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# Piracy along the Horn of Africa: An Analysis of the Phenomenon within Somalia

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## About the author



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## Executive Summary

The spectacular rise of piracy along the Horn of Africa in the past years has brought the topic to the top of most international agendas. The international community has reacted promptly offshore: since 2008, the EU, NATO and several countries have sent vessels to protect ships sailing in the area. However, most experts agree that the problem has to be dealt with on the long term and within Somalia, rather than out at sea. The existence of a causal link between Somalia's internal situation and piracy is now accepted by most observers. However, there is still a significant information gap regarding the true nature of the connection between the situation onshore and offshore, as well as the concrete organization of piracy within the country.

The collapse of the central state in 1991 has pushed Somalia into civil war and led to the spread of chaos in the country. Piracy has developed in an extremely unstable environment, characterized by constant struggle for power between the successive governments, warlords and Islamist militias in the southern part of the country. Figures show that piracy off the Horn of Africa continues to increase: 217 attempted acts of piracy were recorded in 2009, the highest annual figure to date. Information available also confirms that the groups involved in piracy are becoming better structured and that the phenomenon is establishing itself in the area.

The collapse of the central state in Somalia has certainly contributed to the development of piracy. However, it is not sufficient as an explanation of the phenomenon's main features. Rebuilding state institutions appears to be the most efficient way of fighting piracy on the long term, but the complexity of Somalia's internal situation requires a realistic approach for the short and medium term. The international community has to take the security, political, economic and social characteristics of Somalia into consideration and make sure that the actors involved in the country's reconstruction process are willing to and capable of fighting piracy efficiently. A pragmatic approach within the Somali context is needed if the international community wants to address the problem properly and significantly improve the security situation off the Horn of Africa.

## List of Abbreviations

AIS	<i>Automatic Identification System</i>
AMISOM	<i>African Union Mission in Somalia</i>
BBC	<i>British Broadcasting Corporation</i>
EU	<i>European Union</i>
FATF	<i>Financial Action Task Force</i>
FBI	<i>Federal Bureau of Investigation</i>
GPS	<i>Global Positioning System</i>
ICU	<i>Islamic Courts Union</i>
IDP	<i>Internally Displaced Person</i>
MANPADS	<i>Man-Portable Air-Defense System</i>
MPAD	<i>Man-Portable Air-Defense System</i>
NATO	<i>North Atlantic Treaty Organization</i>
NGO	<i>Non Governmental Organization</i>
SNM	<i>Somali National Movement</i>
SSDF	<i>Somali Salvation Democratic Front</i>
TFG	<i>Transitional Federal Government of Somalia</i>
UAE	<i>United Arab Emirates</i>
UN	<i>United Nations</i>
UNITAF	<i>Unified Task Force</i>
UNOSOM	<i>United Nations Operation in Somalia</i>
UNOSOM 2	<i>United Nations Operation in Somalia 2</i>
USD	<i>US Dollar</i>
USSR	<i>Union of Soviet Socialist Republics</i>
WFP	<i>World Food Programme</i>

## 1. Introduction

### 1.1 Presentation of the topic and its relevance

Although the phenomenon of piracy along the coasts of Somalia started in the 1990s, it is its intensification at the beginning of the 21<sup>st</sup> Century which has attracted the attention of the international community. In recent years it has become a major concern in the field of international security, pushing many international actors to take action. The necessity of fighting piracy in the area has led to a consensus between the main world powers rarely seen among sensitive security topics. So far, the international community has in essence reacted by taking measures to reinforce the security of ships at sea. The European Union (EU) has created the EU Naval Force Somalia (Operation EU NAVFOR ATALANTA), which was launched in December 2008 to protect ships from the World Food Program (WFP) and vulnerable vessels sailing in the area, and to operate against acts of piracy at sea, including Somali territorial waters if necessary. This force is also backed by the *Multinational Combined Task Force 151*, led by the USA. Additionally, NATO has launched *Operation Open Shield* to fulfill specific tasks in the fight against piracy (Chalk/Smallman 2009). However, numerous observers underline that focusing on the sea may only be efficient in the short term and for specific cases, but that it is likely to be inoperative in the long term. They recommend that the international community start turning its eyes to where the pirates originate: the shores of Somalia (Geise 2009: 10, Chalk /Smallman 2009, Blanchard et al. 2009: 35, etc.).

Piracy and international reactions

Most parts of Somalia have been in an ongoing state of war since 1991. The downfall of dictator Siad Barre after 21 years of rule led to a devastating conflict and the complete collapse of state institutions. The international community tried to stabilize the situation several times by intervening in the 1990s, but all such attempts failed. Since then, Somalia tends to be seen in foreign eyes as an anarchic territory dominated by warfare. The country has undoubtedly gone through several extremely violent conflicts and humanitarian crises, but its internal situation is much more complex than it may seem at first glance. In the north of the country, the region of Somaliland declared its independence in May 1991, and began funding its own institutions. Further east, Puntland became autonomous in 1998 and started to build its own regional administration. In the rest of the country, the situation is more chaotic but numerous initiatives have been taken by modern and traditional actors on the local stage to reorganize social life, despite the absence of central institutions (Spilker 2008).

Somalia

Piracy developed within this complex environment. It started as a succession of isolated attacks but soon grew to become a well-structured and well-organized criminal activity. Research about piracy in the area has developed considerably in the past years. The rapid increase in the number of assaults has led many scholars to become interested in the phenomenon. However, thus far most research has focused on the manifestation of offshore piracy, and has mainly aimed to help develop concepts and

Rise of piracy

measures to increase the safety of international shipping in the area (Annati 2009, Hermann 2009). Information about piracy within Somalia remains quite limited.

Piracy can be seen as a result of the internal situation of the country, but it in turn exerts its own influence back on the domestic theatre. Several explanations exist which try to identify the roots of the phenomenon. Some view its birth as a direct consequence of the security vacuum left after the collapse of state institutions and the absence of the rule of law, which enables criminals to act freely (Hansen 2009: 11). Others stress an economic perspective, saying that widespread poverty resulting from the absence of state actors capable of organizing economic life pushed fishers to turn to illegal activities in order to ensure their survival (Scholvin 2009: 1). Other researchers base their arguments on both political and economic perspectives, arguing that the birth of piracy has its roots in illegal fishing and the dumping of toxic waste by foreign ships in Somalian waters after the state lost its capacity to protect its coasts (Matzken 2010: 59). Despite their differences, these perspectives are in fact more complementary of one another than mutually exclusive. Moreover, they all stress the idea that piracy is the result of the internal situation of Somalia.

Factors of explanation

Piracy along the Horn of Africa has become a conventional phenomenon. It is consistently becoming better structured and its influence within Somalia will likely increase in the future. In this context, it is necessary to conduct a proper analysis of the phenomenon within the country. This can facilitate our understanding of piracy's practical organization as well as its means of interaction with its environment. Once these connections have been identified, defining efficient means of action to tackle the phenomenon will be much easier.

Relevance of the topic

### **1.2 Research questions and hypotheses**

Scholars generally attribute the rise of piracy in the area to the evolution of the internal situation of Somalia. They underline the role played by the civil conflict, as well as economic, political and social factors in the development of the phenomenon. Some authors focus specifically on the impact that the collapse of the Somali state has played on the evolution of these different factors (Scholvin 2009: 2, Hansen 2009: 7). I will use this theory as a basis for this working paper; it will help in underlining the fundamental aspects of piracy and analyzing the importance that external factors play within the phenomenon. The core of my work will be organized around three main questions, which aim at identifying, defining and analyzing the relationship between the phenomenon of piracy and the environment in which it takes place.

State collapse and piracy

#### ***How does the phenomenon of piracy function within Somalia?***

Since research about piracy on land remains relatively limited, it is necessary to first acquire a precise picture of the phenomenon by detailing its most important aspects. This conception will then be used as the basis for further analysis of the phenomenon in a more general context.

Organization of piracy

***How do the political, social and economic characteristics of Somalia enable and shape the phenomenon of piracy? What impact does piracy have on its environment?***

The first part of this question should enable a better understanding of the impact of the Somali situation on the phenomenon of piracy. It relies on the hypothesis that the origin and the development of this activity can be explained by the country's internal political, economic and social evolution within the context of state failure. The second part of the question aims at dealing with the problem in the reverse manner. Piracy may be the result of its environment, but with time it has also become a part of it. In this context, it has an influence on the other factors surrounding it. Moreover, the longer the phenomenon lasts, the more complex its nature becomes, as do its relations with other factors and actors in Somalia. Understanding the nature and the importance of this impact can enable a more accurate assessment of the possible evolution of piracy in the medium and long term.

Piracy and Somalia: interconnections

***What can the international community do to fight the phenomenon?***

The literature on this topic contains a certain number of suggestions and propositions that could be used by international stakeholders to curtail piracy. Some of them aim at dealing with the immediate consequences of the phenomenon, while others try to address the root causes of the problem and focus on a long-term approach. I will select and focus on certain essential suggestions and try to assess their significance in the Somali context.

Options for the international community

***1.3 Organization of sections***

Following this introduction, I present a general overview of Somalia in order to give the reader a better idea of the context in which this piracy is taking place. I will first go through the Somali history stressing essential political, social and economic aspects. I will then move on to a presentation of the general situation of the country today. Finally, I will emphasize the role of the country's traditional clan structure, and its evolution. Since this structure represents the basis of social organization in Somalia, studying it more in depth can help us to deal more efficiently with the question of piracy.

Structure of the paper

In the third section, I will give a detailed description of the phenomenon on land. I will detail its geographical, organizational, material and financial aspects. I will also analyze the relationship between pirates and other major Somali and foreign actors, since these connections can be decisive to the further development of piracy.

The fourth section analyzes the connection between the Somali context and the development of piracy. Since state failure is generally considered in the literature to be a main factor in explaining the birth and the development of piracy, I will present several major assumptions about the connections between state collapse and piracy and try to analyze their reliability. I will stress political, security and economic ques-

tions. The possible role of foreign actors in the development of piracy will also be taken into account.

In the fifth section, I will assess the impact of piracy on its environment and its possible evolution in the future. I will begin by presenting the concrete effects of piracy on its environment, and then use the concept of *greed and grievance* to analyze the interest that major Somali political and military actors have in supporting or fighting piracy. This analysis will enable the identification of perspectives on the evolution of piracy in the future, as they depend on the political evolution of the country. Finally, I will concentrate on the assessment of possible paths of action for the international community in order to deal with the phenomenon.

#### **1.4 Methodological approach**

The methodology used in this paper is partly descriptive and partly analytic. Since literature about piracy on land remains relatively limited, a gathering of the main information available on the topic is essential to the background for this work. Moreover, proper analysis of the connections between the phenomenon and its environment needs to be conducted in order to better understand the process and contribute to further debate on piracy and the internal situation of Somalia. For the conduct of this analysis, I will use two major concepts:

Methodology

#### ***State failure/Fragile statehood***

The concept of state failure and fragile statehood first became a central notion of international politics at the beginning of the 1990's. Faced with the growing number of intra-state conflicts on the international stage, scholars developed instruments to analyze and better understand the chronic instability of certain countries. In 1993, Gerald Helman and Steven Gartner published the article "Saving Failed States," which grandly contributed to the propagation of the concept in scientific literature (Légaré 2008, Helman/Gartner 1993). The question of state failure came to the top of most international agendas after the 9/11 attacks and the discovery of the connection between Al-Qaeda and the Afghan regime at the time. It relies on a "Weberian" conception of the state: the most important characteristic of the modern territorial state is the "monopoly of legitimate use of violence" (Schneckener 2007: 101). Without a proper framework to guarantee this monopoly, the stable social, economic, political and cultural development of a society is almost impossible to ensure. The tasks of the state are organized around three core functions: "Security," "welfare," and "legitimacy and rule of law" (Schneckener 2007: 105). From these three criteria extend four categories of states: "Consolidated or consolidating states," "weak states," "failing states," and "failed and collapsed states." Since the collapse of its central government, Somalia is considered to belong to the category of "failed and collapsed states," i.e., countries in which the state cannot fulfill any of the three core functions mentioned above (Schneckener 2007: 107). However, if we look at the existing administrations in Puntland and Somaliland, we can see that the classification of Soma-

State Failure/ fragile  
Statehood

lia in this category only partly corresponds to reality. Both entities have institutions capable of guaranteeing a certain level of security over their territory, even though several weaknesses can be identified. In this paper, the concept of state failure and fragile statehood will be relevant on two different levels. Firstly, it will help us to better define and understand the general situation of Somalia through the scope of its state structure. Secondly, it will also enable us to identify the connections between its domestic struggles and the origins and development of piracy, by analyzing under which circumstances fragile statehood can lead to the development of major criminal activities.

