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SOMALI PIRATES: TERRORISTS OR THE PRODUCTS OF FAILED STATES?

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SOMALI PIRATES: TERRORISTS OR THE PRODUCTS OF FAILED STATES?

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Abstract

This paper will argue that piracy in Somalia is fuelled by factors related to Somalia as a failed state. These factors include the failure in state institutions, a lack of legitimate opportunity and finally the cyclical and violent struggle for power. Further, this paper will argue that piracy in Somalia is not a form of maritime terrorism used to destabilize the region because the intentions of pirates and terrorists in this region are not the same and the methods used to conduct piracy are not consistent with methods used by terrorists. As this paper deduces that piracy in Somalia is fuelled by factors contributing to the fact that Somalia is a failed state, further research into solving the problem of piracy in Somalia should be undertaken using this as a start point.

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List of Abbreviations

AMISOM   African Union Mission in Somalia

AU   African Union

CIA   Central Intelligence Agency

CTF   Combined Task Force

IMB   International Maritime Bureau

LNG   Liquefied Natural Gas

LPG   Liquefied Petroleum Gas

MV   Motor Vessel

RPG   Rocket Propelled Grenade

TFG   Transitional Federal Government

UIC   Union of Islamic Courts

UN   United Nations

UNSOM   United Nations Operation in Somalia

US   United States

$US   United States Dollar

CHAPTER 1 – INTRODUCTION

In 2008, researchers James Corbett and James Winebrake wrote, "Globalization is motivated by the recognition that resources and goods are not always collocated with the populations that desire them, and so global transportation services are needed."[1] With this recommendation in mind, maritime trade is a critical component to the global economy. It is the cheapest and most effective mode of transport to move goods over vast distances. In fact, for many goods there is no other method to move them from the producer to the consumer. Hence, the capacities of large cargo vessels make them the preferred choice to move heavy and bulky goods around the world. The maritime shipping industry is thus the backbone of the transportation service. In 2010, world seaborne trade measured 8.4 billion tons of cargo.[2] This staggering amount of cargo, the largest amount ever recorded, is up approximately 6 billion tons from the total amount of seaborne cargo carried in 1970.[3] These figures indicate just how global the society in which we both live and do business has become. Without shipping, the transport of raw material, trade between all four corners of the earth and the import and exports of food and manufactured goods would not be possible.[4]

One of the most important and strategic sea routes for trade connects the Mediterranean Sea, Red Sea, Indian Ocean and the Gulf of Aden via the Suez Canal. Each year a total of 20 000 vessels make the voyage through shipping lanes in this region.[5] This route is used extensively by

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[1]James Corbett and James Winebrake, "The Impacts of Globalisation on International Maritime Transport Activity," accessed on 7 Jan 2013, page 6, http://www.oecd.org/greengrowth/greeningtransport/41380820.pdf .

[2]United Nations Conference on Trade and Development, "Review of Maritime Transport 2011," accessed on 7 Jan 2013 page 7, http://unctad.org/en/docs/rmt2011_en.pdf.

[3]*Ibid.*

[4]United Nations Atlas of the Oceans, "Ships and Shipping," accessed on 7 Jan 2013, http://www.imo.org/KnowledgeCentre/ShipsAndShippingFactsAndFigures/Pages/Default.aspx.

[5]James Kraska, "Freakonomics of Maritime Piracy," *The Brown Journal of World Affairs* 16, no. 2 (2010): 111.

all forms of shipping. Oil from the Persian Gulf destined for North American and European markets is moved by tanker, manufactured goods from India and Pakistan are shipped via container ships and food aid is transported to the many starving regions of Africa though this strategic transit route. Illustrating this are some 2007 statistics: 6 500 oil tankers carried 7% of the oil used that year and container ships carrying 26.5% of all international container traffic transited through the Suez Canal.[6]

What makes these shipping lanes so strategic to worldwide commerce is the saving in distance and time made by not having to voyage around the Cape of Good Hope. One example of the distance saved by transiting through the Suez Canal, vice using the Cape of Good Hope, is a 63.5 % reduction in distance between the port of Jeddah, Saudi Arabia and Liverpool, England.[7] This savings in distance and travel time equates to tens of thousands of dollars a day in operating costs and the ability both to deliver cargo quickly and to make another trip elsewhere.

One threat to this geostrategic waterway is piracy. From one standpoint, piracy has been around since vessels have been used for trade on the high seas. In recent years, pirates have been active in many regions of the world, including the Amazon River, the South China Sea, and off the coast of Nigeria.[8] The number of pirate attacks has increased steadily since the early 1980s. In particular, the number of piracy events around the world tripled in the 1990s and tripled again in the early years of the 21st century.[9] Piracy impacts all facets of the shipping industry. It increases ship owners' insurance premiums, wreaks havoc with scheduling, inflicts trauma on hostages and their families and causes great expenses to the ship owners. From another

[6]Helen Bendall, "Cost of Piracy: A Comparative Voyage Approach," *Maritime Economics & Logistics* 12, no. 2 (2010): 183.
[7]*Ibid.*, 184.
[8]Tom Phillips, "Brazil Creating Anti-Pirate Force After Spate of Attacks on Amazon Riverboats," *The Guardian*, 17 June 2011.
[9]Alexa Sullivan, "Piracy in the Horn of Africa and its Effects on the Global Supply Chain," *Journal of Transportation Security* 3, no. 4 (2010): 231.

standpoint, of all the regions in the world where pirates are active, the Horn of Africa and the Gulf of Aden and into the Indian Ocean are where piracy is the largest problem. Somali pirates, the focus here, have been known to operate in excess of 1 000 miles off the shores of Somalia.[10] Of the twenty-seven successful hijackings on the high seas in 2012, 13 of them were conducted by Somali pirates.[11]

Somali pirates are different from pirates in other regions of the world. They attack large ocean going vessels whereas pirates in Southeast Asia generally attack smaller vessels and use knives as weapons. Somali pirates are well equipped and use technologically advanced equipment such as global positioning receivers, small arms and rocket propelled grenades to launch attacks on ships of all sizes. Often disguised as fishermen, they operate from multiple skiffs, with one being larger and carrying provisions which can sustain piracy operations for up to two weeks.[12] Once pirates capture a ship they hold it and the ship's crew for ransom. This period can last months, during which time negotiations take place between the ship's owners and the pirates. Although most Somali pirates, as noted above, use guns during their attacks, they normally do not kill the crew unlike Southeast Asian pirates who often kill crews of hijacked vessels. They prefer to hold them hostage to collect ransom money usually in the millions of dollars. In general, this shows that Somali pirates are driven by the economic benefits of the act of piracy vice a political agenda.[13] However, there is the notion that some terrorists use kidnapping to obtain funds to conduct operations elsewhere.

In order to combat Somali piracy, study must be undertaken to conceptualize the nature of the problem. Current counter-piracy efforts off the coast of Somalia address the physical acts

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[10]Kraska, "Freakonomics of Maritime Piracy"…, 112.

[11]ICC International Maritime Bureau, "Piracy & Armed Robbery News & Figures," Accessed on 14 Jan 2013, http://www.icc-ccs.org/piracy-reporting-centre/piracynewsafigures.

[12]Garry Weir, "FISH, FAMILY, AND PROFIT: Piracy and the Horn of Africa," *Naval War College Review* 62, no. 3 (2009): 20.

[13]Sullivan, "Piracy in the Horn of Africa and its Effects on the Global Supply Chain"…, 232.

of piracy and not the causes of this problem. It is recognised by many, including the United States Department of State, that off shore maritime piracy in this region is born from insecurity and instability on shore.[14] There are, however, two schools of thought on what fuels piracy. Political scientist Peter Chalk, for example, is one advocate who believes piracy in Somalia is driven by poverty, underdevelopment and a lack of governance.[15] Coincidently, poverty, underdevelopment and a lack of governance are the some of the factors that continue to contribute to Somalia's status as a failed state. This opinion is shared by many academics and experts in this field of study. However, as discussed by several political scientists from RAND, there is also the idea, which is fostered by some intelligence analysts and some government organizations, that there is the potential for terrorist groups to want to extend their operational mandates to the marine environment.[16] Maritime piracy would permit terrorist organizations the ability to evade security measures on land, cause large scale economic destabilization and inflict coercive punishment on their targets. Additionally, piracy would permit them to finance current and future operations.[17]

This paper will argue that piracy in Somalia is fueled by factors contributing to the fact that Somalia is a failed state. These factors include the failure in state institutions, a lack of legitimate opportunity and finally the cyclical and violent struggle for power. Further, this paper will argue that piracy in Somalia is not a form of maritime terrorism used to destabilize the region because the intentions of pirates and terrorists in this region are not the same and the methods used to conduct piracy are not consistent with methods used by terrorists.

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[14]Jacob Nelson, *Ocean Piracy* (New York: Nova Science Publishers Inc, 2010), 25.
[15]Peter Chalk, "Piracy Off the Horn of Africa: Scope, Dimensions, Causes and Responses," *The Brown Journal of World Affairs* 16, no. 2 (2010): 102.
[16]Michael Greenberg *et al.*, *Maritime Terrorism Risk and Liability*, (Santa Monica: RAND Center for Terrorism Risk Management Policy, 2006), 15.
[17]*Ibid.*, 15-19.

In order to accomplish this examination into what fuels piracy in Somalia, this paper's main body will be divided into three chapters.[18] The Chapter two will set the stage for the subsequent two chapters by providing a lens from which to look at the issue of piracy in Somalia. It will use examples, from places other than Somalia, to establish the theory on how to view the specific chapters on piracy in Somalia. It will focus on providing the background knowledge of Somalia, its status as a failed state, and the conceptual study of weak governance, crime and terrorist objectives.

To expand, chapter two will be divided into four sections. The first section will provide an overview of a short history of Somalia. This history will commence with the fall of the Barre Government until present day. Next, an examination of Somalia as a failed state through the lens of factors that cause states to become fragile will be conducted. To illustrate the concept of state "fragility," the four broad and interrelated causes of conflict outlined in the book Fragile *States*, by Wim Naudé and Mark McGillivray, will be used as a framework. The third section will look at the relationships between weak governance and crime by studying factors which contribute to Somalia's status as a failed state and provide a conceptual examination of how weak governance contributes to criminal organizations. The final section of this chapter will provide a conceptual study to determine the objectives of terrorist organizations. This chapter will set the framework required to examine the issues of Somalia's status as a failed state and how they contribute to piracy in Somalia. It will also help to assess the contention that piracy is being used as a form of maritime terrorism.

Chapter three will focus on the issue of Somalia as a failed state and how that drives the criminal activity of pirates in Somalia. This chapter will look at how piracy thrives where there is

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[18]This paper will focus on works written by experts in the field of piracy, poverty, crime and terrorism. Further, theory will be illustrated by examples which will either support or refute the theories presented by leading academics.

a cycle of violence, warring factions that compete for power, a failure of state institutions and a lack of legitimate opportunity for its citizens. Using four indicators from the *Failed State Index,* as presented in the book *Salt Water Thieves: Policy Reforms to Address Somali Piracy* as a framework*,* chapter three will examine how situations on land, which contribute to Somalia's failed state status, make the country the perfect environment to support piracy.

The fourth chapter will study the idea that piracy is a form of maritime terrorism supported by terrorist organizations. This chapter will look at how terrorist organizations can use piracy to further their cause and destabilize the region through maritime terrorism and make estimation if this is in fact happening in Somalia. Chapter four will focus on how or if terrorist organizations in Somalia use piracy as a form of maritime terrorism to further their causes. In order to accomplish this study, the chapter will first look at the theoretical categories of maritime targets as presented by Martin Murphy in his book *Small Boats, Weak States, Dirty Money: The Challenge of Piracy.* Following the examination of the categories of targets the chapter will use the three intentions of terrorist groups, as presented in the RAND paper *Maritime Terrorism: Risk and Liability* as an outline to demonstrate that piracy in Somalia is not a form of maritime terrorism.

CHAPTER 2 - SETTING THE STAGE

Introduction

In order to examine the issues of crime and terrorism and the degree to which they are connected to piracy in Somalia, some background information into these matters is required. Namely, Somalia's status as a failed state and how it contributes to the problems of crime and terror, and ultimately piracy, must be examined.

This chapter will be divided into two parts. Part one will offer a focused history of Somalia and then identify four factors which contribute to Somalia's status as a failed state. The intent of this first part is to outline the conditions which have existed in Somalia so that the specifics of how piracy thrives in a failed state can be examined in chapter three. The second part of this chapter will look both at how weak governance contributes to criminal organizations and what are the objectives of terrorist organizations. Together, it will set the base to distinguish if piracy in Somalia is a criminal activity or a form of maritime terrorism.

Part One

History of Somalia

In order to understand piracy in Somalia, it is important to acknowledge the sequence of key events which have taken place in recent years. This section will look at Somalia's history

from the collapse of Mohamed Siad Barre's government on 26 January 1991 and the resulting

civil war until the present day.

