depends on international support to survive. The coordination seems to be getting better and better. An increasing number of GNU supporters have had to flee the fighting in Mogadishu and are now in neighbouring Nairobi. Since most non-Somali countries have stationed their representatives to Somalia in Nairobi, this means that the GNU's officials are closer to international diplomats. However, the strong dependency on international support might become a liability for local legitimacy since Somalis may increasingly see the GNU as being too dependent on foreign support to be trusted on the illegal fishing issue. The lack of transparency within the GNU might also cause friction. Coordination with other Somali factions seems to be more and more problematic as relationships with all of the local factions and entities, with the exception of the Ahlu Sunna Waljamaaca, cool down.<sup>125</sup>

Given the track record of the GNU and its predecessors, the *do no harm* principle does not seem well protected. Thus far, GNU

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<sup>124</sup> Ibid.

<sup>125</sup> See for example Weinstein, Michael (2009) "Puntland, the trouble with the ICG" Garoowe online 17 September 2009.

institutions have failed to pay the police regularly, a practice that has led to plundering.<sup>126</sup> If these practices are transferred to dealings with a coast guard, the international society might actually end up educating future pirates. International mechanisms designed to monitor payment routines might prevent this from happening, but the safety situation makes it doubtful that international staff will be able to operate in Mogadishu. The *spillover effects* for Somalia may be small. The coast guard and police will probably be motivated to handle illegal fishing, but without cooperation with Puntland or Djibouti they lack bases adjacent to the major fishing grounds outside Somalia. If bases are created in Puntland, fishery protection will become more efficient, within the practical constraints that the local political situation and clan constellations put on the local organization of such a coastal force.

*Cost effectiveness* depends on the will to deploy in the Puntland region and the practicalities of such a deployment. If a coast guard operates only out of Mogadishu, it will largely be *irrelevant* for piracy. Operating out of Djibouti, a force would create more tension and lack local intelligence and onshore capacity due to Somaliland's hostility towards such a step. Given these factors it would appear that a force based in the areas in which piracy occurs, with assured local ownership, seems more relevant. As James Kraska says, "Proposals to stop piracy by 'fixing' Somalia, however, beg the question — it is doubtful the international community has the capability or will to transform Somalia quickly into a stable and viable state." However, is re-establishing GNU institutions the only onshore solution to piracy?<sup>127</sup>

### 4.3 Local institutions

An onshore solution might not be based on the resurrection of the old Somali centralized state. It could also be founded on existing institutions in the areas from which pirates operate. Local entities such as Somaliland have so far been the most efficient durable onshore remedy against piracy outside Somalia. Supporting existing local institutions would not require a large military campaign, relevant

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<sup>126</sup> Human rights watch (2008) "So Much Fear, War Crimes and the Devastation of Somalia" *Report 1-56432-415-X*, 3

<sup>127</sup> Kraska, James (2009) "Report on the U.S. Naval War College Workshop on Somali Piracy, Fresh Thinking for an Old Threat" 28 April 2009, International Law Department, US naval war college, 1.

institutions already have local support and they generally have rudimentary control of their local areas. Local institutions will also have local knowledge and access to local intelligence.

There is one entity in Somalia, Puntland, which has functioning institutions of governance close to and even in pirate harbours such as Garaad and Eyl, as well as in areas adjoining the areas from which pirate attacks are launched. In central Somalia, Ahlu Sunna Waljamaaca, the Sufi Islamists, control areas relatively adjacent to the pirate ports. Indeed, since it was probably the decline of local institutions that brought on the explosion in piracy, it would seem fitting that strengthening local institutions should end it.

Local entities such as Puntland receive support. UNDP's Rule of Law programme, for example, has educated more than 60 Puntland police officers. International powers have also increasingly understood that local solutions must be found. However, the international community has thus far been reluctant to engage local institutions. It is feared that such institutions already are infiltrated by pirates, that huge sums of money from ransom already have corrupted important local leaders and the police. It has even been alleged that president Farole of Puntland met with Garad Muhammed in Garoowe before he met with Hillary Clinton in Nairobi. The President comes from the city of Eyl, and he is also accused of being in league with the pirates.<sup>128</sup> Pirates claim that bribes to Puntland officials are frequently paid, and in at least one such case, involving Omar Shefdaro, they have funded piracy.<sup>129</sup> The fact the Puntland police and the Darawisha remained without pay for several months (they are paid now) indicates that it must have been tempting for police officers to take bribes. Nevertheless, the interviews conducted for this report indicate that pirates fear the authorities and actively hide from them, but that authorities also are very weak, and that institutions do not cover the whole of Puntland, as claimed by one of the pirates.