### *Greed and grievance*

According to most scholars, the origins of this concept can be found in the study “Greed and Grievance in civil wars,” published by Paul Collier Anke Hoeffler and Dominic Rohner for the World Bank in 2000 (Collier/Hoeffler/Rohner 2000). Their work focuses on civil conflicts and relies on the idea that the causes of such wars are to be found primarily in economic factors. “Greed” symbolizes the motivation of the actors involved in the conflict to ensure their profit through the conduct of warfare. “Grievances” are the claims expressed by armed groups to justify their behavior on political and moral levels. In their study, Collier, Hoeffler and Rohner argue that, regardless of how sincere these grievances are, the feasibility and the core motivation of war is based on economic motives. Grievances mostly become an instrument used to cover up the real reasons for conflict and gain support among a population (Collier/Hoeffler/Rohner 2000, Berdal/Malone 2000).

Greed and Grievance

In this paper, I will use this concept to analyze the possible evolution of the relations between pirates on the one hand, and Islamist militias and warlords in Somalia on the other hand. Since both Islamist groups and warlords are likely to be significant political actors in the future, their behavior towards piracy will be decisive for the further evolution of the phenomenon. Applying the concept of *greed and grievance* to the specific Somali case enables us to establish different scenarios based on the nature of their motivations. Whether they are driven by economic or ideological purposes, they may either choose to support piracy and contribute to its further development, or to fight it and seek to bring its practice to an end.

### **1.5 Sources and state of the research**

As mentioned above, literature on the topic of piracy along the Horn of Africa is extensive, though it mostly focuses on piracy offshore and aims at identifying short-term security solutions. Historical and analytical literature on Somalia and the civil conflict is also extensive but rarely integrates the issue of piracy. The number of sources focusing on piracy on land remains limited, even as their number seems to have been increasing since the second half of 2009.

Existing research

Sources dealing specifically with the issue of piracy within the country often focus on the connection between state failure and the phenomenon (Matzken 2010: 59,

Scholvin 2009: 2). Piracy is often studied as a criminal activity, yet its sociological aspects are only rarely taken into consideration (Blanchard et al. 2009, Herrmann 2009, Bair 2009). There is still a significant information gap, for example regarding the rooting of the phenomenon within Somali society, or the connections between pirates and other criminal groups.

The information contained in this paper draws largely on three types of source. Reports published by international institutions offer a detailed and accurate vision of the phenomenon. Articles and reports from public and private research institutes specialized in the field of security, but also in social and economic sciences, give various perspectives and very interesting information on specific issues. Finally, press articles offer the advantage of being very up-to-date and reporting new events in the country efficiently, even though they have to be treated carefully.

Types of sources used

## **2. Background analysis: presentation of Somalia**

In order to properly analyze the phenomenon of piracy, it is necessary to understand the context in which it takes place. This section first outlines essential points in Somalia's history, before then providing a general overview of the situation today. Finally, it presents the clan structure of Somalia and explains its importance in the specific case of piracy.

### ***2.1 Historical evolution: from pre-colonial times to piracy***

Somali identity rests on two main elements: Somali language and culture (which is shared by around 95% of the population and makes Somalia one of the most homogenous states in Africa) and Islam. In the 7<sup>th</sup> century, merchants came from the Arab peninsula and settled along the Gulf of Aden. They gradually mixed with the local population, which adopted Islam as their religion, but not the Arabic language (University of Laval 2010).

Somalia: Historical facts

The interest of European powers in the area started to grow in the second half of the 19<sup>th</sup> century. The United Kingdom (UK) first established a protectorate in the northern part of Somalia in 1884. In 1897, the whole area was divided between France (today the State of Djibouti), the UK (Somaliland) and Italy (Puntland and Southern Somalia). The region of Ogaden was given to Ethiopia and some territories in the south to Kenya (Spilker 2008: 14). While most clans' eldest authorities reached agreements with colonial rulers, the religious elites maintained their resistance to foreign rule. Said Mohammed Abdullah Hassan, leader of the "*Dervish-movement*," was the first to organize resistance against colonial authorities at the beginning of the 20<sup>th</sup> century. Though his efforts failed, they contributed to the launch of a bigger movement, which eventually led to the independence of the country. He remains the most renowned Somali national hero today (Spilker 2008: 16).

At the end of the Second World War, the whole of the country was put under British authority, except for Djibouti, which remained under French control. On April 1,

1950, the United Nations put the country under the trusteeship of Italy for a period of ten years (University of Laval 2010). It was decided that Djibouti would remain separated from Somalia and that the Ogaden region would stay under the control of Ethiopia.

In the 1950s, a system based on *clanism* was introduced, in which each community had a certain number of seats in parliament. The country became independent on the first of January 1960, without encountering any major obstacle (University of Laval 2010). Enthusiasm was very apparent in the years following independence. However, the first government rapidly lost its credibility in the eyes of its citizens. It was successful in building and strengthening a unified governmental structure, but had to face many economic and social difficulties (Bair 2009: 17). Discontent with the elites grew among the population. Legislative elections were held in 1969, but they were a complete failure and led to the development of a major political crisis in the country (Bair 2009: 17).

On 15 October 1969, the president of Somalia Abdirashid Ali Shermarke was assassinated. A military junta formed by senior military officers decided to appoint Mohamed Siad Barre president of a new military government. The parliament was replaced by a *Revolutionary Socialist Council* (Ssereo 2003: 31).

Barre comes to power...

After seizing power, Barre immediately strengthened his ties with the USSR. This enabled him to build a strong and well-equipped military within a few years. He also rapidly adopted nationalist rhetoric, which led to growing tensions with neighboring Ethiopia. The Ogaden War, which started in July 1977, turned out to be a tragedy for Somalia: following his nationalist program, Siad Barre attacked Ethiopia in order to take possession of the Ogaden area, mainly populated by Somalis. Somalia had considerably improved its relations with the USA over the previous years. In July 1977, Washington decided to deliver defensive weapons to Somalia. However, they were used by Barre to start the war against Ethiopia. After the Somali army had taken control over two thirds of the Ogaden area, the USA, worried about the expansionism of Barre, suspended all their weapons deliveries and demanded the withdrawal of Somali troops. At the same time, the USSR offered massive military support to Ethiopia. Isolated, Barre had to retreat and announced the withdrawal of his army in March 1978. This debacle is considered by many as the first of a succession of events which would lead to the overthrow of the dictator 13 years later (Spilker 2008: 19).

After 1978, the Somali state, ruined by an expensive war, relied almost exclusively on foreign help. Within the country, divisions between clans and sub-clans came to the forefront (Spilker 2008: 20). For years, Barre had played an ambiguous game with the Somali clan structure: his purpose was officially to unify the country through a campaign of "detrribalization," because he considered clan structures an obstacle to the development of the country. However, at the same time, Barre's politics strongly relied on the clan system, in accordance with the principle of "divide and rule." He regularly used rivalries between the major clans to secure and consolidate his power. In the 1980s, however, this risky policy began to backfire: the instability it created would eventually play a major role in the collapse of the regime. Starting at the beginning of the 1980s, the regime became increasingly repressive. Control of the

population was considerably heightened, movements within the country were restricted, and any kind of protest resulted directly in a prison sentence or in execution (Ssereo 2003: 33). Protests started to grow in several parts of the country, but were always repressed with incredible brutality. In response, political and military factions were created, like the Somali Salvation Democratic Front (SSDF) in the northeast or the Somali National Movement (SNM) in the northwest. These factions started to fight government forces, but retaliation from the army resulted in the death of thousands of people (World Bank 2005: 10). The country was increasingly divided along clan lines in this time. Over the last years of Barre's government, eleven political armed factions were created, each one relying on a specific clan. This situation laid the foundations for the future dismembering of the country (Ssereo 2003: 34).

The hostility of armed militias towards the government intensified to the point that national security forces progressively lost control of the situation. Siad Barre was ousted from power on 26 January 1991. After several failed attempts to retake control of Mogadishu, he was forced to flee the country. He died in Nigerian exile in January 1995. The vacuum left in Mogadishu led to a further intensification of the civil conflict and general chaos within the country.

... and falls down

Immediately after the collapse of the regime, the SNM, backed by Ethiopia, declared the independence of the northern part of the country. This resulted in the creation of Somaliland a few weeks later. Further east, in the area dominated by the Majerteen Clan, the SSDF launched a rebellion against the central government, which also led to the proclamation of the *Puntland State of Somalia* in 1998 (Møller 2009b: 10-11, Spilker 2008: 23).

The civil war originally started for the succession of control over the government. However, it rapidly turned into pure chaos, in which clan militias were fighting all over the country for booty (World Bank 2005: 11). By March 1992, 300,000 people had died from hunger and related diseases, and 44,000 from the fighting. The ongoing famine was aggravated by a drought, and the terrible situation increasingly attracted the attention of international public opinion (Møller 2009b: 12).

Somalia into civil war

In response to the Somali crisis, the UN Security Council created the UNOSOM (United Nations Operation in Somalia) mission in Resolution 751 of 24 April 1992. The original purpose was to protect food relief and stop the famine in Southern Somalia (World Bank 2005: 11). However, it was given a weak and unclear mandate, as well as insufficient resources. Moreover, the troops rapidly became the target of armed militias. As a result of these difficulties, the US decided to create the UNITAF (Unified Task Force) in November 1992, with a broader mandate sanctioned by the UN Security Council. It was later reinforced by UNOSOM 2, whose tasks also included the rebuilding of the national government. However, none of these missions could improve the situation and it soon turned into a disaster. On June 3, 1993, 18 U.S. Rangers and up to one thousand Somalis were killed in Mogadishu while trying to catch Mohamed Aideed, an influential warlord in the capital. Bill Clinton, the American President at the time, immediately announced the complete withdrawal of American troops by March 1994. They were followed by most other foreign troops one year later. After

UNOSOM

this event, the country progressively sank into international oblivion (Møller 2009b: 12).

The period following the withdrawal of international forces is often perceived as a time of complete chaos and anarchy in Somalia. However, even though the country suffered terribly from the persisting civil conflict, several positive aspects tend to imbalance the perception of helplessness generally portrayed in this period. The central negative aspect is undoubtedly the incapacity of both the international community and Somali stakeholders to rebuild a central state authority. Between 1992 and 2008, about 14 conferences were held under the auspices of the international community, but none of them led to significant results. The Transitional National Government was established in 2000, being the first formal authority since the ousting of the Barre regime in 1991. However, it was rapidly weakened by corruption and internal tension, and eventually collapsed in 2003 without having managed to control more than some parts of Mogadishu and a few enclaves in the country. It was replaced in 2004 by the Transitional Federal Government (TFG) (Møller 2009b: 13). The intensity and violence of the internal conflict decreased in the period following. The war progressively fragmented into smaller scale clashes, and militias met less resistance in the territories under their control. Somaliland and Puntland continued to strengthen their political structure and improve security in their territories, despite occasional crises. In southern Somalia, Sharia courts were created. These tribunals based on Islamic and Somali Customary Law were successful, to a certain extent, in limiting the propagation of violence. During this period, the economy was gradually reorganized and integrated into an informal system based on clan elders and informal courts (Møller 2009b: 13).

Withdrawal of  
international Forces

In 2006, a new political and military force emerged from the global chaos of the country. Between 2000 and 2004, several moderate and radical Islamist factions decided to come together and funded the Islamic Courts Union (ICU) (Møller 2009b: 16, Spilker 2008: 25). In 2006, they launched an assault against the TFG, which was considered a puppet of the Christian dominated Ethiopian government. They defeated the TFG on 16 June and rapidly managed to settle much more authority than any other force since 1991, winning control over the whole capital and almost all of Southern Somalia. They reopened the port and the airport of Mogadishu, schools and hospitals, started to build roads, managed to disarm most militias, etc. During this period, the security of the population improved significantly (Møller 2009b: 16). However Ethiopia, which was worried about the presence of an Islamist regime in a neighboring country, decided to attack Somalia in December 2006 in order to oust the ICU from power. This attack was backed by the US, which was afraid that Somalia might turn into a “new Afghanistan” and become a haven for potential Islamist terrorists. Rather than directly resisting the Ethiopian army, the ICU’s fighters decided to leave Mogadishu and gathered in the south, where they started to launch guerrilla attacks. For the first time since its creation, the TFG managed to settle in the capital city. The Ethiopian occupation, which lasted until January 2009, radically transformed the internal situation of the country. The violence of the invasion caused terrible suffering among the population and pushed thousands of people to flee across the

Rise of Islamists

country (Møller 2009b: 17). The downfall of the ICU announced the return of chaos within Southern Somalia. Terrorist attacks from Islamist factions against the TFG and Ethiopian forces became more frequent and violent. The counter-insurgency caused many casualties among the population and was strongly criticized within Somalia and abroad for its brutality. In the past years, the country has gone through its worst humanitarian crisis since 1991, intensified by frequent attacks by warlords and pirates against humanitarian relief convoys. The TFG never seemed to be able to extend its influence over the country and has mostly been busy ensuring its own survival in the face of Warlords and religious militias (Møller 2009b: 18).