Civil war in Somalia resulted in internal strife and the downfall of the nation. In 1991,

Barre's government fell to a number of clan based groups that joined together to form a coalition

which had the backing of both Libya and Ethiopia. In May 1991, some clans from the northern

region of the country declared its independence as Somaliland. Somaliland remained stable

compared to the southern region of the country as numerous groups fought to gain control of the

country. [19] The civil war, between warring clans, caused great competition for the scarce and

precious natural resources including water. Consequently, a famine ensued and resulted in

approximately 300 000 dead.[20] The impact of this famine and poor security situation in Somalia

caused the United Nations to pass resolution 775 on 28 August 1992 which authorized

peacekeeping operations in Somalia.[21]

On 3 December 1992, the UN Security Council adopted resolution 794 which accepted

the United States' offer to lead a coalition of nations, called Unified Task Force, to establish a

safe and secure environment in southern Somalia.[22] This was required to deliver humanitarian

aid to thousands of starving people in southern Somalia. For the most part, this coalition was able

to re-establish order and permit the delivery of humanitarian aid.[23] Despite the success of Unified

Task Force, there was still not an effective government in Somalia, nor was there an organized

police force or national armed force. Five months after this mission began, the United States

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[19]U.S. Government Accountability Office, *Somalia: Challenges and Developing Efforts* (New York: Novinka Books, 2008), 10.

[20]Australian War Memorial, "United Nations Operation in Somalia (UNOSOM) 1992," accessed on21 January 2013, http://www.awm.gov.au/units/unit_20244.asp.

[21]United Nations, "Somalia – UNSOM II Background," accessed on 6 February 2013, http://www.un.org/en/peacekeeping/missions/past/unosom2backgr1.html.

[22]United Nations, "United Nations Operation in Somalia," accessed on 20 February 2013, http://www.un.org/Depts/DPKO/Missions/unosomi.htm.

[23]Terrence Lyons and Ahmed I. Samatar, Somalia*: State Collapse, Multilateral Intervention, and Strategies for Political Reconstruction,* (Washington, D.C.: Brookings Institution, 1995), 39.

withdrew its soldiers and the United Nations commenced with a chapter VII operation called

United Nations Operation in Somalia II (UNOSOM II).[24]

In June 1993, a militia led by warlord Mohamed Farrah Aidid, who saw the UNOSOM II

mission as a threat to his powerbase, attacked Pakistani peacekeepers causing 24 casualties.[25]

Fighting ensued throughout the summer months of 1993 and culminated with the loss of 19

American soldiers and many locals in Mogadishu in October 1993.[26]

As a result of the warring clans' violations of cease fires and the general lack of progress,

the United Nations ceased operations in March 1995, having failed to assist with the

establishment of a government.[27] In the years after UNOSOM's debacle, foreign powers kept a

distance from Somalia. [28] During the late 1990s, outside assistance only came in the form of

supporting peace conferences, held in neighbouring countries. These reconciliation conferences

dragged on for many years as delegates from Somalia had a personal interest in slowing the

process because they were safe from physical harm.[29]

Since 2000, Somalia has had several attempts at forming national government. First, in

2000, a national government, the Transitional National Government, was established. This

government was ineffective and was not able to govern from Mogadishu. That government was

then replaced in 2004 when the Transitional Federal Government (TFG) took power. Under the

TFG, the Somali military was re-established as well as some other national institutions. In June

2006, in southern and central Somalia, Sharia courts were providing local forms of law and

order. Known as the Union of Islamic Courts (UIC), these courts filled the void that a strong

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[24]U.S. Government Accountability Office, *Somalia: Challenges and Developing Efforts* (New York: Novinka Books, 2008), 10.
[25]Lyons and Samatar, *Somalia…,* 58.
[26]*Ibid.*, 58-59.
[27]Australian War Memorial, "United Nations Operation in Somalia."
[28]Mary Harper, *Getting Somalia Wrong? Faith, War and Hope in a Shattered State*, (New York: Zed Books, 2012), 64.
[29]*Ibid.*

central government could not.[30] However in December 2006, backed by Ethiopian, Kenyan and

African Union (AU) troops, the TFG was able to regain control of portions of the contested areas

of the southern regions of the country.[31] In late December 2006, the UIC were driven from

power, but elements of this organization resurfaced as the Islamic movement known as al-

Shabaab or as translated into English 'The Youth.'[32] By the late 2000s, religious militias,

including al-Shabaab, controlled large portions of southern and central Somalia. Consequently,

the internationally recognised government could only operate within a few city blocks in

Mogadishu.[33]

 As a result of not having a strong national government, numerous factions and clans have

established their own administrations including Somaliland and Puntland. Somaliland has been a

relative success. Somaliland has held two presidential elections (in 1997 and 2003) along with a

constitutional referendum in 2001.[34] Puntland began its own self-governance in 1998. With their

own charter they have been able to elect four presidents since 1998 and in June 2009 a new

constitution was proposed.[35]

 Consequently the institutions created in Somaliland in 1996, it has been able to largely

avoid the problem of piracy. These institutions brought security on land and consequently

offshore security followed.[36] The security created in Somaliland has brought legitimacy to itself

despite its non-state status. Puntland has not had the successes of Somaliland. Puntland has not

focused as much on onshore security measures and it has been subjected to more political unrest

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[30]*Ibid.*, 66.
 [31]BBC, "US Officially Recognises Somalia's Government," accessed on 18 Jan 2013,
http://www.bbc.co.uk/news/world-us-canada-21053071.
 [32]Harper, *Getting Somalia Wrong…*, 66.
 [33]*Ibid.*
 [34]Brian Hesse, "Where Somalia Works," in *Somalia: State Collapse, Terrorism and Piracy*, ed. Brian
Hesse, 95-114 (New York: Routledge, 2011), 102.
 [35]*Ibid.*, 106.
 [36]Stig Jarle Hansen, *Piracy in the greater Gulf of Aden: Myths, Misconceptions and Remedies*, (Oslo:
Norwegian Institute for Urban and Regional Research, 2009), 30.

which has led to instability. In 2008, the political unrest led to hyperinflation and consequently

Puntland could not afford to pay the Darawisha, border militia, or its police forces. Once these

institutions stopped receiving their pay a crime wave on land ensued and shortly thereafter a

drastic increase in piracy was observed in the waters around Puntland.[37]

In 2012, al-Shabaab still controlled much of southern Somalia, but had been suffering

some losses to Ugandan soldiers in the AU force.[38] President Hassan Sheikh Mohamud was

voted president in 2012 and in a meeting on 17 January 2013, US Secretary of State Hillary

Clinton announced the United States government formally recognized the elected government of

Somalia and President Mohamud.[39]

Although there has been some progress since the aforementioned election, there has been

a generation in Somalia who has known nothing but fighting. In 2010, a US based Somali

academic, Said Samatar, wrote:

> As I write. On average in the capital city of Mogadishu, thirty to forty people are
> killed daily with no one knowing who targeted them or why. The killing is all! If
> a stranger with a loudspeaker descended from the sky and inquired of the
> denizens of Mogadishu: 'Why are you shooting?' The answer would undoubtedly
> resound back: 'Because this is our way of life.' No wonder Somalia is said to
> represent for African States a cautionary tale of where not to go.[40]

With the formal reorganization of the Somali government change is beginning, but as illustrated

by the history of civil war and political unrest, peaceful existence is still a long way away and

even then might only arise in fledgling states like Somaliland and Puntland.

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[37]*Ibid*., 32-33.
[38]BBC, "Defections put militant al-Shabab on the run in Somalia," accessed on 18 Jan 2013,
http://www.bbc.co.uk/news/magazine-18364762.
[39]BBC, "US Officially Recognises Somalia's Government."
[40]Harper, *Getting Somalia Wrong…*, 69.

Somalia the Failed State

The book *Fragile States*, by Wim Naudé and Mark McGillivray, uses four broad and interrelated causes that stand out when discussing state "fragility." These four causes are: conflict, low development status, vulnerability and the lack of a developmental state.[41] Quantifying this "fragility" is the fact that in 2012, and for the fifth year in a row, Somalia topped the Fund for Peace's *Failed State Index*.[42] This section of the paper will look at Somalia through the lens of these four interrelated causes.

Conflict is the first and most important cause of state "fragility." Naudé and McGillivray contend that: "Conflict, which undermines the authority and legitimacy of the state and limits prospects for development, is clearly a major cause of fragility and of identifying countries as fragile."[43] Since the fall of the Barre government in 1991, Somalia has been locked in a civil war. This war between clans, warlords, religious groups and a weak state military has caused much bloodshed and destroyed the country. One example of conflict and its second order effects is illustrated by the conflict created by al- al-Shabaab and state sponsored forces. In 2006, fighting between al-Shabaab and the African Union Mission in Somalia (AMISOM) brought further destruction to Mogadishu.[44] This fighting caused tens of thousands to flee the city for internally displaced person (IDP) camps. Even inside of these IDP camps conflict continues to this day. While warfare, per se rape, theft and violence are rampant by uniformed government soldiers and

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[41]Wim Naudé and Mark McGillivray, "Fragile States: An Overview," in *Fragile States: Causes, Costs, and Responses*, ed. Wim Naudé, Amelia Santos-Paulino and Mark McGillivray, 1-32 (Oxford: Oxford University Press, 2011), 5.
[42]The Fund for Peace, "2012 Failed States Index Released," Accessed on 21 January 2013, http://www.fundforpeace.org/global/?q=node/242.
[43]*Ibid*., 7.
[44]Susan Schulman and Anna Rader, "Mogadishu," *The Rusi Journal*, 157, No. 4 (August/September 2012): 31.

ordinary Somalis.[45] Today, for the most part, al-Shabaab has been forced out of Mogadishu, but

they still conduct selective terrorist operations in the city. In addition to this, fighting between al-

Shabaab and foreign forces continue in the outskirts of the city.[46]

As noted earlier, conflict is the way of life for most Somalis and it is a cycle which is

difficult to break. Statistics show that should Somalia be able to break this cycle of conflict, there

is a 50% probability that conflict will commence again during the first five post conflict years.[47]

Indeed, conflict has been the Somali way of life for the last 20 years. It has stunted the growth of

economic initiatives, caused lawless to thrive and taken many innocent lives. Consequently,

conflict is the largest contributing factor to Somalia being a failed state.

Conflict causes people to fear for their personal security. Author Kalevi Holsti, in his

book *The State, War, and the State of War,* supports the contention of Naudé and McGillivray

that conflict is a cause of state "fragility." Holsti believes that lack of personal security in a state

is a factor in eroding state legitimacy.[48]

The second cause of state "fragility" is low development status. Naudé and McGillivray

state that: "low development status fuels conflict and creates a vicious cycle of

underdevelopment–a 'poverty trap.'"[49] Low development status can be judged by the economic

indicators of the debt load carried by a state and the socioeconomic classification of its people.

Certainly, Somalia has substantial foreign debt. In 2010, Somalia's debt was just under $US 3

billion and the gross domestic product in that same year was only $US 2.4 billion.[50] The

country's debt represents 125% of the total output. Countries with high debt loads often do not

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[45]*Ibid*., 39.
[46]*Ibid*.
[47]Naudé and McGillivray, *Fragile States…,* 6.
[48]Kalevi Holsti, "*The State, War, and the State of War*," (Cambridge: Cambridge University Press, 1996), 108.
[49]Naudé and McGillivray, *Fragile States…,* 8.
[50]Central Intelligence Agency, "The World Fact Book: Somalia," accessed on 21 January 2013, https://www.cia.gov/library/publications/the-world-factbook/geos/so.html.

have the financial capability to break the cycle of poverty nor do they have the capability to cope with unexpected situations. Therefore dire events such as drought or disease have had a significant impact on Somalia.

The socioeconomic classification of a country's people is another indicator of low development status. Countries with a per capita income below $US 905, according to The World Bank, are considered low income countries.[51] The estimated yearly per capita income in Somalia from 2008-2010 was $US 600.[52] Somalia is tied for the third lowest yearly per capita income.[53] This indicates that Somalis have barely enough income to survive, let alone be able to invest in the development of themselves or their country. Low development status continues to contribute to the cycle of failed state status for Somalia.

Naudé and McGillivray state the third cause of state "fragility" is vulnerability. This relates to an undesirable outcome which stems from exposure to a hazard.[54] Hazards have many different origins such as environmental, socioeconomic, physical and political factors.[55] Furthermore, a natural hazard, such as a hurricane, will only take the form of a natural disaster if the people in that region are vulnerable to the hazard. Take, for example, an oil producing country that imports all of its food from other countries. If there were to be a drought in this oil producing country it would have an insignificant effect on the country's food supply because as a country the people are not vulnerable to drought as a natural hazard.