The administration can only arrest the ones that meet with them but they cannot arrest the ones that they don't see or meet, Puntland has a long coast. In some cases, pirates deceive the administration. For example, you can join a piracy mission

<sup>128</sup> [Al-Mutairi](#), Abdulaziz (2009) "New Puntland President will lead new era of Piracy" *Eagle Speak* 2 April 2009

<sup>129</sup> See previous statistics. See also [Baldauf](#), Scott (2009) "Inside the Booming Puntland pirate business" *The Christian Science Monitor* 31 May 2009. Adow, Mohammed (2009) "The pirate kings of Puntland" *Al Jazeera*, 17 June 2009.

saying that you are going fishing. Nevertheless, people are armed and if there is confrontation between the army and the pirates, in some cases the pirates may prove stronger than the army. And then there are clans – if pirates that are their clan are attacked the clan stands for defending them. Everyone defends his people.”<sup>130</sup>

Any solution focussing on Puntland must take into consideration that some high officials might be paid by the pirates and that accepting bribes might have been necessary to the survival of the Puntland police in 2008. Nevertheless, institutions could be tailor-made to function under such conditions. Building local institutions can be done in several ways. The first, as suggested by Puntland authorities, entails a massive support programme, paying for and training the Puntland police, as well as the Puntland Darawisha (border guard), and ensuring their pay and skills go to the investigation of piracy. During spring 2009, the Puntland police and the Darawish have undergone several reforms, including a programme the object of which was to create a more lenient but efficient police, that actually receives pay. A police reform group has been created, and new leaders, such as Said Abdi Farah "Tuta-weyne" of the Darawish, were appointed.

The *Birmadka*, a Puntland version of the FBI, and the Coastal Task Force (C.T.F.), a Puntland version of the Norwegian sea home guard (which allegedly contains former pirates), are new institutions that have been created. Simultaneously, an anti-piracy campaign has been initiated by the Puntland Sheiks and an amnesty has been granted to many pirates in return for an oath to abstain from piracy. The institutions mentioned above do not seem to be fully capable of controlling corruption. Outside Puntland, support for the Alu Sunna Wah Jamaa, might engage this quite popular faction in anti-piracy work. However, this organization's interests are not mainly along the coast. If the Alu Sunna Wah Jamaa is to be efficient, it must be persuaded to and rewarded for expanding into piracy areas.

The second way is to establish a separate entity for pirate protection within the framework of a Puntland state, but with considerable autonomy. One type of model is the so-called Integrated Puntland Coast guard forces, suggested by Abdiweili Taar, consisting of integrated international-Puntland forces operating from existing bases

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<sup>130</sup> Interview with pirate "Bosse", Nairobi 13 August 2009

in Puntland. An integrated force was to be combined with onshore support for police reform in Puntland in the form of civil police reform experts from outside of Somalia. Such experts might be from other Arab or African countries. An integrated approach would mean that international servicemen are on the ground scrutinizing local institutions, making corruption harder, and increasing the quality of the recruitment. A local engagement might also mean purchases locally, making the anti piracy work profitable for the local populations, and make pirates less popular. The security onshore in Puntland is of a type that can make such a project viable, with no war, few attacks, and little crime. In central Somalia, such an effort would be troublesome since the Ahlu Sunna Waljamaaca is too weak to guarantee the security of foreigners.

A third way is the use of a well-reputed international private security company, deployed on shore, instead of off shore. Such company, funded by the international community, and fully transparent, could serve as an integrated partner with a Puntland coast guard. Indeed, the activities of the Hart group might serve as an example, except the groups' lack of transparency. Such solution could be useful if risk aversion prevented the necessary deployment required for a Puntland "integrated force", and the activities of several groups already in Somalia, as the Nordic Crisis Management, active in Somaliland, might serve as an example.

We are talking about two main piracy regions in Somalia, Puntland and Mudug. Tailor-making solutions will make it possible to adapt them to local realities. The first and the third approach seem possible in Mudug, a less stable part of Somalia, while the second option seems possible in more stable Puntland.