## **2.2 Somalia today: a chaotic internal situation**

Since the defeat of the ICU in 2006, Somalia's general situation has continued to deteriorate. Significant progress can be observed in Somaliland and Puntland. Both entities are on their way to further stabilizing and consolidating their administrations. However, the situation in Southern Somalia is much more problematic. The area is still divided into territories controlled by various armed factions. So far, the TFG only controls some parts of Mogadishu and a few enclaves in the country. In order to support the government, the African Union decided to create the AMISOM (African Union Mission in Somalia) in January 2007. Its mandate is ambitious. It is in charge of protecting the government as well as key infrastructures in the country. It is also expected to monitor stabilization and disarmament in the country while facilitating the running of humanitarian operations (AMISOM 2010). It mainly concentrates on protecting the TFG and humanitarian deliveries in the ports of Mogadishu, but it is almost inactive in the rest of the country. It faces strong hostility from armed militias and is perceived quite negatively by the population. In this context, the TFG has been unable to produce any significant achievements so far. Many experts have expressed doubts about its capacity to deal with the situation in Somalia (Pham 2010: 86, Møller 2009b: 15). This is illustrated by a statement made by a former US ambassador: "the TFG is neither transitional, nor federal, nor a government" (Pham 2010: 86).

In the last months, the most successful actors on the internal stage have been the two main Islamist factions, *Al-Shabaab* and *Hizbul-Al-Islam*. They were created after the collapse of the ICU in 2006. Their purpose is to retake control of Mogadishu and oust the TFG from power. Their members have spurned the calls for negotiation made by the government (Pham 2010: 86). They have made significant progress in the last months and have become a major threat for the TFG. In May 2010, *Hizbul-Al-Islam* even managed to take the control of Harardhere, an important piracy area (Associated Press 2010). Today, Islamist groups appear to be the strongest military forces in the country (Matzken 2010: 58). If they continue to increase in strength, they could even become a danger for Somaliland and Puntland, which have managed to keep the Islamist threat under control thus far (Pham 2010: 89).

In the rest of the country, fights between different militias led by warlords and government forces continue. The situation has become particularly chaotic and radical changes may take place in the next months, if the TFG cannot resist repeated as-

Recent events

The rise of Islamist factions

saults by the armed militias. The population has suffered greatly from this increase in violence. The country has the highest rate of malnutrition in the world and large parts of the population do not have access to drinkable water (Møller 2009: 17). The number of IDPs (Internally Displaced Persons) escaping the fights has increased considerably to reach 1.7 million people in July 2010 (IDMC 2010: 1). The internal situation of Somalia today is very worrisome.

### **2.3 Clan structure of Somalia**

The organization of the entire Somali society rests on its traditional clan structure (See Annex A.3). Despite its cultural heterogeneity, Somalia never managed to build a real nation-state: attempts failed on the institutional level (the government of Siad Barre was almost completely dependent on foreign financial support), but also on the “psychological” one, since huge parts of the population never identified themselves with the regime ruling in Mogadishu. The collapse of the state in 1991 was the collapse of an artificial structure, which only managed to survive through foreign money and brutal repression (Ssereo 2003). In this context, the clan structure, which formed progressively over centuries, has remained the main identifying factor within the population (Joint-Daguenet 1994, Lewis 1980). It defines and regulates any kind of social relationship, from the family cell to the national level. It sets values and patterns of behavior, questions of authority and loyalty, solidarity and alliances, etc. The social status of each Somali is essentially defined by his position within his clan (Marouze/Mengel 2008). Their roles on the political stage are also decisive: in times of war and peace, clan members are expected to show loyalty towards their leaders. In this context, understanding the functioning of this traditional structure is necessary to deal with any kind of phenomenon occurring within the country.

Clans in Somalia

#### **2.3.1 Main features and historical evolution**

Somalia is considered by sociologists to be a “Segmentary Society,” which means that it traditionally has a strong level of political self-regulation without the intervention of a central government authority. Such societies are also called “acephal” societies (Spilker 2008: 12). The vast majority of Somalis consider themselves to be descendants of a mythical founding father, Samaale. The Somali lineage is composed of six clans, four pastoral-nomadic (Dir, Daarood, Isaaq, Hawyie) and two agricultural ones (Digil and Rahanwayn). The four pastoral-nomadic clans make up 75% of the population of Somalia, the two others around 20%. A few other communities remain outside the clan organization, especially coastal communities descending from Arab or Persian migrants, as well as cultivators or hunters from the pre-Somali period. They represent around 5% of the population (University of Laval 2010).

The different clans

The formation of clans is based paternalistically, on the heredity of the male side of each family. Their size can vary greatly. The six main clan families are too large to enable concrete cooperation between all their members. Concrete identification and cooperation between individuals occurs on the level of sub-clans (Metz 1992). Sub-

Main features

clans cooperate according to a complex system of alliances, which sometimes leads to complicated situations: two sub-clans may be at war against each other, but then chose to unite temporarily against a common enemy, before starting their war again (Spilker 2008: 12). The flexibility of alliances makes the clans system easy to manipulate for political purposes, through the constant redefinition of friendships and enmities.

Traditionally, the large number of clans living on the Somali ground and the scarcity of resources have been the source of many conflicts (See Annex A.4). Yet, the different clans adopted specific and sometimes very advanced tools for conflict regulation and resolution. They have created the *Heer* (or *Xeer*), a socio-political contract developed in the 16<sup>th</sup> century. It is particularly uniform and only minor differences exist between the different clans. It contains a penal code, a political constitution and ethical rules which aim to maintain peace. These rules are transmitted by word of mouth from generation to generation in the form of rhythms, rhymes and metaphors, which facilitate their memorization (Marouze/Mengel 2008, Spilker 2008: 42, MacCallum 2007). One of the main tasks of the clans is to provide for the compensation that one member has to pay when he commits an offence or a crime towards another clan. This principle of solidarity is a central element of the Somali clan system. It aims to limit the impact and the frequency of conflicts by offering the possibility to negotiate peacefully (Marouze/Mengel 2008).

Heer

The Somali clan structure has undergone major changes during the 19<sup>th</sup> and 20<sup>th</sup> century related to the political evolution of the country. The centralized state structures created by western powers during colonization fundamentally contradicted the traditional Somali system. This caused major upheavals in the organization of the whole society. Yet the most important changes occurred during the reign of Siad Barre. Officially, his government wanted to break the traditional social structure of Somalia, which was seen as an obstacle to the modernization and development of the country. It launched massive nationalization and sedentarization campaigns. The question of clan membership became a taboo, alliances between groups were forbidden. However, despite a rhetoric based on unification, Barre in fact instituted a policy based on favoritism and discrimination according to clan belonging (Ssereo 2003: 30), in a system that the Somalia specialist Hussein Adam described as "*Clan-Klatura*" (Adam 2008: 10). The most important posts in the army and the public administration were exclusively accorded to members of sub-clans related to his family. Clan belonging became the basis for political and economic relations, therefore excluding wide parts of the population from any kind of advantage (Spilker 2008: 20). Protest and upheavals among other sub-clans were crushed with incredible brutality. This policy exacerbated feelings of clan belonging and created strong tensions between the various sub-clans. The result can still be felt today. Moreover, the action of Barre led to a strong contradiction: after his downfall, clan militias started to fight for control over the central government, even though the latter was considered as incompatible with the Somali clan system (Ssereo 2003, Spilker 2008). Today, rivalries between clans have become an essential pattern within Somali internal affairs. They are decisive for a wide range of issues, ranging from the internal political life to piracy.

Evolution throughout history

### 2.3.2 Relevance for piracy

Just like any form of social organization in Somalia, piracy relies on rules defined by the clan structure. It plays a role on two different levels: in the building and internal organization of pirate groups and in their relations with other actors. Information available on the topic confirms that pirate groups are built according to clan belonging. Multi-clan groups do exist, but their structure remains based on the structure of a specific clan, and the conditions of cooperation with other groups are always precisely defined. Hierarchy within the groups is also based on Somali traditions. It also plays a major role in the behavior of pirates towards other actors. In case of a conflict, they are expected to show loyalty to their sub-clan and support important personalities in their community. Pirates also follow the *Heer* when an offense is committed towards a member of another group (Hansen 2009: 26). They reportedly benefit from the protection of major clan members, especially in Puntland, who protect them from arrest or prosecution by the government (Pham 2010: 88). The topic of clan structure and its role in piracy will be further analyzed in the following section.

Clanism and piracy

### 3. Main features of piracy along the Horn of Africa

The first documented pirate attacks in Somalia took place between 1989 and 1991, and were carried out by a group calling itself the “Somali National Movement.” The phenomenon likely existed before that time, but had remained extremely marginal. During the majority of the 1990s, piracy occurred inconsistently. It was far from being a major problem of international security, with less than ten attacks a year reported until the beginning of the 21<sup>st</sup> century. Already in the 1990s, however, an interesting pattern could be observed: piracy tended to decrease during periods of intense civil conflict in Somalia, and started again when a relative calm returned to land. Attacks started to increase in the first years of the 21<sup>st</sup> century, and reached a peak in 2004, during what was at the time called the “*Golden Age of Piracy*” (Hansen 2009: 23). At the time, the information available about the situation on land enabled two important patterns to be identified: piracy seemed to be organized according to structures similar to those of organized criminality, and clan loyalty played a central role in the phenomenon (Hansen 2009: 19-23). At that point, piracy became a major concern for powers with strong economic interests in the area. The phenomenon almost disappeared for six months in 2006, when the ICU took power in Mogadishu. However, it returned immediately after its collapse. After things calmed down relatively in 2007, piracy exploded in 2008 with 111 attempted assaults recorded in one year (Bundespolizei 2009: 12). At this point, the international community reacted by sending different military missions out to sea to fight the phenomenon. However, the upward trend was only reinforced in 2009, with 217 recorded attempts (United Nations 2010: 35). Today, piracy along the Horn of Africa has become routine and the general level of organization among the groups involved has improved considerably.

Historical evolution of piracy

Piracy is usually seen as an act of organized crime. Many definitions of this term exist (Von Lampe 1999). The one given by the FBI (Federal Bureau of Investigation) is particularly interesting in the case of piracy in Somalia because it stresses the interaction between the phenomenon and its environment:

Any group having some manner of a formalized structure and whose primary objective is to obtain money through illegal activities. Such groups maintain their position through the use of actual or threatened violence, corrupt public officials, graft, or extortion, and generally have a significant impact on the people in their locales, region, or the country as a whole (Federal Bureau of Investigation).

In this section, I will describe the main features of piracy in Somalia. I will first detail geographical, material and financial aspects as well as essential information about the organization of piracy groups. I will also analyze the relations between pirates and major internal and external actors. This will enable a better understanding of the functioning of this phenomenon. I will also assess the extent to which this activity can be considered as a form of organized crime, in relation to the definition mentioned above.

### **3.1 Geographical aspects**

Since its very early years, piracy could be observed in many different parts of Somalia. For its part, Somaliland has never suffered from it significantly. Less than one attack every two years was registered within the last ten years (Hansen 2009: 20). The phenomenon is instead especially concentrated in Puntland and Southern Somalia. The two most active areas are the city of Eyl, located in the region of Nugaal in Puntland, and the area between Harardhere and Hobyo, in the Mudug region, part of Southern Somalia where a group calling themselves the “Somali Marines,” led by Mohamed Abdi Hassan “Afweyne” is particularly active. Smaller groups also operate in Bosaso, Qandala, Caluula and Bargaal in Puntland, and in Mogadishu, Ras, Garad and Koyama Island (dominated by a group calling themselves the “Somali National Volunteer Coast Guards”) in Southern Somalia (Schofield 2007, Hansen 2009: 23, Gilpin 2009: 6). Concerning the frequency of the attacks, there has reportedly been a progressive switch from Harardhere and Hobyo (see map p.47), where the highest concentration of assaults in 2005 and 2006 was, to Puntland and particularly Eyl over this period (Middleton 2008: 6). The seizure of power by the ICU in 2006 in Mogadishu probably played a role in this evolution, since the Islamic factions fought pirates’ groups intensively in Southern Somalia. Piracy came back after the ICU’s decline, but this interruption probably helped to disorganize and weaken the various groups active in the Harardhere and Hobyo area. It was also reported that some attacks were led from the Yemeni coasts (Hansen 2009: 36), but a deeper study carried out by Stig Jarle Hansen and published in 2009 undermines this assumption. “None of the pirates interviewed for this report (has) ever seen a Yemeni pirate” (Hansen 2009: 36).

Location of piracy

The clans that are the most heavily represented in acts of piracy are the Majerteen in Puntland and the Suleiman in Southern Somalia. Members from the Warsangelis and Saad sub-clans are reported to also be very active. The existence of multi-clan groups was also confirmed: in general, cooperation occurs either because these groups are active in areas populated by several clans, or because some members of external clans are hired to provide another group the benefits of their piracy “experience” (Hansen 2009: 25).

Clans involved in piracy

### **3.2 Organization of groups**

Pirate groups are very heterogeneous in nature. They range from micro-groups of two people to organized groups involving more than 200 individuals. According to the research led by Hansen, most of them are composed of 12 to 35 people (Hansen 2009: 36). The number of people active in piracy has exploded in recent years. According to the East African Seafarer’s Assistance Program, there were around 100 pirates in 2005, and more than 1000 at the end of 2008 (Sterling 2008). In October 2009, Hansen estimated that around 2000 people might be involved in the phenomenon (Hansen 2009: 12).

