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Piracy

Martin Murphy

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CENTER ON IRREGULAR WARFARE AND ARMED GROUPS



Piracy

Dr. Martin Murphy

United States Naval War College
Newport, Rhode Island



Piracy

Martin Murphy

Center on Irregular Warfare & Armed Groups (CIWAG)
US Naval War College, Newport, RI
CIWAG@usnwc.edu

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Message from the Editors

In 2008, the Naval War College established the Center on Irregular Warfare & Armed Groups (CIWAG). CIWAG's primary mission is twofold: first, to bring cutting-edge research on Irregular Warfare into the Joint Professional Military Educational (JPME) curricula; and second, to bring operators, practitioners, and scholars together to share their knowledge and experiences about a vast array of violent and non-violent irregular challenges. This case study is part of an ongoing effort at CIWAG that includes symposia, lectures by world-renowned academics, case studies, research papers, articles, and books. Our aim is to make these case studies part of an evolving and adaptive curriculum that fulfills the needs of students preparing to meet the challenges of the post-9/11 world.

Dr. Martin Murphy is the author of this case study, which examines piracy in Somalia as well as international regimes that have been established to deal with piracy. The ultimate outcome is an analysis of what works and what does not work in countering piracy, the reasons for the results so far, and future options. Maritime piracy is not only a threat to shipping and global trade; it is linked to failed states and has tentative links to terrorism as well.

It is also important to note three critical caveats to this case study. First, the opinions found in this case study are solely those of the author and do not represent the views of the Department of Defense, the Naval War College, or CIWAG. Second, while every effort has been made to correct any factual errors in this work, the author is ultimately responsible for the content of this case study. Third, the study questions presented in all CIWAG case studies are written to provoke discussion on a wide variety of topics, including strategic, operational, and tactical matters as well as ethical and moral questions confronted by operators in the battlefield. The point is to make these case studies part of an evolving and adaptive curriculum that fulfills the needs of students preparing to meet the challenges of the post-9/11 world and to show them the dilemmas that real people faced in high-pressure situations.

Finally, in addition to a range of teaching questions that are intended to serve as the foundation for classroom discussion, students will probably find the extensive bibliography at the end of the case helpful. Compiled by the case study authors and by CIWAG researchers at the Naval War College, the bibliography is a selection of the best books and articles on a range of related topics. We hope you find it useful, and look forward to hearing your feedback on the cases and suggestions for how you can contribute to the Center on Irregular Warfare & Armed Group's mission here at the Naval War College.

Author Biography

Martin Murphy is a Senior Fellow at the Michael S. Ansari Africa Center at the Atlantic Council of the United States, in Washington, D.C. He was previously a Research Fellow at Dalhousie University's Centre for Foreign Policy Studies in Nova Scotia and a Visiting Fellow at London Corbett Centre for Maritime Policy Studies at King's College, London. His books include *Piracy, Terrorism and Irregular Warfare at Sea: Navies Confront the 21st Century* (Routledge, 2011); *Somalia, the New Barbary? Piracy and Islam in the Horn of Africa* (Columbia University Press, 2011); *Small Boats, Weak States, Dirty Money: Piracy and Maritime Terrorism in the Modern World* (Columbia University Press, 2009), which was named one of the outstanding academic titles of 2009 by the American Libraries Association; and *Contemporary Piracy and Maritime Terrorism* (Routledge, 2007). Dr. Murphy received his MA (with distinction) and PhD in Strategic Studies from the University of Reading, England.

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Acronyms

Afnet (African Fisheries Management)
AIAI (Al-Itihaad Al-Isaami)
AMISOM (African Union mandated name)
AMISOM (African Union Mission in Somalia)
AORH (large fleet tanker)
AQAP (al Qaeda in the Arabian Peninsula)
ASWJ (Ahlu Sunna Walijamaca)
AU (African Union)
CGPCS (Contact Group on Piracy off the Coast of Somalia)
CTF (Combined Task Force)
EU NAVFOR (European Union Naval Force Somalia)
GCC (Gulf Cooperation Council)
GPMG (general purpose machine gun)
HMS (Her Majesty's Ship)
ICU (Islamic Courts Union)
IGAD (Intergovernmental Authority of Development in Eastern Africa)
IMO (International Maritime Organization)
IRGCN (Iran Revolutionary Guard Corps Navy)
IRTCs (Internationally Recommended Transit Corridors)
IW (international waters)
LOS (Law of the Sea)
LTTE (Kiberation Tigers of Tamil Eelam)
MMWC (Merchant Marine Warfare Centre)
MSC-HOA (Maritime Security Centre - Horn of Africa)
MST (marine sniper team)
NAG (Northern Arabian Gulf)
OAF (Operation Enduring Freedom)
PAG (Pirate Action Groups)
ReCAAP (the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia)
RFA (Naval Fleet Auxiliary)
RM (Royal Marines)
RMSI (Regional Maritime Security Initiatives)

ROE (rules of engagement)
RPG (rocket propelled grenade)
SHADE (Shared Awareness and Deconfliction)
SNMG1 (Standing NATO Maritime Group One)
SNMG2 (Standing NATO Maritime Group Two)
SOF (Special Operations Forces)
SSDF (Somalia Salvation Democratic Front)
TFG (Transitional Federal Government)
TNG (Transitional National Government)
TTW (territorial waters)
UAE (United Arab Emirates)
UNITAF (United Task Force)
UNOSOM (United Nations Operation in Somalia)
WFP (World Food Program)

Teaching Questions

1. What are the key lessons of this case study for you? If you have operational experience in the regions under discussion, does this case study help to explain some of the dynamics that you witnessed?
2. What are the main causes of piracy as identified by Murphy?
3. What other variables might lead to piracy?
4. Why is piracy so difficult to successfully suppress?
5. How can adaptation and reassessment tackle piracy? How would those tactics be seen by the local population of pirates – as a sign of strength, or weakness?
6. How can conventional military forces be flexible enough to adapt to pirates' changing tactics?
7. Adaptation can lead to the opponent adapting, or evolving, perhaps to a stronger position. Can this be avoided? How can this evolution be recognized, and what should the effects of that discovery be?
8. How can you apply this case study to other situations?

I. Conflict Context and Background

A. The Chandlers: A Cautionary Tale

On Friday, October 23, 2009, a 38-foot yacht, the *Lynn Rival*, was underway approximately 60 nautical miles (nm) off Port Victoria, Seychelles, heading towards Tanzania via the Amirante Islands.¹ On board were Paul and Rachel Chandler, a British couple from the quiet town of Tunbridge Wells in Kent. He was 59, a retired quantity surveyor; she was 55 and had worked all her life as an economist. Paul Chandler was asleep below deck while his wife took the helm. At 0230 two boats approached the yacht from the stern in the pitch darkness, the sound of their approach drowned by the noise of the *Lynn Rival's* own engine. When two shots shattered the night's tranquility, what the Chandlers' lives had been up to that point no longer mattered. Their retirement dream was over. What they were now, and would remain for 388 days, were hostages of Somali pirates.

The Chandlers were experienced sailors. They had invested their retirement savings in a yacht that they were sailing around the world. They were cognizant of the pirate threat. They had taken advice, ensured their route took them no closer than 700nm from the Somali coast, and had delayed their departure until they believed the sea was too rough for the pirates to operate. All that had come to naught. Now they were sitting in the cabin of their own boat, surrounded by men with guns, ordered not to speak as they awaited the arrival of the pirate

¹ Except as noted, the information in this vignette is drawn from the following sources: ONI World-wide Threats to Shipping report, 4 November 2009 http://msi.nga.mil/MSISiteContent/StaticFiles/MISC/wwtts/wwtts_20091104100000.txt; Aislinn Laing, "Somali pirates claim responsibility for kidnapping British sailing couple off Somalia," *Daily Telegraph*, 27 October 2009; Lucy Cockcroft, "Somali pirates: Listen to Paul Chandler's phone call," *Daily Telegraph*, 29 October 2009; Will Longbottom and Michael Seemark, "Brave British couple kidnapped by Somali pirates tell of terrifying moment when they were hijacked," *Daily Mail*, 30 October 2009; David Jones, "They stormed the boat firing wildly. I cried out: 'No guns! No guns!'" *Daily Mail*, 27 November 2010; "Pirates demand \$7 million for yacht couple, Britain says," CNN.com, 31 October 2010; Chris Smyth, "Pirates demand \$7 million for Paul and Rachel Chandler," *The Times*, 30 October 2009.

leader, who had directed the hijack from a unspecified mother ship nearby. His name, it transpired, was Bugas. He was the 32-year old scion of an influential Somali family, and when he found out they were British he thought his ship had come in. As the days turned into weeks and still he could not turn the couple into cash, he made their life a living hell.