A big advantage is concentration, resources can be concentrated where the piracy problem exist, instead of being spread thin, making it possible to use more resources on institution building combined with poverty alleviation in relevant areas, instead of spreading the efforts..

The *sustainability* of the three solutions partly depend on its funding sources, one such type of funding source could be a controlled and transparent local fishing license system, co -funding could also be possible. Sustainability is also dependent on the funding of local institutions being taken over by local governance structures in the

long run. However, if efficient local institutions could replace international naval presence, new resources could be transferred.

The second principle, *relevancy*, will be fulfilled, as Puntland-based institutions are close to the pirate areas. In central Somalia, the question becomes more comprehensive, as the closest local faction, the Ahlu Sunna Waljamaaca lacks direct control over piracy areas. However, they consist of members of the same clans, and have coastal access quite close to the sea. Ahlu Sunna seems to be able to expand in such a direction.

*Local ownership* will have to be given through negotiations with local clans, and through a strong emphasis on fishery protection. It should be clear that Puntland itself is a clan compromise and that the various clans of Puntland need to have a share in the local institutions. It should also be clear that local purchases will make the local population more positive towards such an effort. Basically: a local institution handling local piracy, should be locally led and provide clear local benefits through fishery protection tasks, and through local purchases and local hiring.

*International coordination* has to be taken care of through international liaison officers on the ground, especially in Puntland. “Boots on the ground” will ensure access to intelligence, and that international forces might coordinate with relevant local forces. As of today, international forces only (publicly) coordinate with the GNU, although this seems to be changing. A strong focus on the GNU will prevent the international navy from getting important information from local sources.

Arguably, the *do no Harm* principle might be in danger. Supporting local institutions might be seen as hindering the establishing of a central state. However, for periods of the history of peacemaking in Somalia, supporting local structures actually was seen as a remedy rather than an obstacle to state reconstruction. In 1998-1999, an alternative approach to Somali state building, the so-called building block approach, dominated.<sup>131</sup> This approach stressed how local institutions, with a local ownership, could function as stepping stones and building blocks for a future Somali state. The idea was to support local initiatives that had proven their value, such as Somaliland and Puntland, rather than superimpose structures from outside. This idea

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<sup>131</sup> Hansen, Stig Jarle (2003) Warlords and Peace Strategies”, *Journal of Conflict Studies*, vol. xxii:2. Fall

has aided the consolidation of some of the most peaceful areas in Somalia today.

The principle of *cost effectiveness* seems to be very much fulfilled. As previously estimated, the cost of one ship in operation Atalanta could have paid wages for 100,000 Puntland police officers over 6 months.

## 5 Conclusions

There is no single solution to Somali piracy, and none of the above approaches is entirely without merit. However, piracy cannot be handled in areas in which piracy does not exist, a fact that hampers the GNU anti-piracy programmes. Nor can piracy be combated offshore only, leaving escaping pirates to shelter and ride off the storm to try another day. The main finding of this analysis is that pirates are decentralized; moreover, that pirates are a product of the lack/decline of local institutions rather than the lack of a state. Although the two are correlated, they are not the same; local institutions have existed in Somalia despite the absence of a state and still exist.

There are centres of power onshore in Somalia and they can be allies in the struggle against piracy; that is if they have power adjacent to the pirate bases and some interest in fighting it. Today, these centres of power are an untapped resource that could be used in the struggle against the pirates. They could also be used to monitor pirate groups on shore, to register pirate groups, and to prevent piracy. However, there has to be something in it for the local partners, either through active fishery protection or through local purchases.

So far, focus on a centralized solution has limited the international fleets' access to information from onshore sources. It has also limited the international fleets' ability to cooperate with entities that de-facto hold power close to the pirate bases. This approach is reminiscent of an attempt to control crime in London by patrolling the streets of Warszawa. In short, relevance is lacking. Onshore liaisons, and not only with the GNU, must be built up. Simply put, the international operations deserve to have the information needed for their operations.

The key to ridding Somalia of piracy seems to be a strategy that was popular in the late 1990s. Known as the building-block approach to



the Somali problem, the strategy supported local structures with local legitimacy that could handle local problems. Grand, national conferences creating cabinets that in the end become dependent on foreign support are not the answer.

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*Names have been altered*

- In total 35 interviews were conducted with pirates who were anonymised. The data will be available from the author in an anonymised form.
- The statistics for 1989-1999 were taken from MARAD, while those for 2000-2009 were taken from IMO.

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