Main features of pirate groups

Groups are generally divided into “attack teams” and “hold teams.” Attack teams are composed of technical experts, in charge of technological material; fishermen, who directly participate in the attacks and are chosen for their knowledge of the sea; and ex-militiamen (who are also often fishermen) who are used as “the muscle” of the operation (Hansen 2009: 36, Hunter 2008). Onshore, the leader is the brains of the operation, and is in charge of logistics, importing weapons, distributing bribes to local officials, etc. He is the one who benefits the most from piracy (Joubert 2009). The attack is generally carried out by a group of eight to twelve persons who are sometimes sent out to sea for long periods of time (United Nations 2010: 99). Hold teams are in charge of keeping watch on the boat, an activity which can last several months. They are generally composed of at least twelve persons (United Nations 2010: 99). The membership of hold teams seems to change regularly.

Organization of attacks

Most pirates are between the ages of 20 and 35. Generally, they become involved in piracy through other members of their sub-clan. A significant number of them are former fishermen (some fishermen even moonlight as pirates occasionally, and return to fishing afterwards). They are clearly attracted by money, but also probably by the social status that piracy offers them. When interviewed, Abdi Farah Juha, an inhabitant of Garowe in Puntland, declared to the BBC, “Piracy in many ways is socially acceptable. They have become fashionable” (Hunter 2008). In places where they live, pirates generally do not have to hide and do not face any rejection from their society, even though some inhabitants complain about the increase in violence related to the high quantity of weapons in circulation and the high rates of drug and alcohol consumption (Hunter 2008). Generally, pirate leaders rapidly adopt a luxurious way of life. Testimonies from people living in “pirate towns” describe them as living the “high life,” settling in big houses, driving expensive cars, and organizing parties where drugs, alcohol and prostitutes are common (Sterling 2008, Hunter 2008).

Social aspects

### 3.3 Material aspects

In order to carry out their assaults, pirates use two kinds of ship:

Skiffs: small and light boats almost undetectable by radar (Joubert 2009). They are generally equipped with outboard motors, making them particularly fast. Most of the time, these boats are bought for fishing purposes and then diverted for piracy (Middleton 2008: 4).

Skiffs

Mother ships: bigger boats used by the most organized groups. They enable the pirates to stay at sea for several days. They are generally loaded with gas, food, and material in sufficient quantity for the whole operation. They are used to launch the skiffs used as boarding vessels. These mother ships are generally fishing trawlers that were captured during previous attacks and have then been used for further operations (Middleton 2008: 4).

Motherships

Pirates use a wide range of weapons to carry out their attacks. The profusion of weapons available within Somalia after almost twenty years of conflict makes it particularly easy for them to get the equipment they need. They often use light weapons like AK-47s (Kalashnikov) or grenades, and bigger artillery like rocket launchers. These weapons are often second hand and in very poor condition (Joubert 2009). Most of them reportedly come from Yemen, with Mogadishu being the second main source of supply (Hunter 2008). Since 2008, the use of Man-Portable Air-Defense Systems (MANPADS or MPAD) has also been reported, a sign of growing aggressiveness (Middleton 2008: 6). Depending on the way the group is organized, pirates either bring their own weapons with them or are fully equipped by the leader of the operation (Hansen 2009: 35). Furthermore, pirates also use GPS (Global Positioning System) and night vision goggles when at sea. The use of this kind of modern technologies remains quite rare, however, since only the largest groups can afford it (Hansen 2009: 36). Finally, the most common instrument, which has somehow become a symbol of piracy in this part of the world, is a ladder. Almost every pirate group uses one to board targeted vessels. When pirates are arrested by vessels belonging to international forces, the presence of a ladder on board is often considered as conclusive evidence of their guilt (Joubert 2009).

Weapons

Generally, hostages are treated well. According to Scott Eden in his article "In a Failed State: Origins of Somali Piracy," only two crew members taken hostage by pirates died between the beginning of 2008 and March 2010 (Eden 2010). Since pirates are only interested in ransoms and not in the ship itself or its cargo, they tend to avoid mistreating captured crews, even though a few exceptions have been reported. The pirates arrested after the attack of the yacht *Le Ponant* in 2008 even had a manual of good conduct with them (Middleton 2008: 5). There is also information that some pirate groups have set up special restaurants onshore to prepare special food for western hostages (Harper 2008).

Hostages

### 3.4 Financial aspects

The organization of piracy is clearly based on the principle of minimizing expenditures and maximizing profit. The cost of an attack may range from USD 300 for a group of two people using a simple skiff to USD 30,000 for multi-ships attacks. Concerning the funding of the operations, three different types of “modus operandi” have been identified (Hansen 2009: 35):

Funding of operations

1. One person pays for everything: he owns all material necessary for the attack and gives a percentage of the ransom to each participant if the mission is successful.
2. Each participant brings his own weapons, food, etc. The ship also belongs to one of the pirates. They then share the ransom depending on their contribution.
3. A person first collects money from several investors and then bears all expenses of the whole group in charge.

Generally, missions are supported and financed by other members of the same sub-clan. In some cases, several members of a sub-clan may chose to gather within what Hansen describes as a kind of “share holding company.” Once the ransom is obtained, they receive a certain percentage depending on their investment. Some people may even provide food or material in exchange for shares of the project (Hansen 2009: 37). In order to limit the costs, most organizers chose to hire pirates on commission, that is to say they only pay out if the attack is successful.

Once on hijacked ships, pirates generally take everything they find on the boat (mobile phones, clothing, etc.). For the ransom payments, pirates have thus far only accepted cash payments. Once the ransom is obtained, they first pay back the money borrowed from external financiers. The rest is divided depending on the role of each pirate. The leader receives the largest percentage of the ransom. Then, the person who first put foot on the hijacked boat gets a bonus. The members of the crew that led the attack are given a larger portion of the proceeds than the ones in charge of watching the boat during negotiations (Hansen 2009: 36, Joubert 2008). Large-scale groups can pay up to 30% of the whole ransom to local authorities in exchange for the right to keep the boat close to shore during negotiations. Smaller groups would try to avoid this payment by operating in areas where local authorities are almost absent (Hansen 2009: 39). In case of a death, the family of the victim reportedly receives around USD 15,000, although journalistic sources mention higher figures (Dietrich 2009). A lot of money also is given to extended relatives of the pirates, e.g. uncles, cousins, etc. (Joubert 2008). A part of the profit is reinvested in material for further attacks. This significantly increases the group’s efficiency. Former pirates who “retire” after having earned a substantial amount of money, often reinvest in piracy activities. Some Somali businessmen also invest financially in certain missions, though the importance of this phenomenon is difficult to assess (Hansen 2009: 37).

Gains and Ransoms

In the past years, the price asked for ransoms has increased considerably. The lack of a proper banking system in the country makes tracing money particularly difficult (Middleton 2008: 5). In Somalia, a large amount of money circulates through the *Hawala*. This traditional system provides an informal means of exchanging money. A person wishing to send money to a relative simply pays the desired sum to an agent. This agent then contacts another member of the *Hawala* system close to the place where the relative lives, and asks that agent to deliver the money against the promise that he will be reimbursed later. This system is often used for money transfers between Somalia and the Somalian diaspora in Middle-Eastern and Western countries. Since this system does not rely on written contracts, the control of cash flows by authorities is almost impossible (Pérouse de Montclos 2000). There is information pointing to the fact that a part of the money obtained from ransoms leaves the country through the Hawala system. It mostly goes to Dubai and the Somali Diaspora, especially in the UK, North America and the UAE (Jakobi 2010: 7).

### **3.5 Relations with internal actors**

If we would like to better understand the connections between piracy and its environment, it is necessary to analyze how pirates interact with major actors within Somalia. Due to the complex internal political situation of the country, pirates have very different types of relationships with these actors depending on which part of the country they operate in.

#### *Somaliland*

The authorities in Somaliland started to fight very early and efficiently against piracy at the first sign of its presence in their region. As a consequence, the phenomenon is almost inexistent today. There seems to be no doubt about the willingness of this administration to counter piracy (Hansen 2009: 30).

Somaliland authorities and piracy

#### *Puntland*

The case of Puntland is more complex and ambiguous. In 2009, the Office of the Secretary General of the UN, Ban Ki-Moon, issued a report denouncing the complicity between some members of Puntland's administration and pirates (United Nations 2009). Many scholars also mention the existence of connections between authorities and pirates. This widespread belief in the administration's involvement is based on two main elements. First, piracy could not be so intense offshore without the tolerance of, if not direct support by, regional officials. Second, the main pirate groups belong to the same Majerteen sub-clan as most Puntland officials. Given the high level of solidarity between clan members, cooperation is very likely to occur on different levels (Hansen 2006, Middleton 2008: 5, Schofield 2007). However, these connections remain difficult to assess properly. Corruption is widespread among low-ranking officials, so no evidence has thus far been found incriminating higher level

Puntland authorities and piracy

figures. Hansen also underlines the fact that pirates generally operate in areas remote from places of central power, where authorities are either almost inexistent or at least very weak. According to him, pirates generally try to avoid contact with the Puntland administration, at least as much as possible (Hansen 2009: 19). This could simply be because they want to avoid paying bribes, but may also be because they are afraid of possible sanctions. Puntland has arrested a significant number of pirates, but so far most leaders have remained out of reach (United Nations 2010).

### *Southern Somalia*

The situation in Southern Somalia is even more complex and mainly depends on the nature and the level of authority of the armed groups controlling each area. Islamist factions and militias led by warlords are the main actors seeking political power in the region. In past years, a lot has been written about the dangers that connections between radical Islamist groups and pirates could pose for international security. Security experts are especially afraid that Jihadist groups might benefit from the support of pirates in carrying out attacks against ports or ships offshore (Middleton 2008: 9, Stevenson 2010). However, the number and quality of these connections appear to be greatly overestimated. In 2006, as the ICU took control over Mogadishu and significant parts of Southern Somalia, one of their first reactions was to fight piracy, which was declared incompatible with Islam. This was a real success: The phenomenon disappeared almost completely for a few months, but started again after the ICU was ousted from power in December 2006 (Schofield 2007). This hostility towards piracy does not seem to have changed much: in May 2010, as Hizbul Islam took control of Harardhere, many inhabitants described how they saw pirates hurriedly leaving the area on the eve of the attack (Associated Press 2010). This indicates that the level of cooperation between both groups is far from being the one expected by some international observers. "Low ranking" cooperation may exist in some isolated and particular cases, for example in the smuggling of weapons between Yemen and Somalia (Hansen 2009: 15). Certainly, both actors would have a strategic interest in cooperating with one another: Islamist groups may be interested in using the know-how of pirates to carry out attacks offshore (Scholvin 2009: 3), and in return, pirates may be interested in extending their connections abroad through international terrorist networks. However, this assumption has largely been contradicted by the facts so far.

Pirates and Islamists

The relations between pirates and warlords are more complex. First of all, the term "warlord" actually covers a wide range<sup>1</sup> of actors with very different motivations and levels of influence. Warlords in Somalia are the leaders of armed factions, whose members are mostly recruited within the same sub-clan. They seek to control certain parts of the territory and regularly take part in armed conflict within the country.

Pirates and warlords

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<sup>1</sup> See Reno, William: *Warlord Politics and African States* (Boulder: Lynne Rienner Publishers, 1999). Also see Lezhnev, Sasha: *Crafting Peace: Strategies to Deal with Warlords in Collapsing States* (Lanham, Maryland: Lexington Books, 2006), with a detailed analysis of the concepts "warlord" and "warlordism."

Their connections with piracy are difficult to assess and should be studied case by case. However, certain scholars mention that, due to the level of influence some warlords have (or used to have) in most coastal regions, it is unthinkable that piracy could flourish the way it has without their support, or at least their approbation. Moreover, solidarity between sub-clan members is very likely to play a role in any such cooperation (Hansen 2006).

Since pirates almost exclusively operate in areas populated by members of the same sub-clan, exchanges with coastal communities are common. Pirates often benefit from local support. They are authorized to use beaches, borrow skiffs or other materials, and so on. However, rewards for cooperation appear to vary greatly from place to place. Some pirate groups clearly support their community by investing a large part of their ransom in common projects, whereas others only benefit their close relatives. Generally speaking, massive investment for local communities appears to be quite rare (Hansen 2009: 34).

Pirates  
and local communities

### **3.6 Relations with external actors**

External actors are also susceptible to playing a significant role or supporting piracy in various ways. In following, I will assess the nature and the importance of these connections.