Somalia is vulnerable to many hazards mainly because it lacks institutional support such as a strong central government. In the last two years, Somalia had been under the effects of drought conditions. From a country that largely survives on subsistence farming, the drought is

[51]Naudé and McGillivray, *Fragile States…,* 8.
[52]Central Intelligence Agency, "The World Fact Book: Somalia."
[53]*Ibid*.
[54]Naudé and McGillivray, *Fragile States…,* 12.
[55]*Ibid*.

devastating.[56] Countries have been able to get through droughts before, but one reason why the drought has been tough on Somalia is because of the weak government. The government cannot effectively control situations such as the hoarding of food for profit. In 2011, prices of food in southern Somalia rose 80% in some areas as a result of hoarding.[57] This causes people to leave their homes in search of food and consequently makes them even more vulnerable to hunger, disease and violence. The weak government, natural hazards and fledgling economy are all vulnerabilities which contribute to the cycle of poverty and state "fragility."

The final cause of state "fragility" is the status of a non-developmental state.[58] Naudé and McGillivray argue that, "state orientation towards development has come to be seen as a crucial determinant of the role of the state in providing the necessary institutional foundations for development and for limiting fragility."[59] Furthermore, Naudé and McGillivray submit, "the concept of the 'developmental state' has been coined to denote the ideal orientation and functioning required from governments to improve the development outcomes" of the state.[60]

For the last 20 years, Somalia's government has not been able to deliver institutions or programs to provide the most basic of physiological needs such as food and water or to provide a safe and secure environment for its citizens to live. If we consider Maslow's hierarchy of needs, the first step for the government should be to ensure its citizens have access to food and water. For the most part, this was not done nor was the government able to establish a secure environment for its citizens.

As a non-developmental state, Somalia has failed to provide essential services such as health care and education. Holsti supports the idea that in order for a state to be legitimate it must

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[56] Central Intelligence Agency, "The World Fact Book: Somalia."
[57] The Independent, "Somalia Drought Could Threaten Millions," accessed on 23 January 2013, http://www.independent.co.uk/news/world/africa/somalia-drought-could-threaten-millions-2204088.html.
[58] Naudé and McGillivray, *Fragile States…,* 14.
[59] *Ibid.*
[60] *Ibid.*

be able to provide essential services to its people.[61] By looking at the lack of education system in Somalia and poor health of the people, it is clearly demonstrated that Somalia is a non-developmental state. Education levels in Somalia are exceptionally poor with males averaging three years and female averaging just two years in school. These poor levels of education translate into an estimated literacy rate of just 37.8%.[62] Similarly the poor levels of health of Somalis indicate their health care system is virtually non-existent. Somalia's maternal and infant mortality rates are the second and third worst in the world respectively. The life expectancy in Somalia is 50.8 years and in 2006 there was an average of only 3.5 doctors for every 100 000 people.[63] The government's failure to deliver the most basic of services indicates that it was not possible for it to organise institutions to develop the country. Consequently, Somalia has been left insecure, exposed to violence, crime poverty and the cyclical factors which contribute to being a failed state.

Part Two

The chapter's second part will examine crime and terrorism from a conceptual point of view. It will examine how weak governance within a state or a state's status, as a failed or failing state, contributes to crime. In addition to this, the final section will examine objectives of terrorist organizations from a conceptual point of view.

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[61]Holsti, "*The State, War, and the State of War*,"…, 109.
[62]Central Intelligence Agency, "The World Fact Book: Somalia."
[63]*Ibid.*

Weak Governance and Crime

Weak governance exists in many countries throughout the world. The *Failed State Index* uses six indicators to measure government performance. A score of seven, or higher, out of a best possible ten in at least five of these six indicators exist in the top 28 of 177 states ranked by the Fund for Peace.[64] This indicates that weak governance exists in at least 16% of the countries ranked.

Because criminal organizations are motivated by profit and by achieving the greatest amount of profit in the easiest manner possible, an effective way for a criminal organization to operate is to work in a state that is failing.[65] Authors Jeanne Giraldo and Harold Trinkunas contend that poorly governed or ungoverned states provide productive home bases for crime.[66] For instance, one weakness of a failing state is its vulnerability to corruption. The targeting of selected government officials by criminal organizations is a calculated process and has the objective of enabling criminal activities.[67] Corruption seeks to facilitate illegal activities so that criminals can operate without risk of being caught or without fear of prosecution or imprisonment.

Another vulnerability to failing states is an illicit economy. Illicit economies exist in failing states because they do not have the resources to combat them. Consequently, states cannot generate revenue and thus cannot provide for their citizens. There are often inadequate police forces or worse corrupt police. Laws or the backing of government or an honest justice system

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[64]The Fund for Peace, "2012 Failed States Index Released."
[65]Phil Williams, "Strategy for a New World: Combatting Terrorism and Transnational Organized Crime," in *Strategy in the Contemporary World*, ed. John Baylis *et al*., 192-208 (New York: Oxford University Press, 2007), 195.
[66]Jeanne Giraldo and Harold Trinkunas, "Transnational Crime," in *Contemporary Security Studies*, ed. Alan Collins, 428-446 (New York: Oxford University Press, 2010), 429.
[67]Williams, "Strategy for a New World"…, 197-198.

may not be there to deal with this problem. Illicit economies are a threat to economic development. They, along with organised crime, undermine the rule of law and discourage foreign investment.[68] In addition to this, work in illicit activities often pays better than work in a legitimate industry. In countries with little prospect of working at a legal job, the opportunity to earn good money, thus providing for family, outweighs the chance of suffering the consequences of the slim chance of being caught.

Violence is another method used by criminal organizations to further their objectives. Violence, or the threat of violence, can be used to force unwilling citizens into criminal activity. It can also be used against government officials to corrupt them, thus permitting criminals to operate with minimal fear of prosecution. Ultimately, violence by criminal groups increases state weakness and it maintains the fruitful operating conditions required for criminal activity.[69]

As a matter of self-preservation, criminal organizations often use network structures to conduct their operations. Within this network are compartmentalized units that can operate independently for some activities. Small units normally do rely on a larger organization for logistics support, knowledge and or coordination. However, due to their compartmentalization, they are easily regenerated if they are arrested or destroyed.[70]

Failing states are safe havens for criminal organizations. Criminal organizations operate well in failing states as they thrive when there is poor governance. The conditions created by poor governance such as poverty, violence and political instability contribute to corruption and an illicit economy. These conditions then keep contributing to the cyclical pattern of a failing state, keeping its status as a failing state.

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[68]Giraldo and Trinkunas, "Transnational Crime"…, 439.
[69]Williams, "Strategy for a New World"…, 196.
[70]*Ibid*.

Terrorist Objectives

Terrorist organizations use terror to accomplish their political objectives. A commonly accepted definition of terrorism by the US government is, "the calculated use of unlawful violence or threat unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious or ideological."[71] In addition to accomplishing political, religious or ideological objectives, terrorist organizations may resort to criminal activities to generate resources to contribute to their operations.

The most basic objective of terrorist organizations is to survive.[72] The organization must sustain itself so that it can continue to carry out terrorist acts needed to further its political objectives. In order to ensure they survive, terrorist organizations must gain the support of new members. One group of people who are susceptible to being recruited into terrorist organizations are people that are poor and deprived of basic human needs.[73] Consequently, a failed state is a perfect place to find and recruit people who are in this predicament.

Terrorist organizations are motivated by ideologies.[74] Author Malcolm Nance writes, "Terrorism is derived from grievance, vengeance and a calling to a higher honor."[75] Religion is a driving force for many terrorist organizations. Islamic extremists want to establish a worldwide caliphate based on Sharia law. They openly declare this objective and conduct operations to further their cause.

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[71]Jim Winkates, "Suicide Terrorism: Martyrdom for Organizational Objectives," *Journal of Third World Studies* 23, no. 1 (2006): 88.

[72]*Ibid.*, 94.

[73]Ervin Staub, "Notes on Terrorism: Origins and Prevention," *Peace and Conflict: Journal of Peace Psychology* 8, no. 3 (2002): 209.

[74]Giraldo and Trinkunas, "Transnational Crime"…, 437.

[75]Malcolm Nance, "How (Not) to Spot a Terrorist," *Foreign Policy* no. 166 (May/June 2008): 76.

In order to gain recognition for their cause, terrorists design and intend that their attacks will produce the maximum psychological impact.[76] Terrorists want their attacks to generate news headlines as they will bring more and more exposure to their cause. The use of suicide attacks assist in this venture, as terrorists then have the ability to claim that their cause is so important that it was worth one of their members sacrificing their life for it thus becoming a martyr.[77] Another way to increase the exposure to their cause is to make their attacks more and more lethal.[78] Spectacular attacks such as the attack on 11 September 2001 on the World Trade Center, the Mumbai bombings in 1993 and the 1995 sarin gas attack on the Tokyo subway system were all designed for maximum exposure. Each one of these attacks was designed to kill large numbers of people. The World Trade Center and the Tokyo attack were also designed to be spectacular in that they used highly unorthodox methods to conduct them. Spectacular attacks provide the terrorists with the maximum psychological impact on their targets and generate a great deal of media attention to further their cause.

In order to sustain their operations terrorist organizations require funding. As one option terrorists use criminal activities to generate funds for future operations. Criminal activities by terrorist organizations throughout the world have ranged from coupon fraud, smuggling to kidnapping or hijacking. In this vein, terrorist organizations also require the services of enterprising criminals to support their operations. Criminals have sophisticated networks to support activities such as weapons trafficking and the production of false government documents.[79] These services enable terrorist networks to continue to operate and achieve their ideological objectives.

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[76]Williams, "Strategy for a New World"…, 196.
[77]Winkates, "Suicide Terrorism: Martyrdom for Organizational Objectives,"…, 89.
[78]Williams, "Strategy for a New World"…, 196.
[79]Giraldo and Trinkunas, "Transnational Crime"…, 436-437.

One place, beyond the general weak state context, where both terrorists and criminals do come across one another is in prison. There is some evidence to suggest that networking amongst the two groups does occur in prisons. The bonds created by prisoners who share their time together can facilitate criminal and terrorist cooperation once released. An example of this is illustrated by a drug dealer who had become radicalized in prison and later played a key role in the 2004 Madrid bombing.[80]

Conclusion

This chapter has provided the background information required to look at the issues of piracy in Somalia. A short history of Somalia, since the fall of the Barre Government, has been provided to examine how Somalia came to be a failed state. Next, Naudé and McGillivray's four broad and interrelated causes for state "fragility" conflict, low development status, vulnerability and the lack of a developmental state were discussed. The second half of the chapter examined some of the conceptual issues of crime and terrorism. The relationships between how weak governance contributes to criminal organizations and what are the objectives of terrorist organizations were examined to provide a lens for chapters three and four in order to determine if piracy in Somalia is a criminal activity or a form of maritime terrorism.

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[80]*Ibid.*, 437.

CHAPTER 3 - SOMALIA AS A FAILED STATE – BREEDING AND SUPPORTING PIRACY

The best way to overcome terrorism and piracy ultimately is to fill the vacuum in which they thrive, namely the absence of state authority and government capacity.[81]

- Former Somali Prime Minister Omar Sharmarke

Introduction

As addressed in the introduction, Chalk is one advocate that believes piracy in Somalia is driven by poverty, underdevelopment and a lack of governance.[82] Concurring with Chalk is Stuart Palliser, the author of the book *Salt Water Thieves: Policy Reforms to Address Somali Piracy*. Palliser writes, "As a country of young, unskilled, uneducated, unemployed and desperate citizens, Somalia provides the perfect environment for the recruitment and sustained activities of pirates."[83] Using four indicators from the *Failed State Index* as presented in the book *Salt Water Thieves: Policy Reforms to Address Somali Piracy,* this chapter will examine how situations on land, which contribute to Somalia's status as a failed state, make Somalia the perfect environment to support piracy. The four indicators Palliser uses to examine Somalia as a failed state are a system of cyclical violence, the emergence and persistence of separate warring factions competing for power and territory, total failure of the state apparatus and its institutions, and lack of opportunity by legitimate means available to citizens.[84]

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[81]James Traub, "In the Beginning there was Somalia," *Foreign Policy,* no. 180 (2010): 84.
[82]Chalk, "Piracy Off the Horn of Africa,"…, 102.
[83]Stuart Palliser, *Salt Water Thieves: Policy Reforms to Address Somali Piracy,*(Halifax: Dalhousie University, 2010), 20.
[84]*Ibid*., 21.

Using these four indicators, this chapter will examine how piracy in Somalia is supported by Somalia's failed state status. This chapter will consist of four sections, with each section based on an indicator from the *Failed State Index*. Each section will use examples from everyday life in Somalia, provide support for the indicators and discuss how those examples factor into piracy. Of the four indicators, the most important one is the total failure of the state apparatus and its institutions.[85] We will look at this indicator first because without state institutions there is no control and without control there is little hope for legitimate opportunities, a stop to cyclical violence and the end to power struggles. Secondly, this chapter will look at the lack of opportunity by legitimate means available to citizens, followed by a system of cyclical violence and finally the emergence and persistence of separate warring factions competing for power and territory.[86] The theme that will resonate throughout this chapter is that each factor contributes to a cycle and that this cyclical pattern continues to support piracy in Somalia.