The pirates ordered the Chandlers to sail the *Lynn Rival* towards Somalia while they ransacked it for money and valuables and casually vandalized its fixtures and fittings. Recognizing that the voyage would be slow, they radioed for support from other pirates based in Haradheere, who dispatched a Singapore-registered container ship, the *Kota Wajah*, that had been hijacked eight days earlier from approximately 190nm north of Port Victoria, Seychelles. It was anchored one mile off the coast near the town of Ceel Huur, about 70 miles north of the more famous pirate village of Haradheere, in the remote Mudug region of central Somalia, and would become the Chandlers' home for 36 hours before they were ferried ashore.

On October 26, the *Wave Knight*, a Royal Fleet Auxiliary (RFA) large fleet tanker, had been ordered to depart the Gulf of Aden where it was operating in support of Coalition anti-piracy patrols and to make all speed for the waters between Somalia and the Seychelles. The ship was manned largely by 75 civilians serving under naval discipline, as well as 25 Royal Navy sailors and a 20-man detachment of Royal Marines (RM) drawn from the Fleet Protection Group embarked specifically to undertake vessel boarding, contested if necessary. The 31,500-ton tanker sighted the 24,000-ton *Kota Wajah* on the evening of October 28 and tried to intimidate her into changing course by closing to within 300 feet, illuminating her with searchlights, and firing bursts from its two 30mm bridge-mounted cannons. The pirates' response was to darken the container ship's lights and return fire using their own small arms. Twice during the night the Marines were reportedly readied for action and the Merlin helicopter put on stand-by. Twice they were ordered to stand down, even when the *Lynn Rival* appeared. The *Kota Wajah* was slowed almost to a stop, a line thrown across, and the yacht hauled in. Over a period of 20 minutes,

the *Wave Knight's* crew was able to observe the Chandlers being transferred from their small yacht to the container ship as their searchlights swept the scene. The *Kota Wajah* then turned languidly to the east and made course for Somalia. The *Wave Knight* apparently made no attempt to follow, waiting instead two hours for the frigate HMS *Cumberland* to arrive. A photo shows the two ships in sight of each other with the lonely *Lynn Rival* drifting between them. The *Wave Knight* lifted it on board and eventually returned it to the UK.

One explanation for this reluctance to use force was that *Cumberland* had a Special Boat Service team on board that had been airlifted from the UK and dropped into the sea. For reasons unknown, the team's departure from the UK was delayed by six hours and they arrived late in theatre. Because the *Wave Knight* alone was not able to prevent or delay the *Kota Wajah* from meeting up with the yacht or returning to Somalia, the SBS team was never used.²

On October 28, Commander John Harbour RN, a spokesman for the European Union Naval Force Somalia (EU NAVFOR), told reporters that they had a yacht in sight but could not confirm it was the *Lynn Rival*.

The Royal Navy revealed on November 13 that the *Wave Knight*, had come "within 50 feet" of the yacht at one point. The Rules of Engagement under which it was operating prevented the crew of one hundred – mainly civilians, but armed with light weapons and equipped with a helicopter – from intervening because of the risk to the hostages' lives. The statement issued by the Navy in October, however, only revealed the presence of the frigate HMS *Cumberland*. The RFA's presence only came to light as the result of an anonymous tip-off by a member of its crew. The navy then said that the *Wave Knight* had tried

² Nick Constable, "Royal Marines could have rescued pirate hostages but the order to attack never came," *Daily Mail*, 29 November 2009. N.B. UK Ministry of Defence stated that 10, not 20, Marines were on board *Wave Knight*.

“playing for time,” knowing that the *Cumberland* was making all speed for the area, but the pirates had eluded it.³

The navy spokesman said that the *Wave Knight* had done “very well under the circumstances.”⁴ This was not an opinion that Paul Chandler shared in captivity three months later, saying that men on board the *Wave Knight* had taken the pirates’ threats “at face value. With hindsight, that might have been the opportunity to call their bluff.”⁵ In May 2010 he admitted that the navy’s decision might have been the right one as he and his wife were still alive but added that “it really makes them – the whole fleet of warships – a laughing stock and that is what they are, a laughing stock for these people. They can’t do anything.”⁶ The sharpest public criticism came from the combative ex-war correspondent and national newspaper editor Max Hastings who opined cuttingly that if the Royal Navy could not “act more effectively to defend British interests and citizens on the high seas, then it becomes hard to see what it exists for,” a comment that Britain’s head of navy, Admiral Sir Mark Stanhope, was forced to respond to directly.⁷

It is important to acknowledge that there is a great difference between mounting a boarding, even one that is opposed, and rescuing hostages. Nonetheless, subsequent investigation threw doubt on much of the navy’s portrayal of events, fueled in large measure by the account given by the same angry and frustrated member of the *Wave Knight*’s crew who had alerted the press originally. Most specifically, although the ship was manned largely by 75 civilians serving under naval discipline, 25 Royal Navy sailors were on board as well as a 20-

³ John Bingham, “Royal Navy watched helpless as pirates kidnapped yacht couple Paul and Rachel Chandler,” *Daily Telegraph*, 13 November 2009.

⁴ Bingham, “Royal Navy watched helpless,”

⁵ Keme Nzeram, “‘Brutal treatment’ of pirate kidnap couple,” *Channel 4 News*, 31 January 2010.

⁶ Jonathan Rugman, “Somalia kidnap: Chandlers’ plea to Cameron,” *Channel 4 News*, 26 May 2010.

⁷ Max Hastings, “A cowardly navy, a cautious SAS and Britain’s humiliation by a pirate rabble,” *Daily Mail*, 25 November 2009; Michael Evans, “Navy could not rescue Paul and Rachel Chandler, says Admiral Stanhope,” *The Times*, 28 November 2009.

man detachment of Royal Marines (RM) drawn from the Fleet Protection Group embarked specifically to undertake vessel boarding, contested if necessary. Such detachments often deploy with a Marine Sniper Team, although it is not known if one was on board at the time. In addition to the Marines' light infantry weapons up to and including general purpose machine guns, the ship was equipped with its own machine guns and two 30mm bridge-mounted cannons. However, the cannons were probably part of the RN's Automated Small-Caliber Gun System designed to protect the RFA against fast-moving small craft equipped with rickets and crew-manned small arms. They would not have been suitable for use in the hostage situation that the ship found itself in.