The diaspora is often considered to play a great role in the running of piracy. The extremely long civil conflict has pushed many Somalis to leave the country. Their main destinations have been Kenya and the Gulf countries (Saudi Arabia, UAE, etc.), but have also included North America and Western Europe, especially the UK and Scandinavia. Members of the Diaspora are said to be involved in piracy in several ways:

The role of diaspora

- They provide material like GPS or goggles (often from Dubai), and sometimes also financial support.
- Some people working in harbors or for shipping companies provide the pirates with information about the ships sailing in the area, their route, the size of their crew, the nature of their cargo, etc. (Hansen 2009: 37).

Many members of hijacked crews testified that pirates knew everything about their boat. When interviewed, several pirates particularly stressed the importance of these "external pirates," though others did not. The situation is probably very different in each group. However, the capacity of some groups to locate and attack ships thousands of miles away from their coasts confirms that some of them do benefit from this information. The phenomenon seems to be particularly strong in Kenya (especially in the port of Mombasa), Dubai and Yemen, but also in western countries like

Canada or the UK. Here again, the importance of these networks is difficult to assess and requires further research (Hansen 2009: 37, Axe 2009).

Several sources have confirmed that pirates obtain a large quantity of weapons from Yemen. However, there is little information about any deeper connections with Yemeni groups so far, either Islamist or criminal in nature, and nothing indicating an advanced level of cooperation (Blanchard et al. 2009: 9, Hansen 2009: 19).

Weapons from Yemen?

### **3.7 Conclusion**

These results confirm that pirate groups do correspond to the definition of organized crime mentioned at the beginning of the section. First of all, it is clear that pirates are financially motivated and obtain money through illegal activities and the use of violence. They also receive support from government officials, even though the importance of this factor remains difficult to assess, as mentioned in the paragraph dealing with the situation in Puntland. Finally, their activities have a consequent impact on the local population, especially through social interactions occurring within the clan system. However, there remains a lack of information in a number of important areas, for example regarding the exact level of cooperation between pirates and warlords in Southern Somalia, or the role of the diaspora in the financial aspects of piracy. These are central issues that still need to be analyzed in order to increase the understanding of the phenomenon.

Motivations of piracy

## **4. Piracy in Somalia: the result of State Failure?**

In literature concerning piracy in Somalia, many scholars associate the phenomenon with the collapse of state structures and the chaos which arose from it (Scholvin 2009: 1, Matzken 2010: 59). The purpose of this section is to analyze, on different levels, the connections between state failure and piracy. In order to do so, I will define essential schools of thought as they are generally presented in the literature, and discuss their pertinence by contrasting them with the information available on the topic. I will take into account, on the one hand, the regional differences within Somalia and on the other the different implications of state weakness or failure in security, economic and social fields.

Piracy and State Failure

### **4.1 The first assumption: piracy as a result of a security vacuum**

One common assumption can be formulated as follows: *Piracy was born and developed because the state could not prevent criminal groups from carrying out their activities*. In other words, it is based on the incapacity of the state to ensure security and respect for the rule of law in its territory.

Security Gap in Somalia

As the state lost its monopoly on the use of violence, armed militias and criminal groups used the vacuum left behind to develop their activities without fear of any sanctions. Since the state was unable to arrest and prosecute those involved in piracy, they could continue their activities with complete impunity. In this context, piracy networks could settle and develop very rapidly (Hansen 2009: 7-18). Moreover, the very low risk of sanctions probably pushed many people to join pirate groups. If we compare this assumption with the situation in as it exists in Somalia today, we obtain different results depending on where we look.

### *Southern Somalia*

Southern Somalia is the area in the country where the results of state collapse are the most visible. Apart from certain sections of Mogadishu controlled by the TFG, the rest of the country has not been under a unified authority for years (aside from the short seizure of power by the ICU in 2006, which lasted six months). The collapse of the state either left a complete security vacuum, or led to the recuperation of the monopoly on the use of violence by armed groups in a very unstable context. In this case, the central authority was replaced by diverse armed groups “governing” according to their own rules.

Security in  
Southern Somalia

Here, the connection between state collapse and piracy appears to be very clear. In areas where there are very low – or nonexistent – levels of authority, piracy can thrive without any pressure or constraint. In areas dominated by armed factions, cooperation is likely to exist, if in a variety of forms. This is first because warlords mostly dominate areas populated by their clan or sub-clan, and there are likely to be pirates who belong to that group; second, because most factions are interested in profit and piracy represents a major potential source of income. However, relations between pirates and warlords vary greatly due to the high number of participants involved. So far, there is insufficient information to assess these connections more deeply. Another element tends to confirm the importance that an absence of state structures plays for piracy in this area: during the “reign” of the ICU in 2006, the return of a central authority (even though it remained contested in some areas) rapidly resulted in the almost complete disappearance of piracy (Schofield 2007).

### *Puntland*

Puntland corresponds to the definition of a *weak state*: the administration has managed to settle a relatively stable peace and offers a certain degree of security to its population (Schneckener 2007: 108). Security forces exist and are active, even though they are still very weak in some parts of the territory (Hansen 2009: 29-33).

Security  
in Puntland

In comparing the situation in Puntland with southern Somalia, it is clear that the superior level of security guaranteed by the state does not result in a lower level of piracy. Actually, Puntland is the region of Somalia with the highest number of attacks recorded in recent years. Based on the description of the connections between the Puntland administration and pirates made in the third section, this can be explained

in two different ways. Either pirates use the relative weakness of the state to conduct their activities in areas where security services cannot afford to maintain a strong presence (Hansen 2009: 39), or they benefit from the support of members of the security services to carry on with their activities in exchange for bribes. Both versions can be found in the literature on the topic and are probably both partly true. However, regardless of the chosen explanation, the case of Puntland shows that the existence of state structures does not necessarily result in a lower level of criminal activity, but indeed can potentially help to maintain and even further strengthen piracy.

### *Somaliland*

The case of Somaliland is radically different. There, piracy could never develop enough to become a major issue. Like Puntland, Somaliland corresponds to the definition of a *weak state*. Since its creation the administration has succeeded in maintaining a certain level of peace and security. However, this situation rests on a compromise between the general administration, local politicians and clan elders, instead of on a real administrative monopoly on the use of violence (Hagmann/Hoehne 2009). The administration is also weak in social and economic areas, these services instead being essentially provided by the private sector. Despite these weaknesses, security services managed to deal rapidly and efficiently with the first cases of piracy and major groups never had the opportunity to develop (Hansen 2009: 30). This tends to confirm the assumption that efficient state structures in the field of security enable the efficient fight of piracy. However, this observation has to be put into perspective. Since chaos never fully settled into this part of Somalia, security services had to deal with a very limited phenomenon which did not have time to grow and establish itself within its environment (Hansen 2009: 30). In other words, by fighting piracy early on, authorities were combating an activity in which few people were involved and had interests.

Security  
in Somaliland

### *Results*

The comparison of the above-mentioned assumption to the different contexts within Somalia leads to contrasting results. It is clear that the absence of a strong authority, capable of taking responsibility in the field of security, was favorable to the development of piracy. Groups led by opportunism used the vacuum left to create networks and intensify their activities. However, the case of Puntland shows that building security institutions is not necessarily sufficient to guaranteeing a decrease in attacks. The nature of these institutions, as well as their control and transparency are essential. Weak or corrupted state security forces can even contribute to worsen the situation by offering protection or even material support to pirates in exchange for money or other advantages. This affirmation is confirmed by Scott Eden in his article "In a failed state: Origins of Piracy":

Conclusions

Puntland especially is the "perfect environment" for the pursuit of piracy. The region remains chaotic enough for a brigand to live free from much in the way of laws. . . but not nearly as chaotic as Mogadishu and the southern portion of the country, where heavily armed clans and Islamic fundamentalists fight their nightmare conflict . . . Puntland at least has enough of an administrative structure in place for which the pirates to bribe (Eden 2010).

#### **4.2 Second assumption: piracy as a result of economic difficulties**

The second common assumption, also often to be found in the literature on the topic (Scholvin 2009: 1), can be defined as following: *Piracy could develop because of the gaps in economic and social fields which arose from the collapse of the state.* This assumption is generally formulated in two different ways:

Economic factors

##### *a. Piracy is the direct consequence of state collapse*

The state is no longer able to fulfill its economic and social responsibilities, as they relate to the concept of the welfare state – the organization of the economy, distribution of resources within the population, social services in the field of health, education, etc. (Schneckener 2007: 106). In this context, the population's living conditions deteriorate and the people must turn to other types of activities in order to ensure their survival (Hansen 2009: 8). Since piracy is a relatively "low risk" activity in the violent context characterizing Somalia, it becomes particularly attractive for coastal communities.

Piracy, state collapse and poverty

Poverty in Somalia is a major problem. However, the purpose here is to assess how far poverty contributes to piracy. Hansen underlines several important factors to contradict this assumption. Firstly, piracy is not taking place in the poorest coastal regions of Somalia. Some areas that are having much more difficulty, economically speaking, are not facing the same problems at all. Secondly, the numerous variations in the frequency of pirate attacks within the last few years do not appear to be correlated to any change in economic patterns within Somalia; both elements seem to progress independently from one another. Finally, piracy is an expensive activity which requires heavy investment (ships, material, supply, etc.). Though some pirates working within these groups may suffer under poverty, the organizers need to have a consistent supply of money at their disposal to carry out the attacks (Hansen 2009).

It appears that even though the poverty argument may be backed up by some evidence (since some people involved in piracy are probably pushed to do so by the general lack of resources), it is not sufficient to explain most patterns of piracy in Somalia. The core of the problem lies in the "brains" of the operation, which are running the activity onshore, rather than offshore.

This also tells us that concentrating on the fight against poverty without taking other major aspects into consideration, would probably have a very limited impact on the phenomenon in Somalia (Hansen 2009: 14).

*b. Piracy is an indirect consequence of state collapse, through the intervention of foreign actors*

According to this version of the second assumption, piracy is the result of massive illegal fishing and the dumping of toxic and nuclear waste, which has occurred in Somali coastal waters since 1991 – after the state lost its capacity to protect its coasts. This argument fundamentally reflects a “security task” of the state (the necessity to protect its coasts) but underlines economic consequences (the impoverishment of the population) (Schneckener 2007: 106). If we go further into the discussion, two different approaches are generally developed by scholars. One approach considers that coastal communities chose to engage in piracy after they lost their source of income due to massive fishing and dumping by foreign trawlers (Scholvin 2009: 2). This argument also relies on the idea that piracy developed because of the impoverishment of the population, but it stresses the responsibility of external actors in this situation. It can be contradicted in several manners. Firstly, as already explained above, poor Somalis engaging in piracy for economic reasons are only a part of the problem – the organizers hiding behind them are playing a much larger role. Secondly, estimations made in Puntland confirmed that, regardless of the importance of illegal fishing in the area, fish stocks in the sea are still sufficient to enable most fishermen to maintain their activity at a level comparable to the one they had in the past (Hansen 2009: 9). The economic impact of the phenomenon for Somalia is probably lower than expected. Finally, coastal communities living from fishing only represent a very small part of the Somali population. Illegal fishing could thus only have a limited impact on the national level, and can hardly explain the importance of piracy today.

Illegal fishing and waste dumping

Another approach considers that piracy first developed as a product of coastal communities’ willingness to defend themselves in the face of massive illegal fishing. In the beginning, they assaulted boats in order to stop their activities (or at least to obtain financial compensation), but then the phenomenon got out of control, and became the criminal piracy we know today. This is one of the most common explanations found in the literature (Menkhaus 2009: 21). It relies on the idea that the population chose to take charge of a task traditionally dealt with by the state in order to compensate for a security vacuum. Some people then realized that they could make a lot of money by assaulting boats. The activity progressively turned into a criminal activity motivated by profit.

This version is contradicted by one main element. From the very beginning of the 1990s, pirates also targeted non-fishing vessels in order to obtain a ransom. This shows that at least some of the first pirates were hunting for profit from the very beginning. Today, the majority of vessels assaulted are non-fishing vessels (Hansen 2009). Pirates often use this explanation as a justification in the face of foreign observers and the Somali population. However, the “profit-based” organization of piracy and the very low level of investment in coastal communities considerably reduce the credibility of this claim. None of the groups involved in piracy ever showed a real intention of protecting the Somali coasts in an organized manner.

### **4.3 Conclusion**

This analysis shows that in the case of Somalia, some connections can be identified between state failure and piracy in security, economic, and social areas. However, the weakness or absence of state structures is clearly insufficient to explain the extent and the complexity of the phenomenon; nor can it explain its long-term duration. Moreover, the comparison between South Somalia and Puntland shows us that a security vacuum is not necessarily positively correlated to piracy. This confirms that piracy can be defined as organized crime. Just like other types of organized criminal activities, it needs a minimum of stability and security in order to flourish.

Conclusion: connections between State failure and piracy

This analysis leads to an important affirmation: there is absolutely no guarantee that rebuilding central state structures will end the phenomenon. The nature of these institutions and their transparency will be decisive factors. In the field of security, any Somali state must be able to gain a high level of control over its territory to guarantee respect for the rule of law. In economic and social areas, a state would have to be able to reorganize the economy and socially support those in need. They must also retake control of the nation's exclusive economic zone in order to prevent illegal fishing. Reaching such objectives requires real solidity, but also the capacity to fight against problems of corruption and nepotism.