The Total Failure of the State Apparatus and its Institutions

This section will discuss the failure of state institutions and how that has contributed to and continues to support piracy in Somalia. Martin Murphy, from the Corbett Centre for Maritime Policy Studies, contends that what sustains piracy now is an accommodating political environment on land.[87] States require institutions. In order for states to function, governments are required to make laws, police are needed to enforce laws and a fair and unbiased court system to prosecute the guilty and vindicate the innocent is required. These institutions are the foundation of a functioning state. Without these institutions the chances that a state will slip into lawlessness

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[85]*Ibid.*

[86]*Ibid.*

[87]Martin Murphy, "DIRE STRAITS: Taking on Somali Pirates," *World Affairs* 173, no. 2 (2010): 91.

or mob rule is high. Somalia is a perfect example of how government and institutional failure has caused it to be the world's most utterly failed state.[88]

Somalia's downfall began in 1991 with the removal of the Barre government. Since then, there has been a lack of governmental institutions to maintain control over the citizens. Since the fall of Barre's government, Somalia has had 14 attempts to establish a national power.[89] Without a functioning government there has been little progress. One reason for the lack of support for a national government from within Somalia is that Somalia is a society based on clans or tribes. Consequently, Somalis do not recognize a government based in Mogadishu as their national government.[90] Peace talks held in neighboring countries have never fully addressed the ideas of reconciliation and how to unite the clans and the people so that a government, legitimate in the eyes of the citizens and the world, can be created.[91] Furthermore, many of the attempts to establish a central government in Somalia have failed because they have not addressed the importance of the clan or tribal ways of life. Paper governments have existed, but they have been ineffective because they govern from outside the country and are unable to provide security for the nation.

The failure of the government to maintain sufficient institutions to enforce laws has been another contributing factor to piracy. Somalia has been unable to support or provide effective police forces, a coast guard or a military. The inability, in the early 1990s, for the Somali government to regulate its own waters from overfishing and illegal dumping was the genesis of the piracy problem in Somalia.[92]

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[88]The Economist, "The world's most utterly failed state: The spread of piracy just draws attention to the growing chaos on Somalia's land," accessed on 29 January 2013, http://www.economist.com/node/12342212/print.

[89]Brent Schaefer, "Piracy: A Symptom of Somalia's Deeper Problems," *The Heritage Foundation* No. 2398, (April 2009): 3.

[90]*Ibid*., 2.

[91]Palliser, *Salt Water Thieves…*, 14-15.

[92]Somalia's waters extend out to 200 nautical miles. Marley, *Modern Piracy…, 19.*

Without a coast guard or navy, Somalia's territorial waters were left unpatrolled and undefended, thus they were open to foreign trawlers to overfish. In addition to fishing illegally, Chinese, South Korean and Taiwanese fishing trawlers used illegal steel pronged dragnets that left the seabed bear.[93] In 1995, as a result of the government's inability to police its waters, local fisherman took it upon themselves to fill this void. Initially, Somalia's fishermen acted in a coast guard capacity and stopped boats from illegal fishing by boarding them and asking to see their fishing licence. Naturally, a foreign vessel did not have a fishing licence, as there was not a Somali state agency to issue one, so the ship was ordered to pay a fine. The received fines went to the fishermen, operating as an illegitimate coast guard, or in the eyes of the law of the sea, pirates. To counteract this action by the pirates some fishing companies hired local Somali warlords to provide protection in the form of armed Somalis on their vessels.[94] Realizing they were no match for heavily armed security and after seeing some initial success in the concept of vigilante justice, the illegitimate coast guard moved on to targets other than fishing vessels. Shortly thereafter any commercial vessel was an acceptable target.

Fueling the pirates' ability to initially act as a coast guard to protect their natural resources and then move to pirating commercial vessels was the lack of control by a legitimate authority. Pirates were able to act as a coast guard because the state could not provide one. They were able to conduct their operations without fear of being caught because there was no authority to catch them. Further, they worked without fear of prosecution because there was not a functioning justice system to try them.

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[93]Marley, *Modern Piracy…,* 70.
[94]*Ibid.*

The dumping of toxic waste in Somali waters is another problem which has been created and allowed to thrive by the absence of government.[95] The resulting waves from the 2004 Indian Ocean Tsunami dredged up tons of nuclear and toxic waste which soon caused aliments in the people who inhabited the coastline near the dumping site. The European Green Party investigated and found that the origin of the waste was from Italy and that a disposal company had signed a contract with local Somali warlords to dump ten million tons of toxic waste for $US 80 000 000. This sum of money represents $US 2.50 a ton. The normal rate, in Europe, for disposal of this kind of waste is $US 1 000 a ton.[96] What can be seen by this situation is that the lack of government has caused illegitimate powers to act on behalf of the state and conduct negotiations to benefit themselves and not the country. Furthermore, the lack of a force to police the waters is partially to blame for this failure. Had there been an effective and legitimate coast guard, there is the possibility that the illegal dumping would not have happened. The lasting effect on the people affected by this illegal dumping is a feeling of resentment towards government authority because they were not there to perform the duties of protecting Somalia's natural resources and the citizens.

In addition to the absence of security sector institutions, Somalia has not been able to generate revenue from legitimate entities. After the fall of the Barre government, the Somali government was unable to control revenue sources such as airports, ports customs facilities or fishing licences.[97] Illustrating this example is the statistic from the current *CIA World Fact Book* which states that Somalia's budget revenues and expenditures are not assessed.[98]

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[95]Currun Singh and Arjun Singh Bedi, "War on Piracy: the Conflation of Somali Piracy with Terrorism in Discourse, Tactic and Law," *International Institute of Social Studies* No. 543 (May 2012), 8.
[96]Marley, *Modern Piracy…,* 71.
[97] Weir, "FISH, FAMILY, AND PROFIT,"…, 19.
[98]Central Intelligence Agency, "The World Fact Book: Somalia."

Consequently, enterprising clan warlords took over this function and began to generate income for themselves. Without revenue, governments cannot function and because they are not functioning they cannot collect revenue. The cycle will continue, and will only get worse; eventually all that people can do is look out for their own best interests.

State failure usually includes a failure in the justice system. As already discussed, there is little chance of a pirate getting caught conducting piracy, but even if they were caught there is no justice system to try accused. The US National Security Council contends that, "Somali-based piracy is flourishing because it is currently highly profitable and nearly consequence-free."[99]

However, there was one brief period over the last twenty years when there was a justice system. In 2006, the UIC took power and held a firm stance against piracy. The UIC declared piracy to be a crime and established harsh penalties for those found guilty. Penalties were severe and could have included the cutting off of both hands.[100] Donna Nincic, of the California Maritime Academy, contends that as a result of the rule of law, the number of piracy attacks dropped to only 10 in 2006.[101] There may be other factors to explain the reduced number of pirate attacks in 2006, but like deterrence these factors cannot be quantifiably measured. However, a logical conclusion to be deduced would be, if there was only one major variable changed in 2006, which was deterrence, brought about by the UIC, then the number of pirate attacks before and after 2006 should be higher. Illustrating this are the statistics from the years preceding and following 2006. In 2005 there were 22 attacks around East Africa and in 2007 there were 27 attacks in the same region.[102] There can be little doubt that the chance of being

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[99]National Security Council, *Countering Piracy off the Horn of Africa: Partnership & Action Plan*, (Washington, DC: U.S. Government Printing Office, 2008), 12.

[100]Chalk, "Piracy Off the Horn of Africa,"…, 94.

[101]Donna Nincic, "Maritime piracy in Africa: The humanitarian dimension" *African Security Review* 18:3, (2009): 10.

[102]International Maritime Organization, "Reports On Acts Of Piracy And Armed Robbery Against Ships Annual Report - 2007," accessed on 31 January 2013,

caught and the severity of the punishment for those found guilty had to contribute to the reduction of pirate attacks in 2006.

Determining the total amount of money paid to pirates is difficult. Some shipping companies do not report the sums paid in ransom and there is no central agency that ships are mandated to report the total sum of ransoms paid. Estimates of ransoms paid vary. For example, in November 2008, Kenya's foreign affairs office estimated that in excess of $US 150 million was the total paid to Somali pirates in the twelve months preceding this report.[103] Additionally, in a report for the US Congress, the 2009 estimate was that pirates in Somalia collected $US 80 million.[104]

Another failure of the Somali government has been its inability to stop the financing of piracy. The world's first pirate exchange opened in 2009 in a town 250 miles northeast of Mogadishu.[105] This stock exchange permits investors, with money or weapons, to profit from ransoms obtained from piracy. Piracy related operations have become the economic engine in this area and consequently locals are now depending upon it. Further, corruption of local district government officials, with funds generated from ransoms, is ongoing. When government officials accept money from illegitimate operations, they give their implicit consent towards the activity. One interviewed Somali pirate said that 30% of a ransom collected from piracy goes towards the payment of bribes.[106] In this area there is little hope of legitimate development as the

http://www.imo.org/KnowledgeCentre/ShipsAndShippingFactsAndFigures/Statisticalresources/Piracy/Documents/Piracy%20annual%20reports%201996%20-%202010/10_MSC_4.Circ.81%20-%202005.pdf.
    International Maritime Organization, "Reports On Acts Of Piracy And Armed Robbery Against Ships Annual Report - 2005," accessed on 31 January 2013,
    [103]Anonymous, "Somali pirates collect over EUR 120m in ransoms," *Irish Examiner*, 22 November 2008.
    [104]Lauren Ploch *et al.* "Piracy off the Horn of Africa," CRS Report for Congress, accessed on 27 March 2013, http://fpc.state.gov/documents/organization/162745.pdf.
    [105]Avi Jorisch, "Today's Pirates Have Their Own Stock Exchange: Western powers patrol the seas but do little to stop pirate financing," *The Wall Street Journal*, 16 June 2011.
    [106]Hansen, *Piracy in the greater Gulf of Aden*,…, 39.

region runs on illegal activities and corruption. The end result of this stock exchange is the continued support of piracy and the de-legitimization of government institutions.

Lack of Opportunity by Legitimate Means Available to Citizens

This section will discuss the lack of opportunity by legitimate means available to citizens and how this lack of opportunity contributed to and continues to support piracy in Somalia. The lack of opportunity in Somalia is a function of many failings. These failures include; the failure of the state's ability to educate its citizens, its failure to protect and develop natural resources, and the failure to curb the illegitimate economy created by piracy and war profiteering. The lack of opportunity in Somalia has caused many to take matters into their own hands and turn to illegal activities such as piracy. Initially, piracy was conducted out of desperation not greed, but today piracy is conducted as a result of both desperation and greed.

The first issue to be discussed is the issue of education. In the cyclical pattern involving Somalia and its failed state status, the lack of education plays a pivotal role. It is estimated that half of Somalia's population was born since the fall of the Barre government in 1991.[107] As of 2008, it was also estimated that half of the population was under the age of 15.[108] Since 1991, there has been little in the way of an education or health care system. Consequently, it is estimated that as little as 10% of this half of the population has received only rudimentary education.[109] This generation has grown up not knowing what it is to be educated or even what the majority of the world considers to be a normal childhood. Further, the level of supervision of

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[107] The Economist, "The world's most utterly failed state."
[108] Palliser, *Salt Water Thieves…*, 23.
[109] The Economist, "The world's most utterly failed state."

young Somalis is not adequate as half of the population are children and many parents are absent due to death, work, or just not caring.

Uneducated and unsupervised young men make the perfect candidates for piracy. Uneducated young men have little opportunity in Somalia and there are few legitimate industries in which to work. The influence of seeing successful Somali pirates with money in their pockets contributes to the desire for young men to join pirate groups. Supporting this idea is a statement made by one Somali pirate when he discussed why he joined a pirate group: "I saw the abundance of the money the pirates had. I joined them seeking money."[110] This particular pirate carried out four attacks on vessels, of which three were unsuccessful, and the fourth one paid him $US 70 000. Without positive and educated role models and a lack of opportunity, the cycle of uneducated men turning to illegal activities will continue.

The lack of an opportunity to work in a legitimate industry further increases the chance that people will turn to illegal activities such as piracy to provide for themselves and their families. The opportunity to hold a legitimate job in Somalia is scarce. The lack of legitimate organizations like the coast guard or police forces, make it difficult to find work. There is little investment, foreign or domestic in Somalia. As such, there are few businesses or industries where people can work. Fishing is a legitimate industry that does provide the opportunity for some Somalis to earn a livelihood. There are some problems with the fishing industry in Somalia. First, as a result of overfishing, stocks of fish have dwindled so much that it is difficult for subsistence fishermen to make a living.[111] Since the ability to make a living from fishing was severely reduced, fishermen had to find a way to provide for their families. Possessing skillsets

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[110]Hansen, *Piracy in the greater Gulf of Aden*,…, 38.
[111]Kraska, "Freakonomics of Maritime Piracy,"…, 116.

that are directly transferable to piracy, fishermen could easily turn to piracy to make a living.[112] The same logic applies to members of the Somali military that existed prior to the fall of the Barre government. Trained soldiers who were consequently out of work as a result of the collapse of the state had little opportunity to earn a livelihood. They possessed the skills required of pirates. Marksmanship and knowledge of how to handle small arms or rocket propelled grenades are skillsets that are directly transferable to piracy.[113] Finding legitimate work over the last 20 years has been difficult. Since, the cycle of illegitimate ways to earn a livelihood, such as piracy, has existed for twenty years, the desperation initially experienced continues and has manifested itself as a way of life.

