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PIRACY OFF THE COAST OF SOMALIA: CRYING OUT FOR A COMPREHENSIVE SOLUTION THAT WILL NOT COME

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Exercise Solo Flight

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EXERCISE *SOLO FLIGHT* – EXERCICE *SOLO FLIGHT*

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**PIRACY OFF THE COAST OF SOMALIA:
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The root cause of piracy off the coast of Somalia is a complex issue. Since the collapse of the Somali government in 1991, despite several transitional governments, the country spent more than two decades with neither a stable central authority nor any legitimate security forces to maintain law and order. The lack of a stable security environment and little to no economic development has resulted in widespread unemployment and poverty particularly amongst young adult males. Further, the lack of a maritime security force, such as the Coast Guard, has enabled foreign fishing vessels to over-fish in Somali territorial waters, resulting in depleted fish stocks and destroying the livelihood of local fishermen.

With few prospects for legitimate employment, young Somali men have been drawn to piracy as a way to make money and earn respect. To illustrate the scope of the problem, in 2010 the average annual income in Somalia was \$650, compared with pirates who could earn \$10,000 per raid.¹ With upwards of 90% of the global trade transported by sea and a large percentage of that passing through the Gulf of Aden, Somali pirates have no shortage of commercial ships that they can target for attack and hold for ransom.

In response to rising incidents of piracy, the European Union (EU), the North Atlantic Treaty Organization (NATO) and several other countries including China and Japan have sent navy ships to the Horn of Africa to conduct counter-piracy operations.

¹ Lesley Anne Warner. From Sea to Shore: Somali Piracy Requires a Solution on Land. *Journal of International Peace Operations* 5 no. 4 (January/February 2010): 14.

Their efforts have been largely successful with 2013 showing a significant decrease in the number of pirate attacks from previous years. Impressive as this may sound, experts warn that while this has secured shipping lanes, it does little to tackle the root cause of piracy, which cannot be solved “using naval forces operating only at sea.”²

This paper will argue that while a land-based comprehensive approach is the only long-term solution to piracy off the coast of Somalia, the international community will not accept the risks involved with nation-building as long as the naval task force and other measures at sea are reducing piracy attacks. There are three primary issues: firstly, with the deployment of the naval task force, and by working with various international agencies, foreign governments are helping to improve conditions in Somalia, however, their primary aim in the region is to secure sea lanes for international shipping. Secondly, while a land-based comprehensive approach has the greatest chance of long-term success, the hurdles to implementing such an approach are almost insurmountable. Following almost two decades of lawlessness, the establishment of the Somali Federal Government (SFG) in 2012 is a small step in the right direction, however, the country still requires significant international assistance with not only the establishment of legitimate security forces but also economic development. Finally, and perhaps most importantly, despite their altruistic intentions, there is little incentive for foreign governments to risk nation-building in the region, particularly given the recent history of foreign interventions.

² Martin Murphy. Somali Piracy: Political Lessons for the Navy. *American Foreign Policy Interests* 33 no. 1 (January/February 2011): 23.

With almost 90% of the world's trade being transported by sea, of which 60% is crude oil, the global economy depends on the maintenance of secure shipping lanes. The Gulf of Aden is a particularly busy area given its proximity to the Suez Canal which provides a key link between the Middle Eastern oil fields and the global market; in fact almost 10% of the world's shipping amounting to more than 30,000 ships per year pass through the Gulf of Aden.³ This is the reason why piracy off the coast of Somalia in particular, represents such a significant risk to the global economy and why foreign governments have invested heavily to counter piracy at sea and ensure safe passage for commercial shipping.

The maritime effort to counter piracy, with its legitimacy founded in numerous United Nations (UN) Security Council Resolutions, is a cooperative effort with significant contributions from the United States (US) Combined Task Force 151 (CTF 151), NATO Operation Ocean Shield, the EU Naval Force (NAVFOR) Operation Atalanta as well as ships from other nations such as China, New Zealand and Japan. The naval presence and the defensive measures introduced by shipping companies has had a significant impact on the number of pirate attacks. At its peak in 2010, there were 132 attacks with 45 vessels hijacked; by 2013 that number had been reduced to just six attacks and no hijackings.⁴

³ Rear Admiral Terry McKnight. Gulf of Aden Counter Piracy Operations. *United States Naval Institute (USNI) Briefing*. (October, 2010): Slide 3. Accessed on 4 May 2015.