It is interesting to note that the case of Somalia confirms a common assumption in the literature dealing with weak and failed states. Security is a pre-condition for the effectiveness of any judicial, economic and social activity (Schneckener 2007: 106). In this particular case, it is obvious that these two aspects – security on the one hand, economic and social competence on the other – cannot be dealt with separately. They all have to be integrated simultaneously into the process of reconstruction.

## **5. Piracy today and tomorrow: impact and possible evolution**

The presentation of piracy in the third section of this work (see page 18) demonstrates that the phenomenon is likely to last. Its importance within the country is increasing, and it is starting to have a real impact on its environment. However, piracy remains dependent on the internal evolution of the country in many ways. In this section, I will first assess the impact of piracy in Somalia. I will then analyze the possible evolution of the relations between pirates and major political actors, Islamist factions and warlords. Finally, I will present and assess several elements that the international community could take into account to address the phenomenon of piracy at its root.

### **5.1 The impact of piracy in Somalia: trends and lasting consequences**

Piracy in Somalia has already proven that it is not an episodic phenomenon. Even though it has been very inconsistent in the last ten years, it continues growing and now involves more and more people. Its organization is also becoming increasingly complex, which makes it more resistant to attempts to eradicate it. Furthermore, the

Piracy keeps on growing

impact on its environment is becoming increasingly significant. The purpose of this section is to assess the nature and the extent of this impact so far.

### *Impact on Humanitarian deliveries*

One of the most frequently mentioned consequences of piracy is the threat that it represents to delivery of humanitarian goods. Between June 2005 and November 2007, six World Food Program ships carrying food for the population of Southern Somalia were attacked by pirates. These attacks represented a major threat for the humanitarian situation in the country since the deliveries of the WFP represented 80% of all provisions for Somalia in 2007 (Annati 2009). When international vessels started to patrol in the area, the protection of humanitarian vessels was one of their first priorities. Their intervention has been successful, as no WFP ship has been attacked since November 2007 (Annati 2009).

Threat to humanitarian relief

### *Economic impact*

The economic impact of piracy inside Somalia is also believed to be significant. However, it remains difficult to assess exactly because of the lack of reliable information and the importance of the informal economy in the country. A significant part of the ransom from piracy is spent in the local economy, especially on services, high-end vehicles and real estate (Gilpin 2009: 11). A significant construction boom could be observed in some areas. In places where piracy is intense, strong rates of inflation can also be observed. This is mostly due to the massive introduction of dollars into the economy (Hunter 2008). Inflation increases the difficulties of the rest of the population, which already had to deal with intense poverty. In "pirate towns," differences in income between persons involved in piracy and others are ever increasing. However, the economic impact of piracy remains local and only affects parts of the country where the phenomenon is intense. Moreover, according to Gilpin, there are few chances that this impact will be sustainable, since the instability created by the profusion of weapons and increasing violence is discouraging many investors (Gilpin 2009: 11).

Consequences for the Somali economy

### *Impact on the Somali Civil conflict*

Many scholars underline the fact that piracy plays an important role in financing the civil war in Somalia. Since armed militias led by warlords and pirate groups are both built along clan lines, cooperation and financial rewards are probable. However, there is little information available about the real nature of this cooperation, the sums involved in this process, or the real impact of piracy on the conflict. Nevertheless, the money gained from piracy can potentially contribute to the strengthening of armed militias. We can assume that the greater the bond between civil war and piracy, the longer the civil conflict is likely to last. Piracy could become a major resource for the economy of violence in Somalia (Scholvin 2009: 2).

Is piracy feeding civil war?

### *Political issues*

Piracy keeps on growing, and its perpetrators are progressively gaining influence within Somalia. In this context, we can expect them to play an increasing political role. They would have two major motives for doing so. Firstly, gaining political power could enable them to guarantee the further development of piracy by facilitating the protection of existing networks. Secondly, some major pirates may be interested in extending their influence into activities beyond piracy, to play a central role in the country. Most pirate bosses are already major personalities on the local stage. They need to enjoy certain notoriety in order to build a group, find funds, and be accepted by coastal communities. However, there does not seem to be any sign that pirates are trying to play a role on the national level so far. Most of them seem to be only interested in piracy, which remains one of the most lucrative activities in the country. As a consequence, their political influence remains limited (Hansen 2009: 23-29).

Pirates as political actors?

### *Social aspects*

As already mentioned in the third section (see page 20), piracy is generally considered a “socially acceptable” activity in Somalia. Many young people are attracted by piracy networks and gather in coastal towns in the hope of being hired to take part in attacks. The luxurious lifestyle of some bosses undoubtedly has an impact on the perception that the population has of the phenomenon, in a country where significant economic opportunities are almost inexistent and around two thirds of young Somalis are unemployed (Gilpin 2009: 5). Piracy enables a few people to reach a social status which they could only dream of if they were working in other sectors (Scholvin 2009: 2).

Piracy is well accepted by the population

### *External consequences: Kenya*

Piracy is also having an impact beyond the borders of Somalia. Since the beginning of the civil war, many Somalis have fled to Kenya in order to escape war, hunger and disease. The border between both countries can be crossed very easily and significant Somali communities live in Kenya’s capital and largest harbor, Nairobi and Mombasa, respectively. The latter city has become an essential strategic point for the pirates. It has one of the largest ports in the region and a significant number of the ships sailing through the Gulf of Aden stop there. According to several sources, pirates often hire people working for the shipping companies as informants. Since all the ships stopping there are supposed to give detailed information about their crew, cargo and sailing route, pirates can use the information provided to organize attacks against these ships at sea. There is information that a significant number of persons connected to piracy have settled in and around Mombasa in the past years. An economic boom similar to the one experienced in Somali “pirate towns” has been reported there, especially concerning real estate (Axe 2009).

Economic impact in Kenya

### *Conclusion*

The more piracy settles in Somalia, the stronger its influence will be. Some of the trends presented in this section may be only temporary, but some others are likely to last and become central features of the Somali context. One of the clearest trends is

the increasing economic difference between the people benefiting (directly or not) from piracy and the others. This gap will likely continue growing and may lead to the birth of more tensions, in a country where solidarity between clan members is an essential value.

## **5.2 Greed or grievance? Perspectives on cooperation between political actors and pirates**

In recent years, warlords and Islamist factions have shown that they have become the key actors in the ongoing Somali conflict. They benefit from sufficient military capacity and support among the population, allowing them to play a major role in the country's future evolution. This importance is demonstrated by the TFG and international community's numerous attempts to negotiate with such groups for reconciliation in Somalia (Weber 2009). Since they exercise authority over many parts of the country, they also have to be considered as key actors in the debate about piracy.

Pirates, warlords and Islamists

Both types of actors are interested in political power, but they seek it on different levels. Warlords generally seek control of specific territories populated by their sub-clan, while the main Islamist groups aim to extend their influence over the whole country (Balz 2009). In both cases, their future evolution on the Somali political stage is very significant for piracy, because they represent a potential authority capable of having a real impact on the phenomenon. I will analyze the potential behavior of these actors towards piracy by using the concept of *greed and grievance*. Whether these factions' motivations lie in real political goals or simply profit will tend to be reflected in the groups' different behavior towards piracy. Furthermore, this approach enables us to identify key elements, which can be useful for dealing with piracy.

### *Islamists*

The ICU, which ruled in Mogadishu during the second half of 2006, was a very heterogeneous coalition of military and political actors of Islamic persuasion. They ranged from moderate politicians, who saw Islam as a way to re-establish stability in Somalia, to radical "Jihadists" seeking to establish a government based on a radical form of Sharia Law. After they were chased out of the capital by the Ethiopian army, some fighters left the country, whereas others gathered in the south in order to continue the fight against the TFG (Blanchard et al. 2009). Two main militias gained importance in this period: Al-Shabaab, the biggest and most powerful one (which is considered by many experts to have strong connections with Al-Qaeda) and Hizbul Islam, whose territorial possessions in Somalia have been growing significantly in the last months. These two groups have become central actors on the Somali political stage (Pham 2010, Matzken 2010: 61).

Potential evolution of relationships between Islamists and Pirates

Both Islamist groups have clear grievances. They seek to take control of the whole country in order to establish a national government ruling according to Sharia Law. When the ICU took control of Mogadishu in 2006, they immediately started to fight piracy, which they considered as incompatible with Islamic faith (Scholvin 2007: 3).

Since the collapse of the Islamist government, no evidence of advanced cooperation between Islamist groups and pirates could be found (United Nations 2010: 37). The fight against immoral activities is a central part of their political program and a very important contributing factor to their credibility in the eyes of the population (Weber 2009). If we consider that these grievances are sincere, the rise of Islamist factions should lead to a decrease in piracy in the areas they control. They would fight the phenomenon either for ideological reasons or because it would be a necessary condition to their being accepted and supported by the population.

However, if we consider that these factions are led by “greed,” the result would be very different. In this case, they would be interested in profit, either for personal profit or because they need funds to secure power or continue the fight against other militias. Piracy would become an attractive activity for them. They may decide to tolerate the activity in exchange for bribes from criminal groups. They may even put weapons, fighters or financial means at the disposal of the pirates in exchange for a part of the ransom. In this case, the frontier between Islamist groups and pirates would become continually less distinct. An increase in influence of Islamist actors would probably result in a further increase in piracy.

If we look at the information available so far, there is little clear evidence of Islamist factions supporting piracy (Hansen 2009: 16). “Grievances” so far appear to be stronger than “Greed.” We can guess that the rejection of piracy is mainly based on political calculation. By fighting it, Islamist factions act as the defenders of true moral values in Somalia against armed criminals, which are associated with violence, lawlessness and impunity. Ultimately, it appears that the links between Islamists and pirates in Eastern Africa are often exaggerated, even though it could be strategically beneficial for both types of actors.

### *Warlords*

The case of warlords has to be considered differently. Unlike Islamist factions, the line separating pirates, warlords and their armed militias is less distinct. In certain areas, some actors are even involved in both kinds of organization at the same time (Gilpin 2009: 9). Financial and material exchanges are very likely to occur on different levels.

If we consider that warlords are motivated by “greed,” they have a strong interest in cooperating with pirates. As in the preceding case, piracy can be a source of personal profit or provide funds to continue the conflict on land. Piracy networks can also be used to smuggle weapons from abroad or establish contact with foreign criminal groups (Hansen 2009: 15). In this context, there are very few reasons why they should not support or cooperate with pirates. The growing domination of warlords within Somalia would probably lead to a further reinforcement of piracy.

Warlords’ “greed” is much easier to identify. Most warlords appear to be more interested in war booty and lucrative activities than in any solid political project. However, even though their grievances remain relatively limited, they do exist (Balz 2009), and are mainly expressed towards the population. In order to ensure their authority, warlords need to maintain the support of their community and motivate recruits to join

Potential evolution of relationships between Warlords and Pirates

their militias. In order to do so, they often adopt a rhetoric based on clan identity and stress the necessity to protect their own group. They generally present other sub-clans as potential threats for their own community. This trend has been a typical pattern of the Somali civil conflict since 1991 (Spilker 2008).

These rationalizations of their authority and actions do not represent a major obstacle preventing cooperation with pirates. Warlords would have to make these relationships “acceptable” in the eyes of the population, for example by presenting piracy as an act justified by the intrusion of foreign ships in Somali coastal waters. Nonetheless, it would be possible for them to explain away their deep involvement in piracy in the context of the rationalization of their leadership.

However, one major element could make this change. Since warlords are major actors on the political and military stage in Somalia, they have to be taken into account by the international community when it comes to the rebuilding of state institutions. This practice was already implemented in the past, as several important warlords were chosen to take part in the work of the TFG (Weber 2009). This approach is based on the idea that warlords can have a positive impact on the internal situation of Somalia if they become stakeholders of a lasting peace, and have an interest in the stabilization of the conflict. The same principle can be applied to the case of piracy. If major warlords know that they have a chance of playing a role within future national institutions, some of them may be interested in radically changing their practices, and become involved in the peace making and stabilization process. In this case, they may tend to fight piracy in order to obtain support from the international community. A possible evolution of their grievances may lead to a radical change of behavior towards the phenomenon. This argumentation confirms that concrete implication of major military actors in institution building can have positive effects on both the civil war and piracy, by making peace and security more attractive than conflict and chaos.

### *Conclusion*

Since warlords and Islamist groups will very probably remain central political actors in the future, they have to be taken into account by the international community when dealing with piracy. This analysis shows that they can have either a positive or negative influence on piracy, depending on their interests. If they support it, they will tend to increase the importance of piracy. However, if they decide to fight for its suppression, they are strong enough to contain or even prevent such activity. It would be interesting for the international community to adopt a pragmatic approach and create incentives for some warlords to fight piracy, for example by offering them the opportunity to be involved in the rebuilding of local, regional, and national institutions.