When the *Kota Wajah* made landfall, apparently at Haradheere, local elders reportedly refused to allow the pirates to put the Chandlers ashore, forcing the pirates to move them to a Spanish trawler (presumably the *Alakrana*, see below). They were subsequently transferred to a skiff and taken ashore elsewhere. A local fisherman said they were met by a group of 30 more pirates who had arrived in "luxury vehicles" and fired into the air to drive curious onlookers away. The Chandlers were taken to an isolated settlement located 100 miles inland, where the pirates supplied them with basic necessities such as bedding and water buckets, and began to feed them three rudimentary meals a day. On October 30, it was reported that the pirates had called the BBC to demand a \$7 million ransom. The pirate spokesman (named Hassan in a Reuters report) said that the Chandlers had been "captured by our brothers, who patrol the coast", implying that they had been in Somali waters illegally, despite the fact they were closer to the Seychelles than to Somalia when they were captured and outside even the 200nm territorial limit that had been asserted by the last functioning Somali government but never recognized under international law.⁸ He went on to justify the demand by saying that "Nato operations have had a lot of negative impact here — they have destroyed a lot of equipment belonging to the poor local fishermen. They arrest fishermen

⁸ Laing, "Somali pirates claim responsibility for kidnapping."

and destroy their equipment, in defiance of our local administrations. They illegally transfer the fishermen to their own prisons, and prisons of other foreign countries, so when you consider the damage and all the people affected, we say the amount is not big.”⁹

Straight away the British government said it would not negotiate with hostage-takers. At the same time another pirate spokesman, Mohamed Hussein, (or possibly the same one using a different name) threatened that if any attempt was made to rescue to Chandlers the pirates would “burn their two people’s bones,” while a third told a Spanish news agency that the group who had captured the Chandlers was the same group who were holding the Spanish fishing trawler the *Alakrana*, and any attempt to free one group of hostages would result in retribution on the other.¹⁰

By November 20, the pirates were beginning to apply additional pressure. Britain’s Channel 4 News broadcast a two-minute video during which the Chandlers pleaded for their lives, saying the pirates were “losing patience” because “there had been no response to their demands for money.” They added that they had been told that they would “not be fed or given water” and moreover that there was “a terrorist gang at large in the country looking for us.”¹¹

At the beginning of December, the *Guardian* newspaper reported that a deal had been struck to pay the pirates a mere £100,000 (\$159,700) but had been blocked by the British government.¹² The source of the report was Nick Davis, the chairman of an private anti-

⁹ Smyth, “Pirates demand \$7 million”; Duncan Gardham and Mike Pflanz, “Somali pirates threaten to kill British couple,” *Daily Telegraph*, 28 October 2009.

¹⁰ Gardham and Pflanz, “Somali pirates threaten to kill British couple.” Two pirates from the *Alakrana* were sentenced by a Spanish court to serve 439 years each, which will undoubtedly encourage many more Somali pirates to surrender. See Al Goodman, “Somali pirates get 439-year sentences,” *CNN.com*, 3 May 2011.

¹¹ “British kidnap couple make video plea,” *Channel 4 News*, 20 November 2009; Damien Pearse, “Kidnapped British sailors fear they may be killed within a week,” *The Guardian*, 20 November 2009.

¹² Mark Townsend and Rajeev Syal, “Ransom deal blocked for Somali hostages, Paul and Rachel Chandler,” *The Guardian*, 6 December 2009.

piracy organization, the Merchant Marine Warfare Centre, who had set up an appeal and a website called “Save the Chandlers’ to campaign for their release. Davis posted a message on the website in January 2010 repeating the claim that the British government had blocked the deal while at the same time admitting that only \$100 had been raised to date and pleading for more.¹³ In a statement released shortly afterwards the then-Foreign Secretary, David Miliband, said that although the British government would not pay ransom they could not stop individuals doing so.¹⁴

In January 2010 the pirates’ impatience was becoming palpable. They must by now have realized they were unlikely to achieve anything like the payoff they wanted, while the cost of feeding the couple and securing them from abduction by other groups was increasing. Once again they forced the couple to make a video in an attempt to increase the pressure. In it and in an interview following their release the Chandlers revealed they had been taken off the *Kota Wajah* and on December 14 separated and moved between different locations.¹⁵ They said the reason was that the pirates saw aircraft circling overhead. However, in the interview they gave following their release they revealed that the real reason was that Bugus, the brutal leader of the gang that was holding them, recognized that their spirits would be weakened once they were apart and in that state would be more willing to beg convincingly for money. It was during this period they were both told they would be handed over to the militant Islamist group al-Shabaab and Rachel Chandler was told separately that if that happened she would be beheaded.¹⁶

¹³ “Solution for the release of British sailing couple,” *Save the Chandlers*, 22 January 2010 at <http://www.savethechandlers.com/tag/nick-davis/>

¹⁴ Damien Pearse, “Kidnapped British couple plead for help,” *Sky News*, 1 February 2010.

¹⁵ Although this report says the locations were “around Haradheere,” they more likely to be around Adado, the settlement further inland that appears to have been the main place where they were held.

¹⁶ David Jones, “Whipped, threatened with beheading and on the brink of suicide,” *Daily Mail*, 29 November 2010. For further reading on the terrorist group al-Shabaab, see Eloy E. Cuevas and Madeleine Wells, *Somalia: Line in*

They were reunited for Christmas¹⁷ but nine days later were being threatened with separation again. Their immediate response was to go on a hunger strike in an attempt to force the pirates into agreeing to keep them together. On January 5, Bugus, driven into a rage by their defiance, first carried out a mock execution, then whipped them with a stick before beating Rachel Chandler with a rifle butt and knocking out two of her teeth.¹⁸ Afterwards they were kept apart for a further 86 days.¹⁹

In April an Islamist force advanced on Haradheere. This was suggested initially to be al-Shabaab but later was determined to be Hizbul Islam.²⁰ The pirates were reported to have evacuated the town and moved themselves and their hostages north by either ship or 4x4.²¹ Although the Chandlers were not forced to join the exodus, they were

the Sand : Identification of MYM Vulnerabilities (Carlisle, PA: Strategic Studies Institute, U.S. Army War College, 2010) and “Counterterrorism Calendar 2011: Al-Shabaab,” *The National Counterterrorism Center* http://www.nctc.gov/site/groups/al_shabaab.html (accessed July 15, 2011).

¹⁷ They celebrated by eating a bag of walnuts that the captain of the *Kota Wajah* had given them before they left his ship and which they had kept hidden for just such an occasion.

¹⁸ In an interview given to the news channel ITN in May, Paul Chandler admitted this was the only real aggression they had faced. In the same interview he also indicated that by May they had been held separately for 97 out of 200 days and the reason why they found it especially hard to bear was because they had no children and they had rarely been apart during 30 years of marriage. Even when they were reunited, they lived in constant fear that they would again be parted. Jonathan Rugman, “Somalia kidnap: Chandlers’ plea to Cameron,” *Channel 4 News*, 26 May 2010.

¹⁹ David Jones, “Whipped, threatened with beheading and on the brink of suicide”; Julie Etchingham, “Paul and Rachel Chandler: ‘We’re so lucky to be home,’” *Sunday Telegraph*, 28 November 2010; Nzeram, “‘Brutal treatment’ of pirate kidnap couple.”

²⁰ For further reading on Hizbul Islam, see “Jane’s World Insurgency and Terrorism: Hizbul Islam,” *Jane’s* <http://articles.janes.com/articles/Janes-World-Insurgency-and-Terrorism/Hizbul-Islam-Somalia.html> (accessed July 15, 2011) and Benjamin F. Soares and René Otayek, *Islam and Muslim Politics in Africa* (New York: Palgrave Macmillan, 2007).

²¹ Martin N. Murphy. *Somalia: The New Barbary? Piracy and Islam in the Horn of Africa* (New York: Columbia University Press/Hurst, 2011), pp. 142-3.

moved deeper into the bush as their captors reacted nervously to the changes, more so perhaps because Hizbul Islam said it would look for the captives and release them unconditionally if they were found.²² Taking advantage of the confusion, a British journalist was able in May to travel to Adado (Adaado) where he found the Chandlers were still being held separately but that the pirates were growing increasingly skeptical they would make any money out of them. They blamed the couple's lack of wealth and contrasted it with their claimed expenditure of \$77,000 per month, mainly on *khat*, a mildly narcotic leaf chewed widely throughout Somalia.²³ Towards the end of May the Chandlers were reunited to take advantage of the change of government in the UK following the 6th May election. In an interview with the same freelance journalist, this time for ITN, they congratulated the incoming prime minister, David Cameron, but added that if "the government is not prepared to help, then they must say so, because the gangsters' expectations and hopes have been raised at the thought of a new government and there might be a new approach."²⁴

In fact the Chandlers' family had raised £270,000 (\$402,000). In June they made the mistake of paying this to the pirates without securing adequate assurances that they would be released. The money was dropped from a light aircraft into the bush a short way outside Adado. Once they had their hands on the money, the pirates reneged.²⁵ The speculation was that the negotiators working on the family's behalf

²² Matthew Weaver, "Somali pirates flee with British hostages," *The Guardian*, 27 April 2010.