⁴ North Atlantic Treaty Operation (NATO). Operation Ocean Shield Fact Sheet. Last Updated 22 November 2014.

A recent report to the UN Security Council, however, noted that progress in combating piracy was “fragile and reversible.”⁵ Many experts have expressed concern that the reduction in pirate attacks could be short lived without a significant improvement in the security situation on land; further noting that pirate attacks could once again increase if the naval presence were to be withdrawn.⁶ The international commitment to support the naval task group was recently renewed until the end of 2016, however, in the long-term, “it seems inevitable that the current naval patrols will prove to be economically unsustainable.”⁷

Not all efforts to counter-piracy have taken place at sea. While there has been progress on land, it has been slow to develop and regionally dependant, with the capital city of Mogadishu receiving the greatest benefit. Foreign governments continue to work through a variety of international organizations such as the UN Political Office for Somalia (UNPOS) and the Contact Group on Piracy off the Somali Coast (CGPCS). The CGPCS is by far the broadest based and most influential group tackling the issue of piracy. Created by UN Security Council Resolution 1851 in January 2009, the CGPCS brings together almost 60 nations including representatives from government, industry, maritime groups and Non-Governmental Organizations (NGO). Its mandate is to coordinate, “political, military, and non-governmental efforts to tackle piracy off the coast of Somalia, ensure that pirates are brought to justice, and support regional states to

⁵ United Nations Department of Political Affairs. Piracy off the Coast of Somalia. Accessed on 22 April 2015. http://www.un.org/wcm/content/site/undpa/main/activities_by_region/africa/somalia_piracy

⁶ Noah Rayman. Did 2013 Mark the End of Somali Piracy? *Time.com* 1 no. 6 (2014): 2.

⁷ Williams, Paul and Pressly, Lowery. Maritime Piracy: A Sustainable Global Solution. *Case Western Reserve Journal of International Law* 46 no. 1/2 (Fall, 2013): 213.

develop sustainable maritime security capabilities.”⁸ The CGPCS has three working groups which include: capacity building in Somalia and the region, maritime counter-piracy and mitigation operations and finally, disrupting pirate networks on shore.

Another significant contributor in the fight against piracy is the EU, who have invested over 1.2 billion euro. They have published a *Strategic Framework for the Horn of Africa* which defines five priorities including: “building robust and accountable political structures; contributing to conflict resolution; mitigating security threats emanating from the region; promoting economic growth, and supporting regional economic cooperation.”⁹ The UN, the CGPCS and the EU policy documents (which all highlight the importance of tackling the root causes of piracy) clearly demonstrate that at the strategic political level, the international community recognizes the importance of a comprehensive approach.

On the ground, however, whilst these organizations have made significant progress in some areas, there is a lack of a firm commitment in terms of personnel and resources from the international community. As Martin Murphy noted, the problem with the current level of strategic engagement is that it has become just “another attempt to do something without doing anything.”¹⁰ Ultimately, this minimal level of commitment

⁸ United Nations Department of Political Affairs. Piracy off the Coast of Somalia. Accessed 22 April 2015

⁹ European Union External Action Centre. The EU Fight Against Piracy in the Horn of Africa. Accessed on 22 April 2015.

¹⁰ Martin Murphy. Somali Piracy: Political Lessons for the Navy. *American Foreign Policy Interests* 33 no. 1 (January/February 2011): 21.

allows governments to give the appearance of doing something, without taking any significant risks to address the central political issues.

Further complicating efforts at institutional development is the requirement to achieve a balance between foreign intervention and Somali led capacity building. On the one hand, it cannot be done without significant international support; while on the other hand, it must be seen by the local population as a Somali-led initiative. This indigenous level of legitimacy is critical as any “system imposed by foreign intervention are likely either to be dismissed or viewed as irrelevant, further eroding any leverage foreign powers and agencies may have.”¹¹ In a briefing to the Security Council, the Under-Secretary General for the UN Department of Political Affairs (DPA), Jeffery Feltman, emphasized, “the importance of Somali-led and Somali owned State-building and inclusive governance to counter the scourge [of piracy].”¹² Without legitimacy amongst the Somali population, no international intervention will be successful. In addition, to achieve long-term stability Somali authorities must develop their own governance framework and civil institutions.