It is important to recognize what lures young men to piracy: money, security and the chance for a new life.[114] An entry level pirate can make up to $US 10 000 for one attack. This amount represents more money than a person could make from a legitimate occupation in Somalia in more than a decade. Successful pirates earn status allowing them to marry, build a house and purchase a new car.[115] This chance for a new life for uneducated young men, combined with the low consequences of being caught, contributes to men forgoing the difficult option of earning a legitimate livelihood in favour of piracy.

There are many leaders in Somalia who place self-interest above national-interest.[116] Piracy may have begun in the early 1990s as a result of fishermen banding together to form a coast guard to protect their fishing stocks, but now it has evolved into a multimillion dollar a year business.

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[112]Martin Murphy, "Piracy and the Exploitation of Sanctuary," in *Pirates, Terrorists and Warlords, The History, Influence and Future of Armed Groups Around the World*, ed. Jeffrey Norwitz, 166-176 (New York: Skyshore Publishing, 2009), 167.

[113]BBC, "Somali pirates living the high life," accessed on 4 February 2013, http://news.bbc.co.uk/2/hi/7650415.stm.

[114]Kraska, "Freakonomics of Maritime Piracy,"…, 114-115.

[115]BBC, "Somali pirates living the high life."

[116]The Economist, "The world's most utterly failed state."

Many people enjoy the economic benefits from piracy. There are foreign investors who profit from successful piracy acts. Corrupt local government officials who are paid off reap the benefits. Local clans who share the bounty from piracy benefit from new infrastructure which is purchased from this bounty. With ransoms ranging between $US 1 and 3 million there is a great deal of money to be shared among parties involved. Generally, pirates and sponsors take the highest share of 30% per respective group, next the financier claims a 20% share and finally officials and militias each take home a 10% share.[117] With a 30% share in ransoms pirates make a wage incomparable to that of an ordinary citizen. All parties involved want to see piracy continue. They are personally benefiting from the illegitimate activity of piracy and see no benefit of legitimate ways to make a livelihood. Consequently, they contribute to the cycle of a lack of opportunity and piracy. [118]

A System of Cyclical Violence

The next indicator to be discussed is the system of cyclical violence which exists in Somalia. Violence in Somalia has been a part of everyday life since before 1991. Children born since 1991 in Somalia have known no other life than one that is surrounded by violence. Piracy is a violent act. It takes knowledge of violence and how to apply it to pirate large ocean going vessels on the high seas. Unfortunately, Somalis are used to seeing and applying violence and this mindset and skillset integrates very well into piracy. As the use of violence is cyclical, each generation that sees it or applies it will become more and more accustomed to it over time.

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[117]Christopher Daniels, *Somali Piracy and Terrorism in the Horn of Africa* (Toronto: The Scarecrow Press, 2012), 39-40.
[118]The Economist, "Somalia's Civil War: Just a Glimmer of Hope," accessed on 29 January 2013, http://www.economist.com/node/13185216/print.

The fall of the Barre government in 1991 and the resulting civil war marked the start of the cycle of violence in Somalia. Just prior to Barre's overthrow, he was quoted as saying "When I came to Mogadishu . . . there was one road built by the Italians. If you try to force me to stand down, I will leave Mogadishu as I found it."[119] Unfortunately for Somalia when Barre did leave, the city and the country were in a state of chaos. In Barre's absence the city was left in control of warlord Aidid. Aidid's men systematically hunted down members of the rival Darod clan.[120] Members of this clan were killed in the streets of Mogadishu and only the lucky ones escaped the city.

Since then, clans have been at odds with one another. They have competed over resources and have killed one another just because they belong to another clan. Because of a lack of a functioning judicial system and other government institutions, these acts of murder and brutality have largely gone unpunished. These acts contribute to piracy though the normalizing of violence and the consequence free environment that exists across the country.

Somalis see or are affected by violence almost every day. Being a part of violence each day contributes to the cycle of violence by the feelings created when family members are lost to senseless acts. For instance, in 2007, jihadists had taken control of much of southern Somalia. The jihadists assumed control through violent means and consequently an estimated 9 000 innocent civilians were killed.[121] These 9 000 innocent civilians represent thousands of families whose lives were directly touched by violence during the jihadist's bid for power. Later, in 2009, a remote control al-Shabaab landmine injured several AU peacekeepers. The peacekeepers

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[119]Jay Bahadur, *Dearly Waters: Inside the Hidden World of Somali Pirates*, (London: Profile Books 2011), 26.

[120]*Ibid.*

[121]The Economist, "The world's most utterly failed state."

panicked and opened fire, killing at least 20 civilians.[122] Al-Shabaab could not have scripted a

better response from the AU peacekeepers. Their actions only increased the violence and

insecurity in the region.

Additionally in 2010, two Afghanistan based researchers visited the main hospital in

Mogadishu. Within their first ten minutes there, three casualties were brought into the hospital

with bullets or shrapnel wounds. They also noted that in the intensive care unit all beds were

filled with war wounded.[123] Aid workers, who are in the country to help, are often the targets of

violence. In 2008 alone, dozens of aid workers were killed or beaten.[124] The net result of killing

aid workers is that aid agencies stop sending their people to Somalia to help. With 3.2 million

people in Somalia requiring food aid, Somalis can ill afford to go without the delivery of

humanitarian aid.[125]

Contributing to the cycle of violence is the availability of weapons in Somalia. In

Mogadishu, it is estimated that for every man, woman and child there is one gun.[126] AK-47

assault rifles and RPGs are easily and cheaply purchased in Somalia. These weapons are the

weapons of choice for Somali pirates.[127] In 2009, there were 406 reported pirate attacks

worldwide of which 215 occurred off the Horn of Africa.[128] The IMB reported that 89% of the

attacks which occurred off the Horn of Africa were conducted with pirates who used guns.[129]

These 2009 statistics are in stark contrast to the statistics on piracy in the rest of the world

that year. In the 191 pirate attacks in the rest of the world, only 48 reported pirates using guns. Is

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[122]The Economist, "Somalia's Civil War."

[123] Traub, "In the Beginning there was Somalia,"..., 83.

[124]The Economist, "Somalia's demography: Little-known, dispersed and dying," accessed on 29 January 2013, http://www.economist.com/node/13185534/print.

[125]*Ibid.*

[126]*Ibid.*

[127]Chalk, "Piracy Off the Horn of Africa,"…, 97.

[128]Sullivan, "Piracy in the Horn of Africa and its Effects on the Global Supply Chain"…, 235.

[129] In the remaining 11% of attacks the types of weapons used were not reported.

there a relationship between the availability of guns on land and their use in pirate attacks? This answer cannot be quantifiably measured, but an educated assumption is that their increased availability on land results in their increased use at sea.

To further examine this relationship, we can look at the types of vessels pirated around the world. The use of assault rifles and RPGs permit Somali pirates to stop the largest of ocean going vessels. The damage which could be potentially inflicted by an RPG against the hull of an oil tanker or a LNG carrier could be catastrophic. For example, in November 2008, Somali pirates seized the *MV Sirius Star* which was one of the largest oil tankers in the world carrying $US 110 000 000 worth of oil.[130] Large vessels like this are the targets of choice for Somali pirates as they are the ones that offer the greatest opportunity to land a very large ransom. Contrasting this are pirate attacks of the coast of Bangladesh where the main types of vessels that are pirated are smaller fishing vessels and the primary weapon used in these attacks are knives.[131]

Somali pirates potentially have also figured out what vessels they should stay away from. Vessels flagged by nations who have taken a tough aggressive stance on piracy, such as Russia, offer serious consequences should they be caught. There are reports of Russian naval vessels responding violently to pirate attacks. One controversial video shows Russians boarding a ship, uncovering a weapons cache, then handcuffing pirates to the vessel and sinking it.[132]

There is little doubt that the availability of weapons in Somalia has a role to play in the cycle of violence which exists in the everyday lives of Somalis. These weapons factor into Somali piracy by giving pirates the ability to pirate larger ships, which ultimately bring in the

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[130]Bendall, "Cost of Piracy,"…, 180.
[131]Carolin Liss, *Oceans of Crime: Maritime Piracy and Transnational Security in Southeast Asia and Bangladesh* (Singapore: ISEAS Publishing, 2011), 110.
[132]Daniels, Somali Piracy and Terrorism in the Horn of Africa,…, 73.

largest of ransoms. Large ransoms paid then contribute to more money in the black-market and underground economies and also finance future piracy operations.

The cycle of violence in Somalia has created young men who are all too familiar with violence and a state of unruliness. Normally, when there is a substantial presence of authorities in an area, illegal activities cease or at least their frequency is reduced. This is not the case in Somalia. With a large naval taskforce in the region, that is somewhat stretched given the large operational area, Somalia pirates still continue to engage in piracy operations. Palliser contends that "The long-term violence and war experienced on land has quite simply produced salt water thieves unafraid, perhaps unaware, of the consequences typically associated with a system of justice."[133]

The Emergence and Persistence of Separate Warring Factions Competing for Power and Territory

The final indicator from the *Failed State Index* that will be explored in this chapter is the emergence and persistence of separate warring factions competing for power and territory. One argument put forward by *The Economist* suggests that, "Piracy is a symptom of the power vacuum in side Somalia."[134] Competition for power and territory has been on going in Somalia since before 1991, but has increased significantly since then. This competition has not been peaceful and has contributed to the cycle of violence which has existed in Somalia for the last 20 years.

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[133]Palliser, *Salt Water Thieves…*, 35.
[134]The Economist, "The world's most utterly failed state."

There are many factions who use violence to compete for power or territory or both in Somalia. This section will look at fighting between rival clans, clans or warlords versus peacekeepers, peacekeepers or government backed soldiers versus al-Shabaab, political entities struggling for power and finally pirates versus pirates.

The demise of the totalitarian Barre government was at the hands of a coalition of clans, backed by Ethiopia, who joined together to overthrow the government. Once this government was overthrown the coalition of clans disintegrated and infighting between the clans commenced. Clan versus clan fighting, killed, and wounded thousands. Additionally, this fighting displaced hundreds of thousands of people. Former Reuters' correspondent, Aidan Hartley illustrates the horrid actions taken by clans against each other in his account of a shooting in Mogadishu.

> A queue of civilians was huddled at a road block before a gang of rebels. As each person was waived through, another came forward and began uttering a litany of names. My guide with the flaming red hair said the people were reciting their clan family trees. The genealogies tumbled back generation after generation to a founding ancestor. It was like a DNA Helix, or a fingerprint or an encyclopedia of peace treaties and blood debts left to fester down the torrid centuries. I was thinking how poetic this idea was, when bang!, a gunman shot one of the civilians, who fell with blood gushing from his head and was pushed aside onto a heap of corpses. "Wrong Clan," said my flaming haired friend. "He should have borrowed the ancestors of a friend."[135]

Actions such as these show just how senseless and violent the clan versus clan rivalry has been during this civil war.

Were the clans fighting over grievances against one another or to gain control of resources and political power? Ultimately, clans were fighting each other for resources and access to them. Supporting this concept is an Oxford University economist, Paul Collier, who contends that there are two main factors which lead to conflict in Africa, religious/ethnic

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[135]Bahadur, *Dearly Waters: Inside the Hidden World of Somali Pirates…*, 26.

grievances or greed.[136] Collier concludes that the most important factor in recent civil wars in Africa is greed and that this factor also prolongs conflict.[137] Reinforcing this stance, University of Pennsylvania African Studies Center Director Lee Cassanelli claims that "the war in Somalia was not a means to defeat rival clan or faction leaders but to claim valuable resources."[138] Clans fought to control resources, such as infrastructure, fertile land, real estate, port facilities and humanitarian aid donated from foreign countries. The infighting between clans has gone on for years in Somalia mainly because there has been not been a governmental authority strong enough to stop it.