²³ Jamal Osman, "Somali Islamists vow to free British hostages from pirates," *The Times*, 9 May 2010. For more information on *khat* and its use by armed groups, see Paul Rexton Kan, *Drug Intoxicated Irregular Fighters: Complications, Dangers, and Responses* (Carlisle, PA: Strategic Studies Institute, 2008) <http://www.strategicstudiesinstitute.army.mil/pdf/files/pub850.pdf>, accessed July 15, 2011.

²⁴ Rugman, "Somalia kidnap: Chandlers' plea to Cameron."

²⁵ Barbara Jones, "Yacht couple Paul and Rachel Chandler."

had insufficient people on the ground that could ensure that the deal went through.²⁶

Nothing more was heard from or about the kidnapped couple for over four months. Then, on November 14, it was announced that a further ransom had been paid and that the Chandlers had been freed into the care of Adado's governor, Mohamed Aden Tiiceey.²⁷ The reason for the long period of silence was attributed largely to disagreements among the pirates, with a series of deals being accepted and then rejected.²⁸ The real reason, however, was that the Chandler's family had won a High Court injunction on July 30 prohibiting any mention of the couple or even the injunction's existence (a so-called "super-injunction"). It was granted because a British newspaper was on the verge of publishing a story about a failed rescue bid in June that might have affected their safety and was renewed regularly until the couple was freed. This prevented the pirates from manipulating the British government and upping the ransom demand by planting stories about the Chandler's health and mental state in the media.²⁹

Although the final sum paid has never been revealed, the assumption is that it totaled around £500,000 (\$810,000), with the original sum dropped to the pirates in May being topped-up with a further payment in November, believed to be £280,000 (\$453,600).³⁰ Speculation about the provenance of the money started immediately. On their way out of the country the Chandlers were diverted to Mogadishu, where they were greeted by high officials of the Transitional Federal Government (TFG), although not by the president

²⁶ Caroline Gammall and Mike Pflanz, "Paul and Rachel Chandler: A year of disappointment ended with promise of freedom," *Daily Telegraph*, 15 November 2010.

²⁷ Mike Pflanz, "Paul and Rachel Chandler released by Somali pirates after 388 days," *Daily Telegraph*, 14 November 2010.

²⁸ Gammall and Pflanz, "Paul and Rachel Chandler"; Barbara Jones, "Yacht couple Paul and Rachel Chandler,"

²⁹ "Why we kept silent on the Chandler's case," *BBC News* "The Editors," 14 November 2010; Adam Sherwin, "BBC defends news blackout over Chandlers Somali kidnap release," *Beehivecity*, 15 November 2010.

³⁰ Mike Pflanz, "Paul and Rachel Chandler: Pirates freed hostages in exchange for £500,000," *Daily Telegraph*, 15 November 2010.

Sharidf Ahmed. When the TFG claimed it had contributed the final tranche of £100,000 (\$162,000) that had convinced the pirates to let the Chandlers go, many assumed that the money had been diverted from the contributions that the British government made to keep the regime in power. Both the British government and the TFG denied vigorously that any such linkage had occurred. The British pointed out that they (like the US) did not support the TFG directly but channeled all aid through the UN.³¹

Whatever the British government's role in the payment may have been, most of the money appears to have been raised by the Chandler's family, by well-wishers and, most interestingly, by members of the Somali diaspora community in the UK.³² The actual amount raised by the community may not have been great but its members did place the gang under enormous pressure to release the British couple. In February 2010 about 1,000 Somali residents in Britain gathered in central London to launch a fundraising campaign called Somali UK Solidarity. The leader of a band called Qaylodhaan composed a song calling for the Chandlers' release and to help raise money. Dahir Abdullahi Kadiye, a Somali who had made his home in London and who the press loved to describe as a taxi driver, but was in fact the owner of a taxi company, played a leading role in channeling the community's energy and interest in the case. He organized meetings at which Somalis in London were encouraged to contact their relations and friends still in Somalia to express their anger about the pirates' actions. This pressure took its toll on the pirates' morale, and eventually Kadiye was able to travel to Adado and assist with the hostage negotiation, even acting in a supervisor role in the final hand-over. His motivation, he told reporters, was "to end the humiliation of

³¹ Mike Pflanz, "Paul and Rachel Chandler: Government denies aid money could have been used for ransom," *Daily Telegraph*, 15 November 2010.

³² For more on the Somali diaspora, see Hassan Sheikh and Sally Healy, *Somalia's Missing Million: The Somali Diaspora and Its Role in Development* (United Nations Development Programme, 2009) <http://www.so.undp.org/index.php/Download-document/70-Forging-Partnerships-with-the-Somali-Diaspora.html>, Accessed July 15, 2011.

Somalis in the UK, because the British government has been good to us and given us refuge.”

Another leading figure was Ridwaan Haji Abdiwali, a presenter on the London-based satellite channel Universal TV, who dedicated his *Have Your Say* program to the issue. This gave members of the Somali community a very public platform to vent their anger over what was happening. He interviewed Ali Gedow, a spokesman for the group holding the Chandlers, calling him every week until Gedow demanded that the pressure cease: “You are annoying us,” he said. “All we want is the money. . . In Somalia, Adbi Mohamed Elmi, a doctor based at Magadishu’s Medina Hospital, also played a crucial role in the Chandler’s survival, journeying regularly to Adado to monitor their health. Although his status as a doctor gave him considerable standing in the community, he too credits the Chandler’s release to the actions of the Somali diaspora: “We mobilized all the elders and finally reached our target,” he said.³³

The ransom apparently was divided among about 40 people. The largest share, between 30 and 50 percent, probably went to the financiers, some of whom may have been based outside Somalia. The men who attacked the yacht would have taken a larger share than those who guarded the Chandlers during their captivity. The shopkeepers and others who supplied food and water for the pirates when they were at sea, food and necessities for the Chandlers when they were held on land, bribes to local officials and pay-offs to the local community would have taken the rest.³⁴

³³ Heidi Blake, “Paul and Rachel Chandler: London cab driver brokered release,” *Daily Telegraph*, 15 November 2010; Aidan Hartley, “Pride of Somalia,” *The Spectator*, 20 November 2010; Robyn Hunter, “How pressure on Somali pirates freed Chandlers,” *BBC News*, 16 November 2010.

³⁴ Mike Pflanz, “Chandlers: Pirates boast of plans to ‘reinvest’ ransom in more kidnappings,” *Daily Telegraph*, 16 November 2010. For a good explanation of the payment process and how the money is divided up, see Scott Carney, “The Negotiation: Offer and Counter-offer; Shot or Stand-down,” *Wired Magazine*, 22 June 2009 at http://www.wired.com/politics/security/magazine/17-07/ff_somali_pirates_negotiation and “The Resolution; Sealing the Deal and the Getaway,” *Wired Magazine*, 13 July 2009 at

The final irony was that the pirates claimed that capturing the Chandlers was an error. Ali Gedow, the spokesman who had been so unsettled by the TV presenter Ridwaan Abdiwali, told the BBC that it was “a mistake because they were not looking for the Chandlers, they were looking for a ship. Maybe sometimes they accidentally find some people.”³⁵

In an interview given a year after her release, Rachel Chandler gave her considered judgment on Somalia and her captors. “We are not,” she said, “helping the situation by ignoring it. A whole generation of young men is growing up in Somalia believing that piracy is easy money. They have nothing to take them away from criminal activities. But in many ways they are akin to young men who get led astray, in our own inner cities, in gang crime of one sort or another.”³⁶

http://www.wired.com/politics/security/magazine/17-07/ff_somali_pirates_resolution.

³⁵ “Kidnapping of Chandlers was ‘mistake’ by pirates,” *BBC News Kent*, 17 November 2010.