Potential impact of Warlords and Islamists on piracy

### **5.3 How can piracy be fought on land? Elements of thought for the international community**

Stabilizing Somalia

Piracy can be seen as being a result of Somalia's internal situation. In order to fight it properly, the country's military, political, economic and social complexity has to be taken into account. Solving the problem depends on the improvement of governance within Somalia. However, this question should be treated in a pragmatic manner. The solution depends on actors capable of stabilizing the country's internal situation, by re-establishing security and sufficient authority in the areas concerned. So far, the international community has concentrated almost exclusively on rebuilding central state structures in Somalia. Specialists generally believe that this would be the best way to solve most problems in the country: civil war, piracy, but also repeated humanitarian crises and strong flows of refugees and IDP's (Hansen 2009: 51).

The rebuilding of a centralized state structure would undoubtedly be the most efficient solution over the long term, but given the complexity of the Somali context, it should be seen as an objective rather than a means to creating satisfactory security conditions. The top-down approach adopted so far has proven to be extremely difficult to put into practice. The international community could consider another approach, which would take local actors into consideration and use them as a basis for the rebuilding of the country (Hansen 2009: 56-61).

Piracy is far from being the only problem in Somalia. Beside the violent civil war and chronic instability, the country also has to deal with extreme poverty, a very poor economic situation and political turmoil. All these elements are interconnected and must be taken into consideration in order to fight piracy efficiently. In this complex environment, it would probably be more efficient for the international community to adopt a pragmatic approach based on the conjunction of short- and medium-term policies in precise fields. I will here present different possibilities and try to assess their pertinence.

#### *Military intervention*

Debates on ending piracy off the Horn of Africa have raised the possibility of a direct military intervention in the country several times. Such an intervention is sanctioned by Resolution 1816 of the UN Security Council (United Nations 2008). However, intervention would clearly encounter major difficulties. First, most pirate gangs are very mobile. Even if they are ousted from one area, they are capable of restarting their activities very rapidly in other parts of the country (Gilpin 2009: 9). Secondly, pirates are not soldiers wearing distinct uniforms. It is almost impossible to differentiate them from the rest of the population. Foreign soldiers would intervene in the country without really knowing who they are supposed to fight (Salmon 2009). Moreover, the population's resentment towards foreign actors has been very high since the failed UN humanitarian interventions of the 1990s and the Ethiopian occupation between 2006 and 2009. Soldiers would probably face intense hostility from broad parts of the population (Gilpin 2009: 14). So far, most countries seem to be reluctant to send troops to Somalia. The death of Pakistani and American Soldiers in Mogadishu in 1993 (see section 2, page 13) was a deep shock to international public

Risks of a direct intervention

opinion and probably continues to dissuade most countries from further involvement (Spilker 2008: 23). So far, a direct intervention seems quite unlikely.

### *Fighting against illegal fishing and waste dumping*

As mentioned in section 4 (see page 26), this phenomenon can hardly be considered a root cause of piracy. However, it is frequently used as a justification by pirates and seems to be important in the eyes of the population. Combating it would have certain positive effects. First of all, it would contribute to the end of this illegal activity, and fight impunity in the area (Stuhldreher 2008, Schofield 2007). Secondly, it would deprive the pirates a major justification for their activities. Finally, the Somalis would have the impression that international forces are taking action to protect their rights and not just the economic interest of foreign maritime companies (Stuhldreher 2008, Hansen 2009: 12). This may contribute to an improvement in the image of the international community in Somalia. Such a task could be carried out by the international vessels already patrolling in the area. Besides, most countries could play a role by taking appropriate measures to reinforce control over their flagged vessels (Blanchard et al. 2009: 8).

Illegal fishing and waste dumping

### *Recognizing Somaliland and Puntland*

The possibility that these two regions be officially recognized is quite unpopular among the international community. Some experts argue that this could create a precedent on the international level and cause instability in other separatist areas of the world (Stevenson 2010). However, in the case of Somalia, such a decision could have several positive consequences. Somaliland and Puntland are the only examples of successful institution building in the country since the collapse of the central state. Unlike the TFG, they are largely self-financed. Despite many difficulties, they have managed to maintain themselves and gain support from the population (Pham 2010: 89). Recognizing them could create a precedent that could be used as an example for the rest of Somalia. Concerning piracy, recognizing them would enable both administrations easier access to international support with which they can better deal with the phenomenon, should that be through financing or capacity building. They could, for example, build their own forces in order to patrol along the coasts. Moreover, Puntland in particular could contribute to resolving its administration's current ambiguities towards piracy, by creating strong incentives to fight it (Hansen 2009: 56-61). By recognizing both entities, the international community would reinforce two regional actors capable of dealing efficiently with piracy.

Possible diplomatic posture towards Somaliland and Puntland

### *Further supporting the TFG*

A different option would be to further support the TFG. Since its creation in 2004, it has always been supported by the international community. Despite numerous weaknesses and difficulties, it has remained through today the solution favored by most international stakeholders in rebuilding a central authority in Somalia. Howev-

Weaknesses of the TFG

er, more than six years after its creation, the investment in the TFG has only led to extremely negative results. The TFG only controls parts of Mogadishu and small enclaves in the country. Its headquarters and members are under the constant protection of the AMISOM soldiers; without their presence, the TFG would probably have already collapsed. It has to deal with daily attacks from armed militias and is facing strong hostility from the population. Its cooperation with the Ethiopian Army between 2006 and 2009 considerably damaged its credibility in the eyes of Somalis (Pham 2010: 86, Weber 2009). Strategically, it would be very difficult for the international community to stop supporting an actor which they helped to create. However, a new approach to the nature and role of the TFG will be necessary. The problem is financial and material (officials regularly complain about the lack of means at their disposal), but the TFG also faces a legitimacy problem in Somalia. Increasing its material capacities would be insufficient, and may not even enable it to take control over Southern Somalia (Pham 2010: 86). Today, the TFG is fighting for its survival. It has thus far been unable to keep the situation on land under control. In this context, it is difficult to imagine that it will manage to deal with insecurity at sea. Re-establishing security offshore requires concrete achievements on land. This is far from being the case today. The question of piracy seems to go far beyond the control of the government.

### *Supporting local actors*

Providing local actors with support would be particularly adapted to the context of Somalia today. The country is often seen abroad as an anarchic territory where the strongest player has control. However, this perception is greatly oversimplified. The country does suffer from instability and regular returns to violence. However, on the local stage, various actors are fulfilling the tasks traditionally carried out by the state (whether security, judiciary with the introduction of Sharia courts, or schools, health, etc.). They have proven to be successful in several fields. Most importantly, they have managed to be accepted by the population. Today, the country is characterized by the existence of networks of religious personalities, clan elders, businessmen, local politicians, local NGOs, etc. These actors have been present for a long time and often enjoy real popularity among the Somalis. Their capacity may seem limited at first sight, but in recent years they have achieved much more than any of the successive governments in Mogadishu (Abdulle 2008). These informal networks should not be ignored but could rather be perceived as a basis for the building of more ambitious structures.

Since piracy is connected to the complex sociological structure of Somalia, the questions of loyalty and obedience are also related to it. Given the population's strong identification with clan membership, it seems illusory to think that external participants would manage to have authority over the population. Only local actors with strong credibility among the population can fulfill such a task. These actors would have to address the questions of security and rule of law on the local stage by fighting organized groups, dismantling their structures and cutting the links between them and their local communities. The role of the international community could be

Local actors have a role to play...

...and should be taken into consideration

to identify and provide them with the necessary support to carry out this task, in terms of financial and material means, capacity building, etc. (Hansen 2009: 56-61).

### *Other options*

Several other suggestions are to be found in the literature on the topic. They could also be productive in the fight against piracy.

In his article "Piracy in Somalia: Threatening global trade, feeding local wars," Roger Middleton suggests that Somalia be provided a coastguard. He describes how the international community could finance the project and provide specific training and material (Middleton 2008: 10). In the past months, several countries such as France, Djibouti and Ethiopia have started to train Somali Security Forces. They are also backed by international and regional organizations, especially the United Nations and the European Union (United Nations 2010: 53). Additionally, private security companies are also providing support to the TFG in the field of counter-piracy (United Nations 2010: 58). These forces are already involved in the fight against piracy and some of them could be trained as coastguards. However, without a significant improvement in the security situation within Somalia, this option has little chance of success. First of all, a coastguard with no real state structure to support it can hardly be successful in the long term. Secondly, it would have to face hostility from both pirates at sea and on land. The risk of them being "caught in the crossfire" is quite high (Hansen 2009: 54).

Creating a coastguard

Another possibility is improving the control of cash flows. As mentioned above, a significant part of ransoms make their way abroad through the informal Hawala system (see Section 3, page 22). Given the chaotic internal situation of Somalia and the absence of a real banking system, it would be very difficult to take action within the country. However, control could be reinforced in the destination countries. The authorities concerned could identify the persons involved in the Hawala system, especially within the Somali diaspora, and require more transparency regarding the importance and the origin of the funds they receive. The Financial Action Task Force (FATF)<sup>2</sup> could play a central role in gathering information and reinforcing controls (Jakobi 2010: 7-8). This could contribute to make circulation and the laundering of money more difficult for pirates (Matzken 2010).

Controlling cash flows

Besides, some significant Islamist actors fighting in Somalia appear on the anti-terrorism lists of both the United Nations and the United States. The most famous example is *Hassan Dahir Aweys*, leader of Hizbul-Al-Islam (Pham 2010: 85). Some of these actors are very influential in the country. The international community could decide to adopt another approach towards them and remove them from these lists

Anti-terrorism lists

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<sup>2</sup> The Financial Action Task Force (FATF) has been active since 1989. This inter-governmental body aims at developing national and international policies to combat money laundering and financing of terrorism on the international level (Jakobi 2010:4, FATF).

Concrete solutions first

in exchange for cooperation in the stabilization of the country and the fight against piracy (Stevenson 2010). Ultimately, it is quite likely that some of these actors would be interested in gaining “respectability” in the eyes of the international community.

Given the chronic instability of Somalia, it is hard to assess the future political evolution of the country so far. Because of this high degree of uncertainty, defining a global plan of action against piracy will be quite difficult. A realistic approach would be to start with local and concrete solutions in order to stabilize and improve the general situation of the country. In the medium and long term, these solutions could lead to the definition of a broader and more ambitious plan of action concerning the whole country.

## 6. Conclusion: empirical findings, theoretical results

A deeper study of piracy along the Horn of Africa confirms a certain number of common assumptions about the phenomenon. First of all, it is an organized activity in which various groups are involved. Most of them have similar working patterns, but they remain independent from one another. Secondly, there are several indications that pirate activity is settling in and continues to grow. In such a context, it is clear that if the international community decides not to take proper action, there would be a very good chance that a further amplification of the phenomenon will follow. Finally, the functioning of piracy is clearly embedded in the Somali sociological context. This has to be taken into consideration by every actor willing to address it.

Results

In contrast, other assumptions are invalidated by this analysis. Connections between pirates and other criminal groups or Islamist factions often come back in the literature on the topic. However, their existence has thus far been almost impossible to demonstrate. They remain a potential danger but should be dealt with in a realistic manner (Hansen 2009: 16).

We can draw a similar picture concerning the root causes of the phenomenon. The collapse of the central state in Somalia explains to some extent the development of piracy, but it is far from being a sufficient explanation. The causes are multi-faceted. They are political, economic and social. They consist in a combination of factors like poverty, lack of security and rule of law, the opportunism of key actors, and the use of networks based on trust through intra-clan cooperation. The assumption that “the more state there is in Somalia, the less piracy there will be” is extremely simplistic. Weak or corrupted state structures contribute to amplify the phenomenon rather than lead to its reduction. If the international community is willing to rebuild a central state in Somalia, it has to be very careful about the reliability of the actors that will take part in the process.

Causes

The results on the impact of piracy on its environment are also interesting. The economic impact appears to be the most important so far. It is amplified by strong poverty and the absence of stable economic opportunities in the country. However, it is too early to tell if the gap between the areas benefiting from piracy and others will keep on increasing until differences become structural. Piracy is a very lucrative activity, but even as it brings a lot of money into the local economy, it is unlikely to create

Impact

sustainable growth (Gilpin 2009: 11). The political impact of piracy remains more limited. Most pirates seem only to be interested in piracy itself so far. Connections with political actors probably exist on different levels but there are no signs that influential pirates are trying to use their growing notoriety to impose their presence on the internal political stage. However, this may change in the future, especially if influential pirates realize that more involvement in politics is necessary to continue their activities.

It also appears that piracy is generally accepted by the population. Some people may see it as a kind of revenge towards the international community while others may perceive it as a remote phenomenon, far away from their daily concerns. Apart from religious leaders who consider piracy as an immoral crime, protest against piracy is very low in the country. This fact should also be taken into consideration by international stakeholders. We should not forget that piracy is a much bigger problem for the international community than for Somalis (Middleton 2008).