The lack of education and skills training amongst the Somali population is another destabilising factor. While there is a small group of well-educated Somalis, only about 40% of the adult population is literate.¹³ With no functioning nation-wide education

¹¹ Stephen Anning and M.L.R. Smith. “The Accidental Pirate: Reassessing the Legitimacy of Counterpiracy Operations” *Parameters US Army War College* 42, no. 2 (Summer 2012): 37.

¹² United Nations Department of Political Affairs. Piracy off the Coast of Somalia. Accessed on 22 April 2015.

¹³ United Nations Educational, Scientific and Cultural Organization (UNESCO). Country Profile – Somali Democratic Republic. Accessed on 4 May 2015.

system it will take a considerable amount of time to increase average literacy rates. In the meantime, due to the lack of an educated population, with a shortage of skilled labour and an almost non-existent middle class, it will be very challenging not only to implement but also sustain any form of Somali-led economic development.

That is not to say that there are no signs of hope or that progress has not been made. In 2012, a new constitution was signed and the Somali Federal Government (SFG) was established; the government represents the first in the last two decades that was not intended to be transitional. It has received recognition from the UN, the United States, the United Kingdom and numerous other nations. While this represents a step in the right direction, there are significant challenges, as “the new government is neither permanent, representative, broadly based, nor even inherently democratic.”¹⁴ Further, despite the establishment of a new government, the other infrastructure necessary for true democratic reform, including: “the legal framework, institutions, and processes of a federal political system do not yet exist.”¹⁵

Another issue, as already mentioned, is that the progress seen to date has been centred on the capital city of Mogadishu. It has not spread out to the rest of the country where, “roughly two-thirds of the national territory is still controlled by de facto Somali authorities [clans] that distrust the SFG and reject its centralising tendencies.”¹⁶ Overall,

¹⁴ Matt Bryden. Somalia Redux? Assessing the New Somali Federal Government. *Centre for Strategic and International Studies*. (August 2013): 4.

¹⁵ *Ibid.*, 2.

¹⁶ *Ibid.*, 25.

despite success in some areas, Somalia still ranks as one of the world's most corrupt and failed states.

The limited amount of progress achieved in Somalia is extremely tenuous and the SFG require a significant amount of international assistance in order to consolidate the gains made thus far and help to expand their influence to other regions of the country. Without a land-based intervention, in support of the development of Somali security forces, the fragile legitimacy of the SFG could erode leading to the clan based rivalries that have characterized the last two decades.

The lack of international commitment to land-based operations is not due to lack of opportunity or authorization. The most recent Security Council Resolution, 2184 (2014) notes several requests from Somali authorities for international assistance.¹⁷ Further, the African Union has on numerous occasions called for the deployment of a peacekeeping force in Somalia but the EU, who would likely be one of the largest troop contributing organizations, “has always rejected a commitment on land.”¹⁸ The simple fact is that an increased level of commitment is not a priority for the international community. Had the implementation of a comprehensive approach been a priority then “more conventional and non-conventional means would have been committed to

¹⁷ United Nations Security Council. Resolution 2184 (2014). Accessed on 22 April 2015.

¹⁸ Maria Luisa Sanchez Barrueco. Reflections on the European Union Foreign Policy Objectives Behind the “Integrated Approach” in the Response to Piracy off Somalia. *Croatian Yearbook of European Law and Policy*, Volume 5 (2009): 238.

achieving stability on shore in order to end piracy off the Somali coast.”¹⁹ The risks to nation-building in Somalia are simply too great for too little political or strategic gain.

The fallout from failed Western intervention in Somalia in the early 1990s has most certainly had an impact on foreign governments’ willingness to commit to any form of land-based military forces. Without a commitment from the US, it is unlikely that other countries will embark on any significant stabilization efforts. In addition to this, as Martin Murphy notes, the international community’s reluctance to get involved on land is due in large part to, “the absence of a clear economic interest, fear of long-term entanglement, and apprehension that civilian deaths will spark sympathy locally or among public opinion internationally.”²⁰ It is in many ways a tragic case of Catch-22; Somalia cannot stabilize the security situation without foreign assistance and the international community is reluctant to make any significant commitments without a stable security environment.

The navy presence in the Gulf of Aden and small incremental steps by the SFG to improve the security situation on land, in addition to the work of the UN and other organizations, will keep the situation moving forward, albeit at a snail’s pace. From an international political perspective however, this is a prudent strategy as it allows foreign governments to be seen to be doing something productive and keep shipping lanes open for international trade without taking the risk of committing military forces to nation-building on land.