³⁶ Colin Freeman, “The Chandlers: So how did you cope being kidnapped by pirates?” *Daily Telegraph*, 4 September 2011 at <http://www.telegraph.co.uk/news/worldnews/piracy/8739469/The-Chandlers-So-how-did-you-cope-with-being-kidnapped-by-pirates.html> (Interview video)

Discussion Questions

1. Strategic airlift, particularly airlift with the range and navigational capability to deliver an air-dropped team to a ship at sea, are not common assets. What should be the appropriate role for high-demand, low-density assets in a large territory when only two hostages are involved?
2. What is a reasonable length of time for a hostage rescue to be developed and carried out? If a rescue cannot be effected in a matter of days, does that indicate a failure on the part of naval powers? What other factors might complicate matters?
3. Which of these two possible alternatives is more palatable: civilians being held hostage for a year, or civilian casualties resulting from a rescue attempt? What are other alternative courses of action, and what might their outcomes be?
4. What would have been the consequences, political and otherwise, if the *Wave Knight* had mounted a rescue that failed or otherwise went badly?
5. Was Hastings's question too harsh, or was it justified? If a navy cannot defend the interests of citizens on the high seas, what is it for?

II. Somali Piracy in Historical and Strategic Context

This section focuses on piracy in general and situates Somali piracy in the context of the global arena. It discusses issues specific to Somali piracy and explores specific incidents and the various responses by the multiple groups affected by piracy.

Discussion Questions

1. How is Somali piracy different from piracy practiced elsewhere?
2. What features of Somali piracy could be copied or replicated elsewhere, e.g., Southeast Asia, the Gulf of Guinea? What militates against mimicry?
3. What is meant when a state is described as “failed”? What are the implications for security?
4. The economic impact of Somali piracy in the context of world (or even regional) trade has been miniscule. Why should it concern the United States or other maritime powers? If Somali pirates increase the levels of violence towards hostages, would this force greater military response?
5. Piracy has rarely been suppressed *at sea*. Navies have generally had to operate against pirate bases *from the sea*. What are the legal and political impediments to pursuing such a course of action against the Somali pirates? What would need to change to justify even limited land operations against pirate bases? Would air operations – manned or unmanned—be justified instead, and could they be an adequate substitute?
6. What would be the effect of making ransom payments illegal? How could it be enforced?



Map 1: Pirate Headquarters and Bases in Somalia

In 1993, the International Maritime Organization (IMO) came up with a tripartite classification of piracy, based on piracy in Southeast Asia and the South China Sea:

- “low-level armed robbery,” opportunistic attacks mounted in harbors or other places close to land,
- “medium-level armed assault and robbery,” or more challenging assaults carried out further from shore, which represented a greater challenge to ship safety and placed the crew at risk, and
- “major criminal hijack,” that is, well-resourced and practiced operations that used violence to secure not only the cargo on board but often the ship itself.

This classification system was well-suited to piracy in that specific region, but seems dated now. Seeing piracy largely as maritime armed robbery, it left no room for kidnapping, an activity common to piracy throughout history. It was also historically inaccurate in other respects. Violence has always been the essence of piracy, with robbery as a secondary characteristic. Any attempt to place what has occurred off Somalia into context would need to acknowledge the existence of six categories: (1) inland water assault; (2) assaults on local shipping and fishing vessels close to shore; (3) assaults on commercial shipping in coastal waters and straits, in both territorial waters and international waters; (4) major assaults to take ships and/or cargo, almost always in international waters; (5) major assaults to extract value from crew or passengers, almost always in international waters; and (6) coastal raiding. These are further described in Figure 1 below.

Figure 1: Pirate assault categories

Type No.	Category	Description	Example
1	Inland water assault (TTW)	Attacks mounted by small bands who may, or may not, use or threaten violence on ships in harbors or anchorages	Commonplace in harbors around the world such as Chittagong (Bangladesh), Santos (Brazil), Tanjong Priok [Djakarta] (Indonesia), Lagos (Nigeria)
2	Assaults on local shipping and fishing vessels close to shore (mainly in TTW but might occur in IW)	This form of piracy can often be extremely violent and may be occasioned by conflicts over fishing rights; it also can be persistent to the point that the victims regard it as a cost of business	Attacks on fishing vessels off the Ganges Delta Attacks by Indonesian raiders on Malaysian fishing fleets in the Malacca Strait Attacks on fishing craft around the Sulu Sea (Philippines) Attacks on fishing craft and local traders around the Niger Delta (Nigeria)
3	Assaults on commercial shipping in coastal waters and straits (occurs in both TTW and IW)	Attacks mounted by coastal raiders who can use or, more likely, threaten violence; perpetrators can both arrive and depart unseen with the intention of stealing	Common form of piracy in Straits of Malacca and Singapore, and the South China Sea starting in the 1980s. In the northern part of the South China Sea, the violence used was

		cash from the ship's safe and from the crews' quarters; it can also involve kidnap and ransom (K&R)	sometimes extreme, e.g., the <i>Cheung Son</i> (1998). K&R incidents occurred in the Straits in the 2000s, most significant of which was the <i>Idaten</i> (2005)
	Major assaults to take ship and/or cargo (almost always in IW)	Attacks mounted by highly professional gangs in which the cargo can be taken and the ship either abandoned or re-registered and used to perpetrate maritime insurance fraud	A feature of Southeast Asian piracy for a decade starting in early 1990s. Many of the ships and cargoes were diverted to China; the ships used for fraud were re-registered and used to steal other cargoes; the cycle could be repeated as many as nine times. Also observed off Lebanon during the 1980s civil war
	Major assaults to extract value from crew or passengers (almost always in IW)	Attacks mounted by highly professional gangs as above who in this variant have no interest in the ship but focus on the crew's portable wealth or ransom value	Currently unique to Somalia The attacks on the Vietnamese "boat people" arguably fell into this category; although not taken for ransom, they were stripped of their valuables and many of the women were sold

			into prostitution. Historically, both men and women would have been sold into slavery.
	Coastal raiding	Raiding land-based communities from the sea for goods and slaves. Currently rare but historically common	In the modern era, coastal attacks have taken place in the Philippines, Borneo, and Nigeria
TTW: Territorial waters		IW: International waters (the high seas)	

Two related forms of marine assault need to be mentioned, although neither are technically piracy. The first is politically motivated assault carried out by non-state actors. Examples include the Liberation Tigers of Tamil Eelam, who were believed to have carried out Type 4 assaults during the 1990s, and the Movement for the Emancipation of the Niger Delta, who carried out attacks against fixed offshore installations in the 2000s, most famously on the Bonga floating production and storage platform in 2008.³⁷ These fail to satisfy the international definition because piracy is restricted to attacks mounted for ‘private,’ that is to say not political, ends.

The second are attacks carried out by government vessels, such as those mounted by Chinese government vessels in the South China Sea in the 1990s. They prompted public allegations by Indonesia and an official complaint by Hong Kong, which was then still under British control. There is now more reason to believe that at the time that these interceptions took place, the vessels involved were operated by corrupt local police and customs units and were not operating under the orders of the central government. Indeed, Beijing launched a major campaign

³⁷ “Nigeria – The Significance of the Bonga Offshore Oil Platform Attack,” *The Oil Drum*, 24 June 2008.

against official corruption in the southern coastal provinces starting in 1998. Similar incidents perpetrated by Iran Revolutionary Guard Corps Navy (IRGCN) vessels occurred in the Northern Arabian Gulf between 2003 and 2007. These vessels might have been operated by “freelancing” commanders, or they might have been an adjunct to the campaign of low-level harassment that the Iranian regime has carried out against Gulf shipping for over a decade. All these attacks fail the modern legal test for piracy, which excludes actions undertaken by government vessels.

A. Piracy and Its Suppression

Piracy has shared characteristics wherever it occurs, but in each case these are ordered according to local circumstances and arise out of local conditions. Provided outbreaks remain local, they can be confronted locally or, in many cases, ignored. But piracy has another characteristic, its mobility, which can make it a threat to international shipping. When pirates operate outside a state’s territorial waters, they can present a challenge to international good order at sea. Pirates have been vilified as the enemies of all mankind since Cicero, but although this resounding condemnation is rhetorically evocative, it has never had any meaning unless and until powers with the necessary resources have chosen to accept the challenge and defeat them. The general assumption has been that the powers that have done so have been predominantly naval, but although the capability to capture and kill marauders at sea has been important, more critical has been the ability to engage pirates on land violently or to transform pirate strongholds into responsible communities. Powers capable of effecting that transformation have always been relatively few in number.