One set of groups that tried and are still currently trying to stop the quest for power among various power entities in Somalia are peacekeepers. In the early days of the Somali civil war US President Bush sent a total of 28 000 troops into Somalia to support a humanitarian mission.[139] Twenty-four other countries also contributed peacekeepers to this US led operation to assist the thousands of starving Somalis.[140] These peacekeepers spent the majority of their time trying to stop fighting amongst the clans in their quests to obtain power and resources. Clan leaders also saw peacekeepers as a threat to their power and attacked them as well. In the two missions spanning three years in Somalia 157 UN peacekeeping personnel were killed.[141]

In recent years the AU has deployed peacekeepers into the Somalia. These peacekeepers have had to contend with the Islamic group al-Shabaab and its desire to obtain power and territory. It is estimated that al-Shabaab's aim is to create a fundamentalist Islamic state across

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[136]Christian Webersik, "Wars Over Resources? Evidence from Somalia" *Environment* 50, no. 3 (2008): 49.
[137]*Ibid.*
[138]*Ibid*., 50.
[139]Traub, "In the Beginning there was Somalia,"..., 81.
[140]United Nations, "Somalia – UNSOM II Background," accessed on 6 February 2013, http://www.un.org/en/peacekeeping/missions/past/unosom2backgr1.html.
[141]*Ibid*.

the Horn of Africa and it is willing to use force to achieve its objectives.[142] The relatively small number of AU soldiers, compared to the number of the Somalis who carry weapons each day and the number of al-Shabaab, will have an uphill battle to contain the conflicting desires of the many different groups who are trying to achieve power and territory in Somalia.

Another example of how groups are willing to take up arms to further their bid for power was shown in the 2001 election in Puntland. In May 1998, Abdullia Yusuf became the first president of Puntland. Yusuf ruled this semi-autonomous region as his personal fiefdom until 2001 when he lost an election to his challenger.[143] Yusuf did not contest the results of the election; he did, however, openly declare war on his opponent. Six months of violence ensued and eventually Yusuf was victorious allowing him to reassume the presidency of Puntland.[144] Clearly, this example demonstrates how unstable the system of governance is in Somalia and how warring factions competing for power and territory destabilizes the state.

The final groups competing for power which will be discussed are pirates competing with other pirates. In 2011, a local elder in Somalia stated that, "Anywhere the pirates are operating is not secure because there are daily conflicts amongst themselves."[145] Pirate infighting has increased in recent years. The origin of this is fighting is normally over disagreements in individuals' shares of ransoms paid. The catalyst to move the disagreement from a discussion to a violent attack is either alcohol or drugs. Pirates under the influence are more normally the ones engaged in fighting each other. With little in the way of deterrence from state authorities, each pirate having their own weapon, and their inhibitions removed by alcohol or drugs, the escalation from argument to violence is quick. This infighting happens amongst the populace so there are

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[142]Jonathan Stevenson, "Jihad and Piracy in Somalia" *Survival* 52, no. 1 (2010): 28-29.
[143]Bahadur, *Dearly Waters: Inside the Hidden World of Somali Pirates…*, 29.
[144]*Ibid*.
[145]Jama Deperani, "Why Pirates Fight Each Other," accessed on 29 January 2013, http://www.somaliareport.com/index.php/post/1586.

often bystanders caught in the crossfire. The net effect has been more destabilization in the region as families in coastal areas have fled their homes to avoid being caught in the middle of the pirates' confrontations.[146]

Piracy is supported through warring factions competing for power and territory because of greed. Clan based piracy organizations have an economic interest in seeing piracy continue because they profit from it. It is in the pirates' best interests to ensure there is instability on land because this instability will continue to destabilize the government which in turn leads to a permissive environment for piracy.

Conclusion

Chalk writes, "With little functioning government, long, isolated sandy beaches and a population that is both desperate and used to war, Somalia is a perfect environment for piracy to thrive."[147] Using four indicators from the *Failed State Index,* this chapter has examined how Somalia is a perfect environment for piracy. The theme that has resonated throughout this chapter is that each factor contributes to cyclical patterns which continue to support piracy.

The total failure of the state apparatus was the first indictor discussed. The failure of the state is the most important reason why piracy in Somalia was permitted to commence and how it continues to support piracy today. The state's failure provides a permissive and consequence free environment for pirates to operate in. The state has failed to protect its people and their natural resources. This failure has led to people taking matters into their own hand to try and protect themselves and their livelihood through illegitimate means.

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[146]*Ibid*.
[147]Chalk, "Piracy Off the Horn of Africa,"…, 94.

The lack of legitimate opportunity in Somalia has provided enterprising Somalis the opportunity to turn to piracy to make more money in a short period of time than some Somalis make in a decade. The lack of education and the fact that most Somali children have grown up in a period of time where there has been no peace. Uneducated people, who know no different way of life other than violence, can be easily lured into piracy as it is a way to earn money, power and prestige.

The system of cyclical violence has contributed to piracy over the last twenty years. Somalis see violence every day. They have witnessed brutal and violent acts go unpunished and this has led to a consequence free mindset across the country, a country that has over the last 20 years, seen lawlessness and violence rule. Because of the state's inability to protect its citizens, people in Somalia have been forced to provide their own security. This has led to an unprecedented access to weapons for Somalis and consequently contributed to the cyclical pattern of violence. Violent acts have become the norm in Somalia as such the mindset required to conduct piracy is already fostered among the uneducated young men who have little opportunity to find a legitimate way of life. To commit an act of violence, for a person who has been immersed in violence all of their life, is not a big leap in comparison to an educated person from a first world nation who has not had the same level of exposure to violence.

Further contributing to this cycle of violence is the persistence of separate warring factions competing for power and territory. There is a power vacuum in Somalia and groups will try and gain control of whatever they can through violent means. The competition in Somalia is about greed. People are greedy and when they want what someone else has they can use violence without fear of consequence to acquire it. This mindset leads perfectly to piracy. Pirates see a vessel with valuable commodities and this vessel represents money and power. All pirates have

to do is take it and it is theirs. Groups all over the country and over the last 20 years have used violence to achieve power and territory. Clans have fought clans, warlords have fought with foreign soldiers, foreign soldiers and fought with Islamic extremists, there has been conflict as a result of political difference and pirates fight amongst themselves all in the name of fighting for power.

As stated in the introduction of this chapter and highlighted in each section, the factors which cause Somalia to be a failed state are cyclical in nature. The fall of the government has caused governmental institutions to dissolve as such lawless and corruption was able to take root. Fuelling this is conflict over the struggle for resources and power. Piracy was able to flourish in these conditions. Now as a result of the lack of legitimate opportunity people turn to illegitimate ways to make money. These illegitimate ways are so lucrative that people do not want to stop doing them; they sustain the conditions for lawlessness and corruption. Consequently, the state does not have the opportunity to regain power and fulfill the governance, security and judicial requirement of a functioning country, thus allowing piracy to continue and thrive.

CHAPTER 4 - RELATIONSHIP BETWEEN PIRACY AND TERRORISM IN SOMALIA

Introduction

Contrary to the evidence offered earlier, there is another school of thought which believes that Somali piracy is a form of maritime terrorism. Behavioral scientist Michael Greenberg and his co-authors at RAND Corporation, in their paper *Maritime Terrorism: Risk and Liability,* seek to address some of the challenges brought about by maritime terrorism. In order to gain a better understanding of maritime terrorism they explore the intentions of terrorists groups. This chapter will use the three intentions of terrorist groups, as presented in the RAND paper as an outline to show that piracy in Somalia is not used to further the objectives of terrorist organizations. The three intentions discussed by Greenburg *et al*. are that terrorist groups can use sea based operations to 1. overcome security measures on land, 2. cause mass economic destabilization and 3. to inflict "mass coercive punishment" or trigger a major environmental disaster.[148] Another intention, not discussed by Greenburg *et al*., contends that Somali piracy is a form of maritime terrorism as pirates use piracy in Somalia to finance their operations.

In addition to examining the intentions of terrorist organizations it is also important to study the types of targets that terrorists can attack in the maritime domain. Martin Murphy, in his book *Small Boats, Weak States, Dirty Money: The Challenge of Piracy,* determines there are four categories of maritime targets. These four broad conceptual categories will be examined and compared to targets attacked by pirates in Somalia. By comparing the conceptual intentions and targets of terrorist organizations to the actual intentions and targets of Somali pirates' it will be shown that piracy in Somalia is not a form of maritime terrorism.

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[148]Greenberg *et al*., *Maritime Terrorism Risk and Liability…*, 15-17.

Overcome Security Measures on Land

The first intent of terrorist groups seeking to extend their operations to the maritime environment to be discussed is to use the maritime environment to overcome security measures on land.[149] Since 11 September 2001, many nations have heightened the security at all points of entry into their countries. Strengthening immigration measures such as ensuring all visitors have passports and the collecting of biometric data on their arrival are just two ways countries have increased their security. Physical security has also improved greatly in the last ten years as new and better methods of screening passengers and cargo that are moving around the world have been implemented. In addition to these efforts there is an improved mindset of security awareness throughout the western world. Consequently, it has become increasingly more and more difficult to enter a country under false pretenses or to ship illegal goods through legitimate channels.

Since movement on legitimate channels has been severely restricted, terrorist groups have had to find other means to move weapons, and personnel around the world. Security of air travel has increased drastically since 2001. However, it has been much more difficult to secure the thousands of miles of coastlines which exist around the world. As such, the oceans have offered terrorists the opportunity to transit, hide and potentially strike in methods not possible on land.[150]

Littoral states have been pressured by the international community to increase surveillance along their coasts, but this is a large challenge due to the length of coastlines which must be protected. Consequently, this large challenge is resource intensive and many nations do not have the money or other resources to secure their coastline in a manner similar to what they

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[149]*Ibid.*, 15.
[150]*Ibid.*

can do on land. This has contributed to making maritime terrorism a more viable concept for terrorist groups looking to gain the initiative.

The Islamic extremist group al-Shabaab has been known to use smuggling to further their operations. Smuggling arms from Yemen has been one way they have used the maritime domain to further their cause.[151] However, arms smuggling is not piracy. They may use vessels and armed men on them to smuggle weapons, but that is not the same as pirating a ship and holding the crew hostage for ransom. Further, al-Shabaab may use the oceans to move their members around, but again that is not piracy.

Somali Pirates use several ports to anchor pirated ships. They are held in these ports while ransom negotiations take place. These ports offer a permissive environment for the pirates to operate in and it is where they can sustain the pirate guards and ensure the basic necessities of life are provided for the hostages. These ports are also known to be smuggling ports. Stig Hansen, author of *Piracy in the greater Gulf of Aden: Myths, Misconceptions and Remedies,* notes that these ports have been, until just recently, free of al-Shabaab presence.[152]

Hansen also speculates one reason for al-Shabaab's lack of presence is that pirates are unwilling to pay shares of collected ransom to al-Shabaab. Further, he contends that al-Shabaab does not have the ability to pressure the pirates into paying a share of the ransom. If al-Shabaab was using piracy to overcome security measures on land then it would be logical to deduce that they would have a presence in ports where smuggling is ongoing.

Since al-Shabaab, the main terrorist organization in Somalia, does not operate in the key ports known for piracy and smuggling in Somalia, it is assessed that they are not using the maritime domain to overcome security measures on land as one of their principle methods.

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[151]Hansen, *Piracy in the greater Gulf of Aden,…,* 15.
[152]*Ibid.*

Cause Mass Economic Destabilization

One way terrorist groups can use maritime terrorism to their advantage is to cause mass economic destabilization. Disrupting trade among nations is one way to trigger the large scale weakening of an economy. Greenburg *et al*. contend that, "The global economy is built on integrated supply chains that feed components and other materials to users just before they are required and just in the right amounts."[153] By having just the right amounts of inventory costs are kept lower. However, "If the supply chains are disrupted, it will have repercussions around the world, profoundly affecting business confidence."[154] Interrupting maritime trade is a sure way to cause prices to rise due to scarcity in desired commodities as a result of a terrorist attack.

Following the 2002 attack on the MV *Limburg,* Osama bin Laden released a warning to the west claiming that attacks would occur against economic targets. He stated, "By God, the youths of God are preparing for you things that would fill your hearts with terror and target your economic lifeline until you stop your oppression and aggression."[155]

The attack on the *Limburg* did bring economic instability for a short period of time to Yemen, but it did not bring massive economic destabilisation to the western world. It caused oil prices to rise $US 0.48 per barrel for a short period of time.[156] But the main damage was felt in the Yemeni economy through the loss of port revenues and the economic spin offs associated with the loss of these revenues.

Terrorist organizations understand that the slightest disruptions in the worldwide oil supply system will cause an impact on oil prices. The worldwide consumption rate for oil is over

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[153]Greenberg *et al.*, *Maritime Terrorism Risk and Liability…*, 16.
[154]*Ibid.*
[155]Gal Luft, and Anne Korin, "Terrorism Goes to Sea," *Foreign Affairs* 83, no. 6 (2004): 64.
[156]Greenberg *et al.*, *Maritime Terrorism Risk and Liability…*, 16.

80 million barrels a day. [157] Striking multiple nodes successively in the oil supply chain would be a method of causing cause mass economic destabilization. Thus, throughout the world, terrorist organizations have struck oil targets. In October 2001, Tamil Tiger separatists conducted a coordinated suicide attack using five boats against an oil tanker north of Sri Lanka. As well, in Columbia, leftist rebels have attacked and blown holes in the Cano Limon-Covenas oil pipe pipeline so many times that it is now nicknamed as "the flute."[158]

As demonstrated by the hijacking of the MV *Sirius Star,* the impact of just one ship being held for ransom had little effect on the world wide economy. One relatively easy method to turn the hijacking of one oil tanker into a major disaster would be to sail it to a narrow choke point such as the Suez Canal or the Strait of Hormuz and scuttle it. This action would severely affect the price of oil, cause large increases in the costs of shipping due to navigating around the denied sea-lane and raise insurance premiums for vessels and finally cause a major environmental disaster. An event such as this would be disastrous for shipping, but if this action was coordinated with attacks on other oil supply nodes in different regions of the world, the total effects could potentially cause mass economic destabilization.