¹⁹ *Ibid.*, 236.

²⁰ Martin Murphy. Counter Piracy in Historical Context: Paradox, Policy, and Rhetoric. *Current*, Issue no. 550 (February, 2013): 8.

There are other reasons why foreign governments would not want to commit to an all-encompassing land-based comprehensive approach. While pirate attacks off the coast of Somalia may be in decline, it is not true in other regions and it appears that some pirates may have simply shifted their area of operations. As Paul Williams notes, “pirate attacks are on the rise in the oil rich, security poor coast of West Africa where understaffed law enforcement balks at confronting pirates with rocket propelled grenades (RPGs).”²¹

The speed at which pirates can shift their base of operations to any of the numerous failed states in littoral regions that play host to high traffic shipping lanes causes two significant problems for the international community: firstly, as already discussed, the naval presence is resource intensive, and is not sustainable over the long-term. Nations can ill afford to have ships dedicated to what could become a standing anti-piracy task force chasing pirates around the globe. Secondly, the comprehensive approach, as a nation-building exercise would take a considerable commitment in time and resources, this level of effort cannot be sustained in several failed states simultaneously. Therefore, as pirate operations move to new locations, the international community cannot commit to a comprehensive approach in every failed state. If the international community were to try to implement a Somalia style comprehensive approach, “to the rest of the underdeveloped littoral world that is or can be beset by

²¹ Williams, Paul and Pressly, Lowery. *Maritime Piracy: A Sustainable Global Solution. Case Western Reserve Journal of International Law* 46 no. 1/2 (Fall, 2013): 3.

piracy, [they would be] left with a solution that is cost-prohibitive and practically infeasible.”²²

Given the importance of the Gulf of Aden as a vital commercial shipping lane, the rise in piracy off the coast of Somalia quickly became an international issue. In response to several UN Security Council Resolutions, NATO, the US, the EU and several other nations established a naval presence to interdict pirates off the Horn of Africa. The naval interdiction effort, as well as defensive measures introduced by commercial shipping companies, significantly reduced the number of pirate attacks in the region. While this achieved the main objective of keeping shipping lanes open, it did little to tackle the root cause of piracy on land, where following more than two decades of conflict, Somalia suffered from lack of a stable government and little to no economic development.

The establishment of several influential international organizations such as the UNPOS, the CGPCS, with over 60 participating nations, as well as the release of strategic level policy documents such as the EU’s *Strategic Framework for the Horn of Africa*, clearly demonstrate that there is unanimous agreement within the international community that a land-based comprehensive approach is the only long-term solution to piracy off the coast of Somalia. However, there are significant hurdles that must be overcome, not the least of which is the fact that any foreign intervention must be balanced against the need to develop legitimate Somali-led solutions.

²² *Ibid.*, 186.

The formation of the SFG and the signing of the new constitution, represent small but important steps toward Somali-led capacity building. While it may be the most stable government in twenty-years, the SFG cannot get away from the fact that they still lack a legitimate security force and other critical government infrastructure including: the governance and legal framework as well as the civil institutions capable of providing state level services throughout the country. All of which will need to be in place before sustained economic development can take hold and provide legitimate employment opportunities for would be pirates.

To ensure continued progress on the path to self-sufficiency, the Somali people require international assistance to stabilize the security situation. Given failed military interventions in the past, however, foreign governments are reluctant to become too heavily committed. Thus the Somali people are left in a vicious Catch-22, whereby they are unable to stabilize the security situation without international assistance and foreign governments do not wish to commit additional resources until the security situation is improved.

From a foreign policy perspective, however, this is a prudent strategy. While the naval presence continues to keep vital shipping lanes open, there is little political incentive for foreign governments to risk further intervention. In addition, while the number of piracy attacks in the Gulf of Aden has decreased, it appears that many have begun to shift their area of operations to the West coast of Africa and other failed states in the littoral regions. The international community cannot commit to standing naval task

forces dedicated to chasing pirates across the globe; neither can they embark on the implementation of a comprehensive approach in every failed state in close proximity to a shipping lane. In the end, with regard to tackling the issue of piracy off the coast of Somalia, the international community has achieved its primary aim of keeping a critical international shipping lane open while making small incremental steps towards capacity building on land. While it may not be an ideal situation, it is perhaps the best of a worst case scenario.

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