Moreover, counter-piracy has rarely been undertaken solely because pirates are bad people, and never in the absence of a clear economic rationale. As powers have matured, that rationale has tended to become less specific and more systemized, to the point where the political appears to subsume the economic. Examples of this systemization can be drawn from three security regimes: the Roman, the British imperial, and the American-led collective. Rome first

suppressed pirates because they competed with it for plunder, and later to maintain order within its empire. Britain at first exploited then suppressed piracy in line with its mercantilist trade policy, and later suppressed it systematically to minimize disruptions to a maritime free-trading system, of which its empire was the largest and most geographically dispersed component.

In the 21st century, this begs the question: what is the U.S. interest in suppressing piracy? America is also the hegemon of a global system, but is not an imperial power in any traditional sense. It presides over an international system based on not only free trade but also national self-determination. One consequence of this detachment is that the economic rationale to intervene against piracy is no longer readily identifiable; the previously clear link between national trade and national interest has dissolved, replaced by the disembodied concept of the global trading system. Sixty years of peace, ever-expanding volumes of goods on the move, and the emergence of new and substantial stakeholders such as China, Japan, Korea, and India have spawned the notion that this trading system and its agent, the world's maritime system, are robust and self-sustaining. Such a judgment smacks of complacency. It is one with the notion that order is based on law and agreement alone and that force is no longer necessary; indeed, it is an anachronism. In straitened economic times, it also plays into the hands of those who argue that navies should focus on combating "existential" threats.

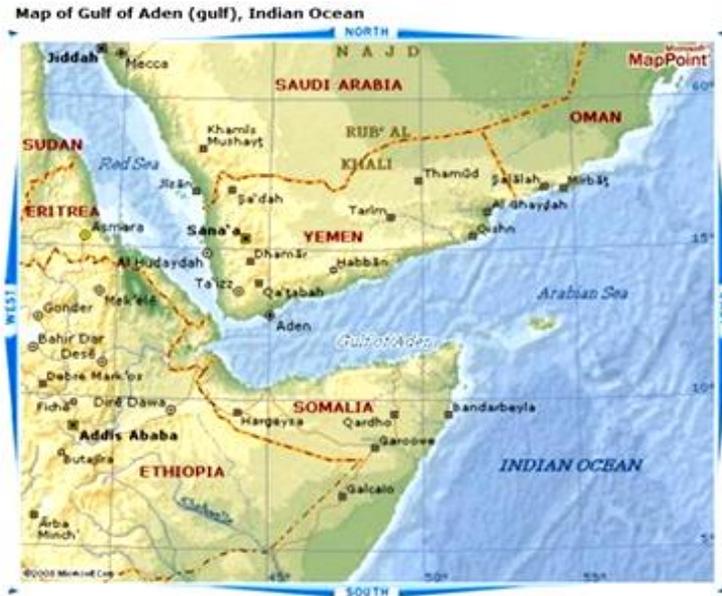
But America is the ultimate guarantor of maritime freedom, just as Rome and Britain were in the past. The role is loosely analogous to the dollar's position as the world's reserve currency; it gives the United States a huge advantage, one that the nation should fight to retain and allow to be eroded only with the greatest reluctance. Any navy that fails to protect trade has forgotten its roots. The U.S. Navy's failure, in tandem with its coalition partners, to curb the activities of the Somali pirates raises doubts about America's willingness to devote the necessary political resources to make maritime security a reality, doubts that in turn raise questions about its position as the natural

leader of a global or regional maritime security regime.³⁸ Yet the rationale for U.S. action is compelling because, as Jakob Grygiel has pointed out, failed states “are not only a source of domestic calamities; they are also potentially a source of great power competition” and because “America’s global rivals are doing what aspirant powers have done at moments of transition for millennia ... probing the top state on the outer limits of its power commitments ... reading America’s responses to gauge how much latitude they have to make low-cost revisions to the system in their favor.”³⁹ Somalia, and the presence of rival navies off its coast justified rhetorically by a common need to suppress piracy, fits these descriptions well.

³⁸ Murphy, *Somalia: The New Barbary?* p. 167.

³⁹ Jakob Grygiel, “Vacuum Wars: The Coming Competition over Failed States,” *The American Interest*, July-August 2009, <http://www.the-american-interest.com/article.cfm?piece=622>; A. Wess Mitchell and Jakob Grygiel, “The Vulnerability of Peripheries,” *The American Interest*, March-April 2011, <http://www.the-american-interest.com/article.cfm?piece=923>

B. Piracy and the Gulf of Aden



Map 2: Gulf of Aden

Somali piracy cannot be seen in isolation from the wider geostrategic importance of free movement and safe passage to trade between Europe and Asia and energy movements outbound from the Arabian Gulf to much of the world. This importance has been brought into sharper focus by the growing political turmoil in Yemen, which has drawn attention on the fact that both sides of the Gulf of Aden constitute a single geo-strategic entity. The eighteen-mile-wide Bab el-Mendeb is one of the world's vital chokepoints. It is the gateway to the Suez Canal, and its closure would block off the sea route upon which this huge trade depends. Any realistic threat of complete closure would provoke a major political and military response. However, the same effect could be achieved using low-level attacks to persuade the international shipping industry that the transit risks are too great and

maritime traffic would have to divert around Africa, adding ten to twelve days to a voyage. That threat would be one step nearer to realization if one shore of the Gulf were to fall into hostile hands, and it would increase substantially if both coasts were to fall under the sway of organizations with a common purpose. Britain occupied Aden in the 19th century to guard the vital sea route to India and took control of what is now Somaliland when France, its leading imperial rival, threatened to expand its influence beyond the borders of the French Coast of the Somalis, today's Djibouti. It is worth at least noting that al Qaeda's two forays into maritime terrorism were both launched from Yemen: the attack on the USS *Cole* in Aden harbor in 2000 and the attack on the MV *Limburg* off the oil port of Ash Shihr al Mukallah in 2002.

Yemen's situation is not as desperate as Somalia's. It is not a failed state but is nonetheless politically fragile and economically weak. The government is confronted by a rebellion by the Shi'ite Houthi faction in the north adjoining the Saudi Arabian border, a separatist movement in the south, and an al Qaeda faction, al Qaeda in the Arabian Peninsula (AQAP), which appears ready to exploit whatever breakdown occurs. The militant group Al-Shabaab has sworn to support AQAP and to exploit the opportunity for the conflicts on either side of the Gulf of Aden to become "increasingly intertwined," according to their Somali spokesman Mukhtar Robow. Although the use of a reductionist lens to conflate two separate conflicts needs to be resisted, contact has occurred between AQAP and al-Shabaab and coordinated action cannot be ruled out in the future. If al-Shabaab controlled the southern shore of the Gulf of Aden, the interchange between the two groups would become easier.

A zone of instability stretching from Yemen to the Kenyan border effectively exists now. The prospect that some or all of this area could be turned into one where extremist Islamist groups predominated, even if whatever control they exercised was less than complete, would pose a significant threat to Kenya in the south, as far north as Egypt, and ultimately to Israel. Maritime security in the Gulf of Aden would be compromised and, as the pirates have demonstrated, shipping up to

1,000nm (1852 km) out in the Indian Ocean could be affected. The increasing availability and rapidly decreasing cost of lightweight guided weapons, small enough to be mounted on and fired from small craft, or with the range to be fired from the coast and targeted using small fishing craft or lightweight drones, could add to this threat substantially. The success pirates have achieved argues in favor of buttressing Somaliland and Puntland to head off that possibility by securing the Gulf's southern shore.

C. Somali Piracy Since 1996

Pirate Groups Before 2006

For most of the period between 1996 and 2006, piracy off Somali was a low-level activity. The groups that operated during this period were the Puntland group and others from Kismayo, Marka, and Haradheere-Hoboyo.