It is widely known that al-Shabaab has ties with al-Qaeda. Al-Qaeda's worldwide network would have the means to coordinate with various groups like al-Shabaab to engage in coordinated attacks to disrupt key nodes in the world's oil supply. To date this has not happened. Somali pirates have had the opportunity to engage in this type of activity, but they have chosen not to. Instead, they choose to collect the ransom generated from holding the ship. This shows that pirates in Somalia are not concerned with causing mass economic destabilization, like a

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[157]Luft, and Korin, "Terrorism Goes to Sea,"…, 65.
[158]Ibid.

Somali terrorist organization should be. Therefore, it is assessed that piracy in Somalia is not being used to cause mass economic destabilization.

To Inflict Mass Coercive Punishment

The third and final intention discussed by Greenburg *et al*. is that terrorist groups can use sea based operations to inflict "mass coercive punishment" or trigger a major environmental disaster.[159] This section will only discuss the intent to intimidate or punish targeted audiences as the intent to cause a major environmental disaster has been discussed in the previous section and will be explored again in the section on the categories of maritime targets later in this chapter.

Inflicting mass coercive punishment is done through attacking iconic targets such as cruise ships or, as Greenburg *et al*. contend, "large-scale civilian-centric strikes."[160] Attacking a target such as a cruise ship and killing great numbers of people would allow terrorists to gain the maximum publicity for their cause. Former British Prime Minister Margaret Thatcher once stated, "Publicity is the oxygen of terrorism."[161] Images from an attack, designed to strike fear into the lives of many, would most certainly make it onto the world stage either via the traditional media covering the story or potentially through the lens of survivors from the attack. Additionally, an attacking terrorist organization might record the incident and use the footage for its own information operations. In today's information age, images, tweets and video are all brought to the public swiftly. Because journalists and correspondents have access to satellite communications and the internet, worldwide media outlets can be on location and transmit a

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[159]Greenberg *et al*., *Maritime Terrorism Risk and Liability…*, 15-17.
[160]*Ibid*., 17.
[161]Brigitte Nacos, *Terrorism and Counterterrorism: Understanding Threats and Responses in the Post-9/11 World, 2nd ed, (*Toronto: Penguin, 2008), 223.

story with remarkable speed. One comment made by a British naval expert during a Senior Counter-Terrorism Couse describes the desire for journalists to be the first to get the story out. He stated, "Should a cruise ship be bombed—even in the middle of vast oceans—one can expect that news teams would be on the scene covering the story, if not within minutes, certainly within hours."[162]

It is assessed that Somali pirates do not have the intentions of inflicting mass coercive punishment. Cruise ships would be an easy target to inflict this form of punishment, but it is assessed that Somali pirates would rather attack a ship for monetary gain rather than inflict punishment. Over the last twenty years Somali pirates have attacked many different types of vessels, but their motives have been to collect ransoms vice inflicting mass coercive punishment.

Piracy to Finance Terrorist Operations

Although not discussed by Greenburg *et al*., one could expect that since piracy off the coast of Somalia has the potential to be so profitable, terrorists could use piracy to collect funds to finance other operations. There is some debate as to whether funds generated through piracy end up supporting terrorism. This section will explore this issue in order to determine if ransoms collected from piracy support terrorism.

There is some evidence to support the notion that Somali pirates are working with al-Shabaab. Prior to February 2011, *Reuters* had reported that US intelligence officials had not found evidence of Somali pirates having direct ties with al-Shabaab.[163] However, *Reuters* reports this changed in late February 2011 when al-Shabaab freed detained pirate gang leaders, after

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[162]Greenberg et al., Maritime Terrorism Risk and Liability…, 17.
[163]Stephen Roblin, "The Terror of Somali Piracy," accessed on 17 Jan 2013, http://dissidentvoice.org/2011/02/the-terror-of-somali-piracy/.

brokering a deal to receive 20% of all future ransoms. It is unclear who had detained these pirates. In return for this 20% cut, pirates would be permitted to anchor hijacked ships at the port of Haradhere in central Somalia for the duration of ransom negotiations.[164] It is important to note that this is the only region where al-Shabaab has made this arrangement with local pirates.

However, this example of pirate and terrorist collaboration is rare. Concrete figures on the sums of money transferred from Somali pirates to al-Shabaab are very difficult to find. Author Peter Eichstaedt, in his book *Pirate State: Inside Somalia's Terrorism at Sea*, suggests that Somali pirates are working with al-Shabaab, but does not provide specific details on how money flows between both organizations.[165] The same contention is made by journalist Douglas Burgess in his *New York Times* article, "Piracy is Terrorism." Burgess writes that, "Recent evidence also indicates that the Somali pirates hand over a part of their millions in ransom money to Al Shabaab, the Somali rebel group that has been linked to Al Qaeda."[166] Again Burgess believes that money from piracy is supporting al-Shabaab, but does not provide empirical evidence on how much or how this money moves between the two groups.

Christopher Daniels, author of the book, *Somali Piracy and Terrorism in the Horn of Africa*, breaks down the percentage of ransom shared among all parties involved. The statistics presented in this book, which was written in 2012, make no mention of terrorist organizations receiving a share of ransoms collected from piracy.[167] Generally, pirates and sponsors take the highest share of 30% per respective group, next the financier claims a 20% share and finally officials and militias each take home a 10% share. Stig Hansen, who has interviewed Somali pirates, corroborates these findings and his research indicates that if Somali piracy is supporting

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[164]Ibid.

[165]Peter Eichstaedt, *Pirate State: Inside Somalia's Terrorism at Sea*, (Chicago: Lawrence Hill Books, 2010), 5.

[166]Douglas Burgess, "Piracy Is Terrorism," *The New York Times,* accessed on 17 January 2013, http://www.nytimes.com/2008/12/05/opinion/05burgess.html?_r=0.

[167]Daniels, *Somali Piracy and Terrorism in the Horn of Africa,…*, 36-43.

Somali terrorism, it is being done at the lowest of levels. As he states in his report, "The evidence for high-level cooperation [between pirates and terrorists] is simply not conclusive."[168]

Categories of Maritime Targets

After examining the intentions of terrorist organizations it is important to look at the types of targets that exist for terrorism at sea. Examining the categories of maritime targets and comparing theoretical targets to the actual targets of piracy in Somalia will aid in demonstrating that piracy in Somalia is not a form of maritime terrorism, but a criminal act. To support this consideration, Martin Murphy, in his book *Small Boats, Weak States, Dirty Money: The Challenge of Piracy* determines there are four categories of maritime targets which can be used for terrorism at sea: 1. Ships used as iconic targets, 2. Ships used as economic targets, 3. Ships used as mass casualty targets and 4. Ships used as weapons.[169] Because, as Murphy contends, these categories are broad, it is difficult to classify each target, with absolute certainty, into one specific category as often the characteristics of one target may be present in multiple categories.

The attack on the Twin Towers on 11 September 2001 was an iconic attack. Terrorists struck a target representing the US on US soil. In addition to the tremendous loss of life on that day, the status of the World Trade Center made the attack that much more horrendous, thus more effective for al-Qaeda.

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[168]Hansen, *Piracy in the greater Gulf of Aden,…*, 16.
[169]Martin Murphy, *Small Boats, Weak States, Dirty Money: The Challenge of Piracy* (New York: Columbia University Press, 2009), 199.

Murphy contends there are two variants of iconic targets at sea: flagged warships and cruise vessels which are instantly recognisable.[170] Warships represent the navy of a country and in turn the country. The attack in October 2000 on the USS *Cole* was an iconic attack as it attacked a symbol of the US. Further, it represented a David and Goliath scenario where a little boat was able to render a mighty warship ineffective. In the eyes of al-Qaeda this was an exceptionally successful attack as they were able to demonstrate vulnerabilities in the US Navy and gain international exposure for their cause.

Cruise ships are also considered iconic targets. As for cruise ships, they are generally full of western passengers and they represent a lavish and western way of life. Attacking a large cruise ship is sure to bring attention to a terrorist organizations cause. Cruise ships could also fall into the categories of mass casualty targets or economic targets. Consequently, a cruise ship would be an excellent target for terrorist organization to attack.

The attack on the luxury cruise ship MV *Seabourn Spirit* on 5 November 2005 has been the only attack of a cruise ship off the coast of Somalia in recent years.[171] Pirates were unsuccessful in their bid to stop and board the ship, but they did fire on it with small arms and an RPG.

Further, there has been just one attack, by Somali pirates, on a US warship off the Horn of Africa. The five pirates were convicted in a US court on 27 February 2013 for their attack on the USS *Ashland* on 10 April 2010.[172] The method of this attack fit the same pattern as other pirate attacks conducted by Somali pirates. In an attempt to stop the USS *Ashland* a small boat

[170]Oxford Analytica, *AQAP Focuses on Iconic Economic Targets*. Oxford, United Kingdom, Oxford: Oxford Analytica Ltd, 2010, accessed 13 February 2013, http://search.proquest.com/docview/815592721?accountid=9867.
[171]BBC Monitoring Africa, "Tourists Onboard Ship Targeted by Somali Pirates Arrive in Kenya," accessed 13 February 2013, http://search.proquest.com/docview/458590642?accountid=9867.
[172]Global Post, "US court convicts Somali pirates in navy ship attack," accessed 28 February 2013, http://www.globalpost.com/dispatch/news/afp/130227/us-court-convicts-somali-pirates-navy-ship-attack.

with six pirates opened fire with an RPG. However, the USS *Ashland* returned fire, sinking the

pirate's vessel. This attack took place approximately 5 a.m. local time which would potentially

help explain why a small boat pirate crew would try and take on a US warship.[173] In low light

conditions the pirates probably confused the high side of this dock landing ship with the side of a

container ship and thought they had an easy target. This attack could be considered an attack on

an iconic target, but it is most likely a case of pirates selecting the wrong target in low light

conditions. The pirates could not have possibly thought they would have been successful

attacking a US warship with an RPG.

Even though there have been two unsuccessful attacks against iconic targets off the coast

of Somalia, it is assessed that Somali pirates are not currently looking to engage this category of

maritime targets. Statistics from 2011 support this contention as, of the 439 worldwide pirate

attacks, no warships or cruise ships were attacked.[174]

In addition to iconic targets, ships can be used as economic targets. Murphy contends that

attacking certain types vessels can inflict economic hardships.[175] Vessels that can be classified as

economic targets include oil tankers, bulk carries, LNG carriers, and cruise ships; essentially any

type of ship that can have an economic impact on the state or on a company. Perhaps the best

example of a ship used as economic target by a terrorist organization is the 2002 attack on the

MV *Limburg*. This ship was struck by a small boat carrying explosives which tore a hole in the

hull causing it to leak oil along the Yemeni coast. The attack's effects were multifold. First, the

attack caused injuries and a loss of life. Second, the oil formed a 45 mile slick along the coastline

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[173]America's Navy, "USS Ashland Captures Pirates," accessed on 27 March 2013, http://www.navy.mil/submit/display.asp?story_id=52519.

[174]International Maritime Organization, "Reports On Acts Of Piracy And Armed Robbery Against Ships Annual Report – 2007," accessed on 31 January 2013, http://www.imo.org/KnowledgeCentre/ShipsAndShippingFactsAndFigures/Statisticalresources/Piracy/Documents/Piracy%20annual%20reports%201996%20-%202010/10_MSC_4.Circ.81%20-%202005.pdf.

[175]Murphy, *Small Boats, Weak States, Dirty Money…*, 201-207.

causing environmental damage on shore and at sea. Third, it caused insurance rates to triple for vessels willing to ship to Yemeni ports. The high insurance rates coupled with the threat of another attack caused an immediate drop on vessels willing to call on Yemeni ports.[176] The lack of work then caused dock workers to be laid off which negatively impacted the local economy. Finally, the attacked caused an immediate, but not sustained, 1.3% rise in the price of oil.[177]

Pirates in Somalia do attack vessels such as oil tankers, bulk carries, LNG carriers and container ships, but their motives are not the same as terrorist organizations. Somali pirates want the ransom after the ship has been hijacked. They do not wish to inflict damage to their own coastline of fishing grounds by causing a large natural disaster or destabilise the region's economy. They are driven purely by the economics of collecting the ransom. Perhaps the best example of piracy in Somalia that shows the motives and intentions of Somali pirates is the attack on the MV *Sirius Star.* This oil tanker was carrying $US 110 000 000 worth of oil when it was attacked.[178] If Somali pirates wanted to cause true economic havoc in the region they could have killed the crew and destroyed the ship with its cargo. By comparison, the *Sirius Star* was carrying 2 000 000 barrels of oil when it was hijacked as opposed to the *Limburg* that was only partially loaded with 400 000 barrels.[179] The environmental and economic disaster created by the act of sinking the *Sirius Star* would have caused the fourth largest oil spill in the world and untold economic destabilization.[180] As Somali pirates mainly focus on attacking ship for monetary gain it is assessed that they are not attacking maritime targets which fall under the category of economic targets.