The future of piracy will also be determined by the political evolution of the country. In the first days of July 2010, while this article was written, fighting was intensifying in Mogadishu. Representatives of the TFG have launched a call to secure the support of the international community. It is increasingly uncertain that the government will manage to maintain itself in the capital city (Le Monde 2010). This situation demonstrates the TFG's fragility and confirms that Islamist factions and warlords will be decisive political actors for the future of the country. As mentioned in section 5 (see page 31), both types of actors have the capacity to amplify or curtail the phenomenon of piracy depending on their interests. The international community cannot ignore this when drawing up anti-piracy strategies. An interesting approach would consist in collaborating with the personalities who would accept to renounce to violent or illegal activities and work within a peaceful and moderate framework. These actors could function as a motor for stabilization and reconstruction in Somalia.

Future of piracy

The idea that piracy along the Horn of Africa has to be fought on land seems to have been accepted by most scholars and decision makers. Now, the priority has become the rebuilding of a central state in Somalia. Security tasks like the fight against organized crime or the protection of coastal waters are traditionally carried out by state actors. However, this can only work when strong institutions already exist. Rebuilding state structures is an extremely long process, which requires material, financial, and technical resources on the one hand, and the broad acceptance of the population on the other. Firstly, Somalia has been living without a central government for almost twenty years. Everything needs to be rebuilt. This requires massive investment from the international community as well as sufficient material and human resources. Such a process will probably last very long. In the meanwhile, piracy is likely to continue growing.

Rebuilding a central state: a long term option

Secondly, the acceptance of a central authority by the population is also essential. In this regard, the case of Somalia is very particular. Somali society has a culture of strong decentralization. Centralized structures are generally perceived as an instrument to negotiate and solve conflicts, but not as an entity that should rule every aspect of daily life. Moreover, since the time of the colonial administration and the

dictatorship of Siad Barre, most Somalis associate the idea of a central authority with strong repression and brutality. In this context, it is easy to understand that broad parts of the population may be skeptical about rebuilding a central government. State structures would have no chance to survive if they are not broadly supported by the population (Spilker 2008, Marouze/Mengel 2008).

Given the complexity of the task, it would be interesting for the international community to look for alternative solutions, which, if combined with one another, could have a certain impact on piracy. The most interesting aspect is the role that local actors could play in this project. Many of them have proven that they are capable of taking responsibility and have a certain level of authority among the population. Given the importance of clan structures in the country, a phenomenon like piracy can be fought more efficiently if it is denounced by actors which enjoy recognition according to these traditions. The population generally tends to see clan elders as moral leaders. If they condemn piracy as an immoral activity, it will be easier to spread a negative perception of the phenomenon among Somalis. Moreover, if significant and influential actors within Somalia have an interest in fighting piracy, dealing with the phenomenon will be much easier for the international community.

The problem of piracy shows that the international community cannot deal with regional issues without adopting a pragmatic approach, based on the characteristics of each specific situation. Piracy along the coasts of Somalia has considerably increased in the past years. It cannot be considered as a temporary phenomenon anymore, but is rather a problem which needs to be addressed at its root. Fighting it will require a great amount of patience and a comprehensive approach to the issue. The solution clearly lies in an improvement of the global situation within Somalia. However, the international community must take the time to identify and address properly the connections between land and sea. Some actors in the area are capable of contributing to this problem's solution. International decision makers should take them into consideration and give them a chance to be a part of the resolution. Long-term stabilization of the area will have much greater chances of success if it is carried out by local actors who have a real interest in peace and security.

Final word

## Appendix

### A.1 Administrative map of Somalia



Source: United Nations, 2007. Available online at:  
<http://www.un.org/Depts/Cartographic/map/profile/somalia.pdf>.

## A.2 General data about Somalia

### Geography

Location	Eastern Africa, bordering the Gulf of Aden and the Indian Ocean, east of Ethiopia
Area	627,337 sq km
Land boundaries	Total: 2,340 km. Border countries: Djibouti 58 km, Ethiopia 1,600 km, Kenya 682 km
Coastline	3,025 km

### Population

Population	10,112,453 (July 2010 est.)
Median age	Total: 17.6 years
Population growth rate	2.809% (2010 est.)
Life expectancy at birth	Total population: 50 years country comparison to the world: <a href="#">213</a>
Religions	Sunni Muslim
Languages	Somali (official), Arabic, Italian, English
Literacy	definition: age 15 and over can read and write total population: 37.8%

### Political Information

Government type	No permanent national government; transitional, parliamentary federal government
Capital	Mogadishu
Government note	Although an interim government was created in 2004, other regional and local governing bodies continue to exist and control various regions of the country, including the self-declared Republic of Somaliland in northwestern Somalia and the semi-autonomous State of Puntland in northeastern Somalia

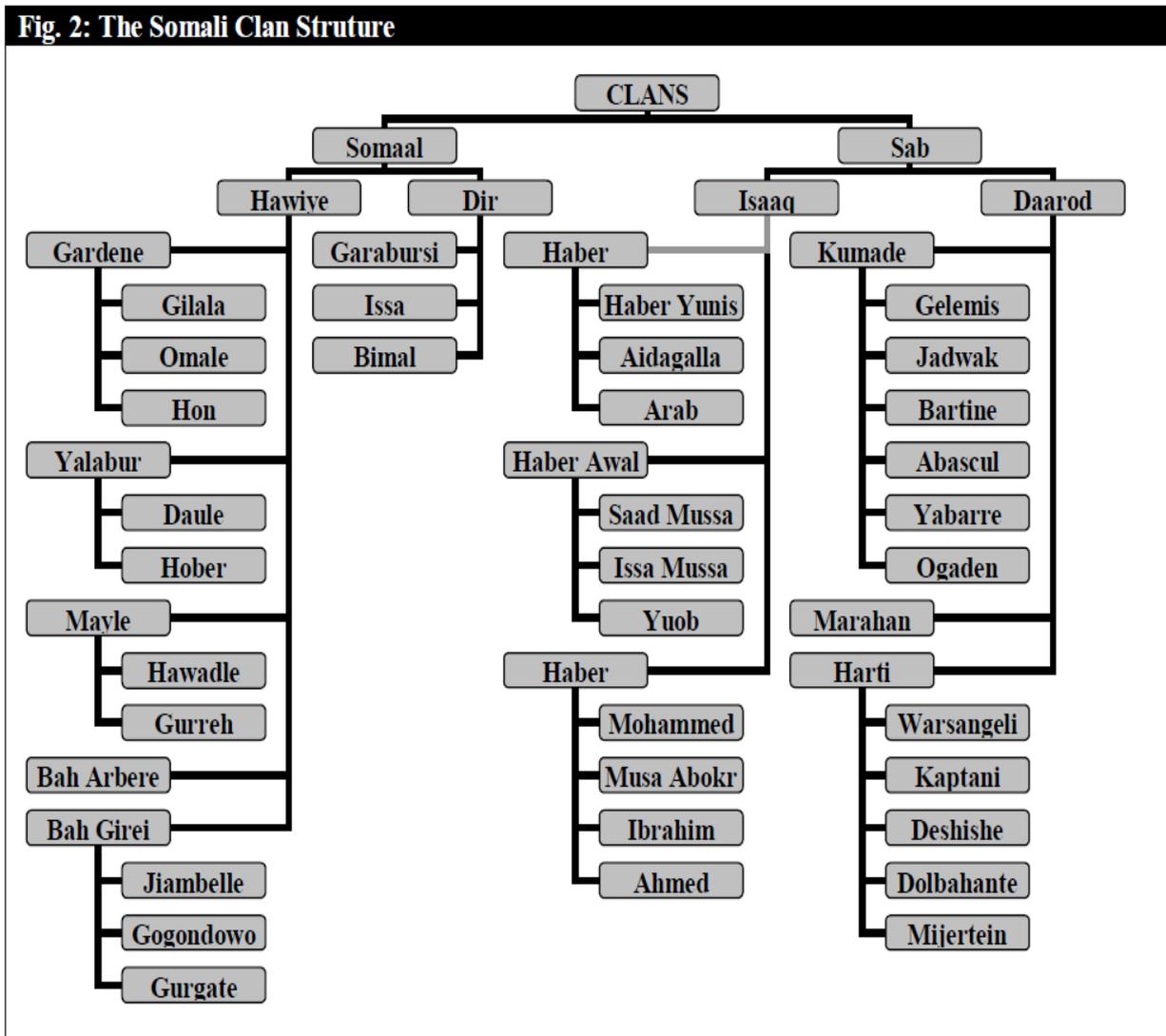
### Economy

GDP (official exchange rate):	\$2.763 billion (2009 est.)
GDP - per capita (PPP):	\$600 (2009 est.) Country comparison to the world: <a href="#">224</a>
GDP - composition by sector:	Agriculture: 65% Industry: 10% Services: 25% (2005 est.)
Debt - external:	\$3 billion (2001 est.)

Source: CIA World Factbook. Available online at:

<https://www.cia.gov/library/publications/the-world-factbook/geos/so.html>

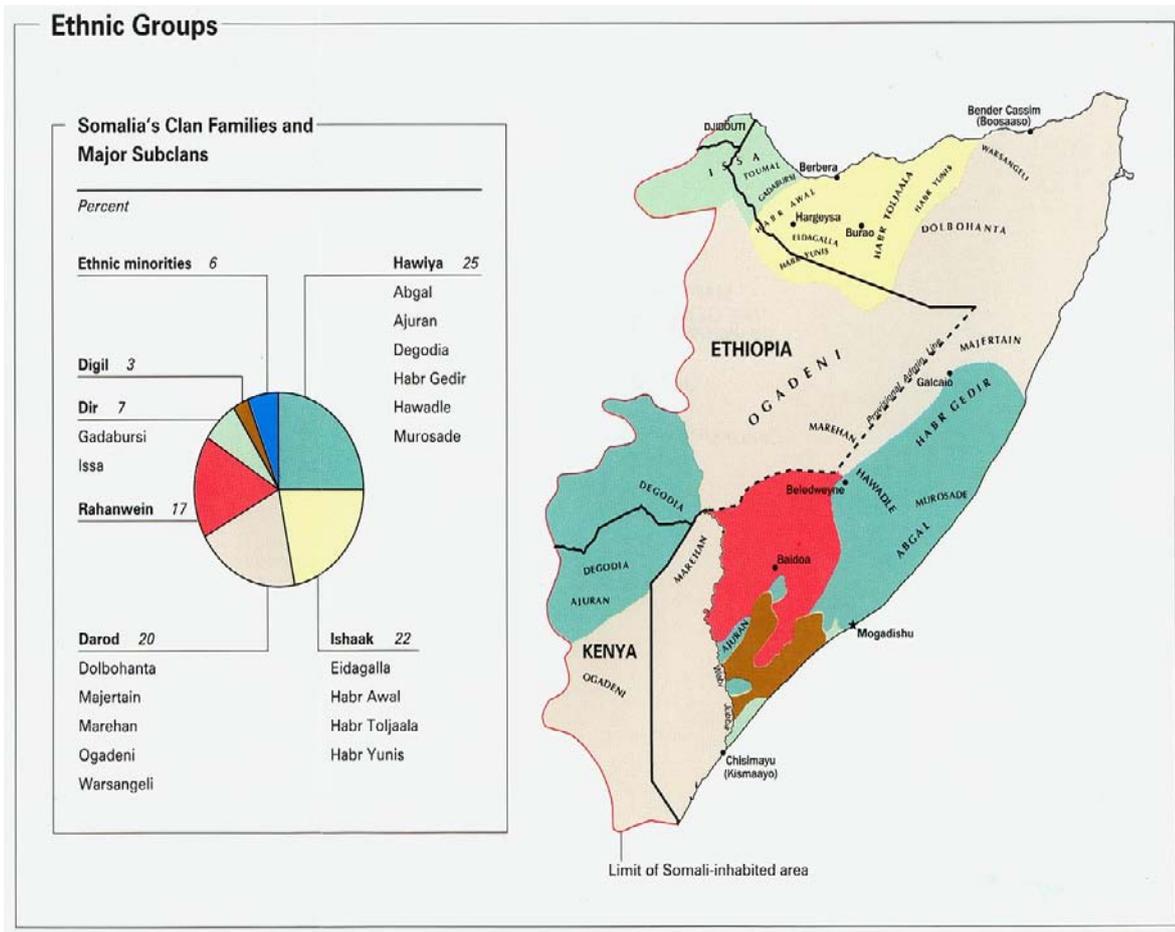
A.3 Somali traditional clan system:



Source: Møller, Bjorn: *The Somali Conflict: the Role of External Actors*. Copenhagen: Danish Institute for International Studies, 2009 (p.11). Available online at:

[http://www.diis.dk/graphics/Publications/Reports2009/DIIS\\_report\\_2009\\_03\\_Somali\\_conflict.pdf](http://www.diis.dk/graphics/Publications/Reports2009/DIIS_report_2009_03_Somali_conflict.pdf)

### A.4 Map of Somalia: repartition of the clans



Source: Taylor, Lee: Somalia: The rise of the clan. Hiidunia.blogspot, 2008.

<http://hiidunia.blogspot.com/2008/09/somalia-rise-of-clan.html>

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