- **Puntland:** This group consisted of a number of small bands based at Puntland's Gulf of Aden coast around Boossaso and Caluula. These groups, which engaged primarily in smuggling people, arms, and drugs between their base areas and Yemen, appeared to engage in piracy opportunistically. It was reported that the pirates drawn from these bands provided the "Somali Marines" (see below) with their initial training.⁴⁰
- **Kismayo:** This was based in the southern port of Kismayo and known as the "National Volunteer Coast Guard." It attacked fishing vessels and might have been a fishermen's self-protection force as it claimed.⁴¹
- **Marka:** This was a loose affiliation of small bands that operated from the port of Marka south of Mogadishu and other

⁴⁰ United Nations, "Report on the Monitoring Group on Somalia pursuant to Security Council Resolution 1630 (2005)," S/2006/229, 4 May 2006, pp. 27-8.

⁴¹ For more on the National Volunteer Coast Guard, see Ishaan Tharoor, "How Somalia's Fishermen Became Pirates," *TIME World*, April 18, 2009, <http://www.time.com/time/world/article/0,8599,1892376,00.html>.

smaller ports in the vicinity and engaged in smuggling as well as piracy, but with little capacity to operate much outside the 12nm limit of Somalia's territorial waters. They were financed by Sheik Yussuf Indohaadde, the warlord of the lower Shebelle in southern Somalia.⁴²

- **Haradheere-Hoboyo:** The group based here changed the face of Somali piracy. Based between Hoboyo and Haradheere in the central Mudug region but with clear connections to Puntland via the port of Eyl, what became known as the “Somali Marines” began operations in 2005. The UN reported that it was organized along almost military lines: they identified a fleet admiral (Mohammed Ali Hassan), an admiral (Mohamed Osman), and a head of financial operations (Afweyne). Of these three, Afweyne was the most important. It might be no more than a coincidence that Puntland's political leader, Abdullahi Yusuf, took over the presidency of the TFG in October 2004 and the Haradheere group took down its first ship in April 2005. The ship was an LPG carrier named the *Feisty Gas*; it earned them a ransom of around \$300,000. The group appears to have been the product of a cross-clan alliance between the Majerteen and the Suleiman with the Suleiman – the Afweyne family in particular – providing the business idea, financial acumen, and local connections that enabled the group to operate safely and at relatively little cost in the Mudug. The Majerteen, which effectively meant the political leadership around Yusuf, may have furnished the initial capital, political protection, and permission for Afweyne to hire experienced pirates from among the Puntland group to train new recruits. The group operated successfully and cohesively from the time of its first attack in April 2005 to the arrival of an Islamic Courts Union (ICU) force in August 2006. The pirates retreated north in the face of this advance but were back in action by November 2006, even before Ethiopia defeated the ICU in a short war starting in late December 2006.

⁴² United Nations, “Report on the Monitoring Group on Somalia pursuant to Security Council Resolution 1630 (2005),” S/2006/229, p. 27.

Pirate Groups After 2006

After the ICU interlude, pirate activity outside the Puntland-Mudug axis declined. The groups that had operated out of Marka and Kismayo no longer appeared in reports, although occasional mention was made of a group operating out of Mogadishu. The Haradheere-Hoboyo group's original hierarchical structure appears to have dissolved and been replaced by several smaller groups networked loosely together through clan connections. Among these new groups were ones based on the neighboring Hawiye Sa'ad and Darood Omar Mahamoud sub-clans, the latter establishing Garad as a new piracy center.

Since then, the Hardheere-Hoboyo group and its immediate clan-based imitators appear to have broken down further. Clan linkages and loyalties appear to have weakened and new, smaller, often ad hoc gangs have emerged whose clan allegiance is less clear cut. This change appears to have been driven by easier access to finance through what might reasonably be termed "piracy markets." Financiers no longer appear to support one or two groups but instead entertain propositions from a range of pirate leaders who can put forward a credible business case.

One consequence of this greater financial accessibility may have been an erosion of the remarkable sense of discipline that characterized Somali pirate operations starting in 2004. Between then and late 2010, hostages were protected. While their life was far from pleasant, they were rarely subject to anything worse than verbal threats. Starting in late 2010, freed hostages began to report more brutal treatment along the lines of what the Chandlers encountered, suggesting that the pirate model might be changing. To what extent this assessment was correct remained difficult to determine, as so few hostages were ever interviewed officially once they were released. In fact, shipping companies often discouraged their employees from talking about their experiences. The number of actual cases might have been low; alternatively, the practice might have become widespread. Obtaining a verifiable picture proved difficult.

Nonetheless, what appeared to be taking place was that at least some pirates were willing to threaten hostages with violence and even torture in an effort to secure larger and/or more quickly paid payments. One school of thought suggested that this abuse was becoming systematic; greed was driving pirates to harm hostages deliberately in an attempt to force the insurers to pay higher ransoms, more speedily. A second school suggested that the greater availability of finance had encouraged the entrepreneurial formation of new bands built around one or more experienced pirate leaders, with the actual assaults conducted by recruits drawn from Somalia's interior. These new arrivals were less well-trained and too eager for money to see the wisdom of the original business model. According to this interpretation, the essential problem was that the growth in pirate activity meant that the number of experienced pirates available to educate the new men and maintain discipline had exceeded supply. This school pointed to a developing shortage of navigators and boat handlers as another indicator that the original pool of experienced hands was becoming stretched. Reports suggested that in a few cases these key positions were being filled by contracted foreign nationals from Yemen, Pakistan, and India.⁴³

A third explanation was that the pirates' turn to violence might be a rational—albeit misguided—response to the decline in their attack-capture ratio, brought about by the navies' more aggressive tactics and by better self-protection measures by merchant ships. Because they could capture fewer ships, the pirates had to achieve a better rate of return on a more limited number of captures. Consequently, they had to work the assets they did capture harder in order to secure ransoms that were larger and that were paid more quickly. The costs of holding hostages securely had also increased: the influx of ransom money was known to have increased inflation in the coastal areas where the pirates operated, with high prices being charged for food and, more importantly, for *khat*, the mild narcotic that the pirates consumed in large quantities. Hostages had always been at risk of being snatched by

⁴³ Pranab Dhari Samanta, "Delhi concerned: Trained Pak men 'guiding' pirates off Somalia coast," *Indian Express*, 1 September 2009.

other gangs, particularly at sea, but now the risk on land had increased, forcing pirates to pay for armed guards to protect their operations.

D. Pirate Adaptation and Exploitation

Somali pirates have proved to be masters of adaptation strategically and tactically, molding and remolding their methods to better exploit the chaos within Somalia and in the international maritime order, while remaining single-mindedly focused on making money from the difference between the value of human life within Somalia and without. Access to sanctuary has been crucial: they have been able to exploit states' reluctance to become involved in the violence and disorder within Somalia as well as their general reluctance to intervene in another state's affairs, however dysfunctional that state might be.

Discussion Questions

1. What pirate adaptations might we expect to see in the future? What naval escalations might we see as a result?
2. How can naval forces change from *reacting* to pirates' adaptive tactics to *anticipating* them?
3. What might be some political ramifications of such a change?
4. Would a decapitation strategy against pirate leaders yield results? What counter-measures could the pirates adopt?
5. How could the pirate groups be induced to fight each other?
6. What has been the effect of "catch and release" on naval policy? On naval effectiveness?
7. Piracy in the Straits of Malacca and Singapore has dropped significantly since mid-2000s. What factors account for this decline? Are they all security-related? What security measures adopted in Southeast Asia may be effective off Somalia? What needs to change politically to make them work?

Access to sanctuary also enabled the pirate groups to maximize their profits. Although isolated incidents of crew members being kidnapped had occurred in the Strait of Malacca in the 2000s, the pirates there found it difficult and probably relatively expensive to hold their captives for long. This was not the case in Somalia, where hostages could be held on board their own ships anchored off the coast in the relative certainty that no rescue attempt would be attempted, that no internal rescue would be mounted unless the authorities near where the ship was moored had not been paid, and that there were few rival groups who would attempt to steal them.

The pirates would have to have been blind not to have quickly recognized that the states that sent ships to patrol Somali waters were exceedingly reluctant to put them in jail. As mentioned above, attention was first drawn to this in September 2008 when the HDMS *Absalom* returned ten pirates that it had captured, minus their equipment, to their departure point on the Somali coast. From then on, pirates knew that even if they were captured there was a good chance that the worst that was likely to happen was that they would be deprived of their guns, boarding ladders, communication devices, and possibly their skiffs. They would certainly be sent back to where they came from unharmed, quite possibly after having been given a medical check-up, and if they were sent back in their own skiff, they might even be given additional fuel to ensure they returned safely. To say they felt contempt for such weakness would not overstate their reaction.