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[176]Greenberg *et al*., *Maritime Terrorism Risk and Liability…*, 16.
[177]*Ibid*., 202-203.
[178]Bendall, "Cost of Piracy,"…, 180.
[179]Chalk, "Piracy Off the Horn of Africa,"…, 92-93.
[180]Mother Nature Network, "The 13 largest oil spills in history," accessed on 13 February 2013, http://www.mnn.com/earth-matters/wilderness-resources/stories/the-13-largest-oil-spills-in-history.

An attack on a ship to cause a mass casualty would be an effective strategy for terrorist organizations. The attack on the World Trade Center killed a total of 2823 people.[181] The fifty largest cruise ships in the world can carry more people than those killed in the attack on the World Trade Center.[182] To date there has not been a maritime attack that has caused a mass casualty at sea, but planning has been carried out in anticipation of conducting an attack on a cruise ship. In 2005, the plans to attack an Israeli cruise ship in Turkey were interrupted prior to the attack.[183] This form of attack would generate a tremendous amount of media coverage and most likely erode public confidence in the cruise line industry. As seen by the 2012 sinking of the *Costa Concordia* cruise bookings initially dropped by 15 – 18%.[184] It is important to note that the sinking of the *Costa Concordia* was most likely due to human error and consequently preventable. One could only imagine the negative impact created on this industry if there were one or several terrorist attacks on cruise ships.

In Somalia, there is currently little opportunity to conduct a mass causality terrorist attack as most ships stay out of the region. The attack on the *Seabourn Spirit* was most likely an attempt to pirate the vessel in order to commit theft or ransom. The reason for this estimation is that the pirates were attempting to commit a crime vice a terrorist attack is because of their resolve. The attackers only used small arms and an RPG and were eventually driven off by a non-lethal acoustic weapon. Had the pirates been trying to attack the ship and use it as a mass causality target they would have probably opted for the same type of suicide attack that proved effective against the USS *Cole* and the *Limburg*.

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[181]Tom Templeton and Tom Lumley. "9/11 in numbers," *The Guardian*. 18 August 2002.
[182]Wikipedia, "List of the world's largest cruise ships," accessed on 6 February 2013, http://en.wikipedia.org/wiki/List_of_the_world's_largest_cruise_ships.
[183]Murphy, *Small Boats, Weak States, Dirty Money…*, 207.
[184]Beth Harpaz, "Concordia disaster hurt cruise industry last year but recovery under way," *The Vancouver Sun*, 7 February 2013.

Cruise ships have refrained from using waters close to Somali in recent years and this is one factor which has led to the lack of attacks against them. However, Somali pirates have been known to operate in excess of 1 000 miles off the shores of Somalia.[185] There would have most certainly been the opportunity for determined terrorist organizations to conduct a coordinated attack against a cruise liner if they had wanted to. The lack of attacks in recent years has opened the door to cruise companies willing to risk the chance of attack against their vessel. For example on 24 December 2012, the Ms *Nautica* ventured into the Indian Ocean past Somalia while travelling to Mombasa Kenya. The Ms *Nautica's* voyage to Mombasa was the first voyage to that port of call in almost a year by a cruise liner.[186]

Somali pirates will attack just about any type of vessel, but for some reasons cruise ships do not seem to be one of their main targets. Perhaps there is a lack of opportunity or cruise ships prove to be difficult targets to successfully attack. Should pirates be successful and board a cruise ship there would be a host of problems for them to deal with. On a cruise ship there would be many more hostages than pirates, the chance that there is armed security on board to fight back and the problem of having to physically look after so many hostages and keep them well in order to collect a ransom if that was their intent. Piracy for the sake of robbery would be a more likely, but very risky, course of action.

A terrorist attack on a cruise ship to cause a mass casualty would be a very effective strategy for terrorist organizations, but this type of attack has yet to be carried out in Somalia. As Somali pirates have not employed suicide attacks against mass casualty targets at sea and there have only be two unsuccessful attacks against cruise ships in Somali waters since 2005, it is

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[185]Kraska, "Freakonomics of Maritime Piracy"…, 112.
[186]Standard Digital, "Cruise liner finally calls in at Mombasa port," accessed on 13 February 2013, http://www.standardmedia.co.ke/?articleID=2000073592&story_title=cruise-liner-finally-calls-in-at-mombasa-port.

assessed that Somali pirates are not attacking maritime targets which fall under the category of mass casualty targets.[187]

The final category of maritime targets which can be used for terrorism at sea is ships used as weapons. Murphy contends that a ship loaded with explosives and detonated in a harbour or against a wharf would make for a highly effective weapon for terrorist organizations. This idea is similar to the attack on the World Trade Center in 2001 when airplanes were used as weapons. A ship loaded with explosives inside a harbour would be exceptionally difficult to stop and an effect weapon. Proving the effectiveness of a ship laden with explosives and blowing up inside a harbour is the 1917 accident in Halifax when the *Mont Blanc* blew up destroying much of the city and killing over 2 000 people.[188]

There are difficulties with using this type of target including finding enough explosive to put on board of a ship or finding a ship carrying sufficient quantity of a component that could be used to make an explosive. Further, without sufficient training the piloting of a ship around other vessels and into a harbour where it would be the most effective could be difficult task for terrorists to accomplish.[189]

To date, Somali pirates have not pirated a ship and then used it as a weapon. They have attacked and boarded many types of ship including LNG and LPG tanker ships in the Indian Ocean and have opted to hold the vessels and crew for ransom vice using them as weapons. Consequently, it is assessed that pirates are not attacking maritime targets which fall under the category of ships used as weapons.

By examining the types of targets that pirates have attacked in Somalia it can be deduced that Somali pirates are not using pirated ships as objectives to conduct terrorism at sea. Of the 41

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[187]*Ibid.*
[188]Murphy, *Small Boats, Weak States, Dirty Money…*, 213.
[189]*Ibid.*, 215.

vessels attacked by Somali pirates in 2011, none could be classified under any of the four broad categories of maritime targets which can be used for terrorism at sea.[190] During attacks in 2011, where the pirates were able to gain control of a ship, it was sailed towards Somali waters and then most likely held for ransom. In the vast majority of the 2011 attacks, unless there was an escape attempt, the hostages are not killed by the pirates. This shows how important the hostages are to the pirates as without the hostages the bargaining power held by the pirates during their ransom negations is lessened. However; the vessel and the cargo do remain a valuable entity in the negotiation process. This demonstrates that pirates are attacking and holding ships for the ransoms and for monetary gain vice using terror to accomplish political objectives.

Conclusion

Piracy in Somalia is not a form of maritime terrorism. As Martin Murphy contends, Somali Piracy is "an economic activity: well-organized criminals exploiting the horrible deterioration of present-day Somalia. "[191] In contrast, terrorist organizations want the most amount of media exposure to further their cause. They want to attack iconic targets that will leave the general population in fear of them. They want to see the damage from their attacks on the front page of newspapers around the world and be the leading story on newscasts. Terrorists need to use mass media in order to keep their message in the minds of their targets. Conversely, pirates do not want media exposure. They do not want to draw attention to their activities.

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[190]ICC International Maritime Bureau, "Piracy and Armed Robbery against Ships Report for the period of 1 January – 31 December 2011," accessed on 13 February 2013, http://psm.du.edu/media/documents/industry_initiatives/industry_reports/maritime_imb_annual-report-2011.pdf.
[191]Murphy, "DIRE STRAITS: Taking on Somali Pirates,"…, 95.

Drawing attention means that the world will try and do something to solve the problems that they have created, thus making their operations much more difficult.

As outlined in this chapter the intentions of terrorist groups do not match the actions that Somali pirates are taking off the coast of Somali. Pirates in Somalia are not trying to cause mass punishment. Doing so attracts unwanted attention. Pirates are not trying to cause mass economic destabilization. Doing so will only hurt the Somalis onshore who assist them and potentially erode their support structures. Pirates maybe trying to overcome security measures on land, by weapons smuggling, but this is an extension of trying to make money and not a politically motivated act. It is inconclusive as to whether ransoms from piracy operations are supporting Islamic terrorist organizations. Given the traditional hardline stance that the UIC took against piracy in 2006 it would be very surprising if al-Shabaab were to condone piracy in a public form and openly profit from it.

Somali pirates have had ample opportunity to attack targets that would fit the mold of maritime terrorist targets. They have been in possession of oil and LNG tankers and could have used they types of vessels as bombs or strategic weapons. However, they have elected not to and to capitalize on collecting ransoms instead. These ships could have also been used to cause environmental disasters, but again pirates have not felt the need to contaminate the oceans. Although the volume of cruise ship traffic has decreased around Somalia, there still have been opportunities to attack vessels such as this and cause much loss of life and damage.

By comparing the intentions of terrorist groups in the maritime domain and the classes of maritime terrorist targets to the actual intentions and targets of Somali pirates it has been shown that piracy in Somalia is not a form of maritime terrorism.

CHAPTER 5 - CONCLUSION

Martin Murphy contends that "Piracy is a crime of opportunity."[192] The opportunities presented in Somalia to conduct piracy are great. Murphy correctly argues that, "There are several factors that encourage piracy, although their importance varies from place to place: lack of jurisdictional clarity, favorable geography, local conflict and disorder, inadequate security, cultural acceptance, and the promise of reward."[193] These factors all exist in Somalia today; they have been quantifiably measured in the *Failed State Index* and captured as the worst conditions in the world.

Terrorism is motivated by political goals. These goals go past the immediate and physical act of capturing a ship and holding it for ransom.[194] Worldwide, there may be similarities in the methods used by the two different organizations, but the intentions and the reasons behind the actions of both groups are quite different.

There are overlaps between piracy and terrorism. The conditions which permit piracy to be so lucrative and flourish are also similar to the conditions found in the areas where terrorists draw the most support. Poverty, poor security, a lack of state institutions, political instability and areas with a history of violence all combine to make fertile recruiting grounds for pirates or terrorists. However, what set them apart are their motivations and intentions. Understanding where pirates and terrorist methods and intentions overlap and deviate is a fundamental step to establishing an effective plan to combat the problems of piracy in Somalia.

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[192]Murphy, "DIRE STRAITS: Taking on Somali Pirates,"…,91.
[193]*Ibid.*
[194]Adam Young and Mark Valencia. "Conflation of Piracy and Terrorism in Southeast Asia: Rectitude and Utility." *Contemporary Southeast Asia* 25, no. 2 (2003): 274-275.

Piracy in Somalia is a product of Somalia being a failed state. Terrorist organizations in Somalia, such as al-Shabaab, also thrive in this failed state, but the organizations are not one in the same. Both groups have different agendas which mean the long term solutions for these problems will require different approaches. As Murphy contends, future approaches to solving the problem of piracy in Somalia will need to recognize that "Piracy is a land-based problem that will only be solved with the return of stable government to Somalia."[195] The solutions to these problems will not be simple. The very real threat from radical Islamic terrorists will pose significant challenges along the path to stabilization in Somalia.

Weak or failed states inspire crime and terrorism. Piracy in Somalia is a criminal act and must be treated as such. Terrorism is a politically motivated act and must not be treated in the same manner as crime. These problems will each require their own solutions and will take years if not decades and countless resources to repair. In order for there to be hope for solutions to these problems the rest of the world must want to help set the conditions for a functioning government and security in the country and the people of Somalia must want to change. Without the support from the rest of the world and the will of the people of Somalia there is little hope for success.

Piracy alone may not be a big enough problem for western powers to consider engaging in Somalia. However, given the western world's low tolerance for terrorism, western powers could potentially engage in Somalia to stop the growth and spread of radical Islamic terrorism in the country. This demonstrates the importance that western nations have placed on combatting terrorism over combatting international crime. If there is only going to be intervention by just the AU and selected isolated engagements by western nations vice a comprehensive land based strategy backed by western resources then there is little hope for this shattered nation.

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[195]Murphy, "DIRE STRAITS: Taking on Somali Pirates,"…, 95.

The question of how to best combat terrorism and crime in Somalia has not been answered in this paper. Combatting the criminal act of piracy in Somalia will take a great deal of time, commitment and a complete strategy focusing on rebuilding the state and all of its institutions. Waging war on terrorism in the country will take a similar approach along with a strong military intervention. The detail of how best to combat these problems requires further research.

Piracy in Somalia is a criminal activity and a product of Somalia being a failed state. The current generation in the country has known no other way of life, but living in a cycle of violence and poverty. Crime is merely another way to make a living and gain prestige. Once this cycle of violence stops then there can be hope for a brighter future and an end to piracy.

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