What they could also count on was that most ships were too slow or low in the water to defend or took inadequate self-protection measures. Despite the fact that the CGPCS Working Group 3 has been pushing hard, progress has been confined largely to well-run ships working for well-managed international ship operators. The bulk of higher risk, lower-standard and local shipping has taken few, if any, additional precautions.⁴⁴

⁴⁴ Sam Bateman, "Sea Piracy: Issues in the Indo-Pacific Region," in Andrew Forbes (ed.). *Australia's Response to Piracy: A Legal Perspective*. Papers in Australian Maritime Affairs, No. 31. (Canberra: RAN Sea Power Centre, 2011), pp. 24-5. Bateman returned to the subject of sub-standard ships in Sam

Because Somali pirates aim to take control of ships in order to capture their crews, their boarding tactics are markedly different from those practiced elsewhere. Pirates in the Straits of Malacca and Singapore were interested mainly in stealing money from the ship's safe and the personal property of crew members; they boarded their targets surreptitiously and often left them without being discovered. If they were discovered, or needed to threaten the crew to obtain what they wanted, they used knives and machetes rather than guns. In cases such as those of the *Petro Ranger* in 1998 and the *Alondra Rainbow* in 1999, where the intention was to steal the entire ship and its cargo, the pirates often placed accomplices on board before the ship sailed. Their job was to keep the raiding party apprised of the ship's position and help them get onboard when the time came. The fate of the crew varied but was never pleasant: in some cases they were killed after they had served their purpose – this would undoubtedly have been the fate of the men on the *Petro Ranger* if the Chinese authorities had not intervened – and in others, such as the *Alondra Rainbow*, they were set adrift in the ship's own lifeboat to fare as best they could.

Off Somalia, pirates are prepared to make a surreptitious approach in some cases, but more often make no attempt to disguise their intentions. In some cases, such as the *Maersk Alabama*, discussed below, they issue a demand for a ship to stop. In others, they simply come alongside or circle the ship showing their weapons. If these warnings go unheeded, where once they fired in the air or across the ship's bows, they will now fire on the accommodation block with AK-47s and sometimes RPGs until it does. Speed has become important because pirates need to prevent ships' crews from retreating into citadels, or fortified rooms, which take time to break down. The probability is that the gangs will begin to use plastic explosive, a safer and effective alternative. They use disguise and deception insofar that their mother ships are fishing craft, dhows or small freighters; when

Bateman, "Sub-standard Ships and the Human Cost of Piracy: The Case of Captain Prem Kumar," RSIS *Commentaries*, No. 130, 7 September 2011, <http://www.rsis.edu.sg/publications/Perspective/RSIS1302011.pdf>

they deploy, potential victims remain ignorant of an attack until pirates' skiffs are heading toward them.

It is a mistake to think of mother ships as a recent innovation; pirates have used them almost from the outset of piracy in the 1990s. Before late 2010, this usually meant forcing a small dhow or fishing vessel into serving as a base from which to launch attacks on larger vessels, often before letting it and its crew go once it had served its purpose (see the case of the *Bonsella* below).⁴⁵ The innovation in late 2010 was to use these much larger prizes with their crews on board as human shields, defying the navies to attack them. The increased size of these vessels also meant they could stay at sea longer, range transoceanically and carry a larger complement of pirates to defend the ship and overwhelm new prizes. It is therefore arguable that the more aggressive naval tactics initiated an action-reaction cycle that, instead of intimidating the pirates into inactivity, exposed existing hostages to new peril and increased the risk to seafarers on ships under attack and too isolated from naval protection to prevent pirates getting on board.

When confronted by armed teams, pirates have in the main moved on in search of less well-defended prey. It seems likely that at some stage they will seek to overcome armed defenses, probably at first through the use of superior numbers – who can collectively deliver superior fire-power – deployed from more skiffs, thus forcing defenders to engage multiple, fast-moving targets. Concern was expressed in 2011 that pirates would continue to use large captured freighters as mother ships, which they would equip with tripod-mounted heavy weapons and maneuver into a position where they could fire down onto a target. However, this concern appears to have receded. Pirates seem to have decided that the greater anonymity offered by dhows is preferable to using the larger ships, which although offering greater carrying capacity and greater stability as firing platforms also have a greater signature and are therefore easier to track using aerial or space-based sensors. If the number of surveillance assets

⁴⁵ A dhow is a small Arab fishing vessel widely used in the coastal waters off the Arabian Peninsula and the Horn of Africa. Traditionally it is sail-driven, but today is more often motorized.

in theatre are reduced in line with reductions in naval hull numbers, then, in the absence of any political strategy to defeat pirates on land, we might see pirates returning to the use of large ships, a move that will enable them to engage and quite possibly overcome even highly trained armed protective teams.

E. Operational Analysis

Although the UN described incidents between fishing vessels and pirates in the waters around Puntland in the later 1990s and early 2000s as being like a war, until very recently no cargo ships have repulsed attacks using gunfire. Since then, security details have opined that warning shots could prove helpful without admitting anything.

Again, until very recently, what kinetic action took place was largely one-way: outbound from naval ships towards pirate vessels with nothing but wild shooting in return. There have been nine main incidents, discussed below.

Incident Involving the USS Cape St. George and the USS Gonzalez

This incident (christened subsequently the “thousand-round incident”) took place in March 2006 between two US Navy ships, one a cruiser and the other a destroyer, and a Somali vessel towing two or three skiffs about 25nm (46km) off the coast. As this vessel-skiff combination was one of the few reliable indications of possible pirate activity, the vessel was ordered to stop. Those on board were seen to be armed with rifles and RPGs and when they reportedly fired on the US warships, fire was returned, leaving one pirate dead and their vessel burning. The pirates’ aggression might have been the product of the ingrained refusal on the part of some Somali males to be intimidated even by manifestly superior force, reinforced by a lack of prudence induced by *khat* consumption. As was often the case, the survivors claimed to be protecting fishermen. They subsequently were freed when the US decided not to pursue the case.

French SOF Raids

French SOF have mounted one raid and two hostage rescues. The raid, which was mounted pursuant to the *Le Ponant* release in February 2008, has been described above. In August 2008 a yacht under pirate control on its way to Eyl, the *Carre d'As*, was stormed by 30 men from Commando Hubert, a French SOF unit modelled on the US SEALs and Britain's SBS. The 60-year old couple held on board were freed, one pirate killed, and three captured. The pirates were reportedly demanding a ransom of \$1 million as well as freedom for the six men captured during the *Le Ponant* raid. The rescue was mounted from the *Coubert* (F712), a La Fayette-class frigate operating outside Somali territorial waters that had been shadowing the yacht for ten days, supported by a maritime reconnaissance aircraft. Germany and Indonesia, both contributors to CTF-150 at the time, provided unspecified assistance.⁴⁶ Rather less successful was the commando raid mounted in April 2009 to free a couple and their child held hostage aboard their yacht the *Tanit*. The commandos approached the yacht in rubber boats from two directions, and the pirates opened fire as soon as the raid was spotted. Two pirates and the child's father, Florent Lemaçon, were killed and the surviving pirates captured. Chloé Lemaçon and the child were rescued unharmed. It was revealed later that her husband may have been killed in the cross-fire.⁴⁷

HMS Cumberland

In November 2008 a Danish-registered cargo ship, the MV *Powerful*, was fired on by pirates in the Gulf of Aden. The pirates' vessel, a hijacked Yemeni dhow, was intercepted by HMS *Cumberland* 60nm off the Yemeni coast, and a Royal Marine boarding party

⁴⁶ "French commandos free hostages from Somali pirates," *Agence France-Presse*, 16 September 2008; Charles Bremmer, "French commandos storm yacht to free couple held hostage by Somali pirates," *The Times*, 17 September 2008.

⁴⁷ Paul Gallagher, "Revealed: The tense moments when French commandos stormed a boat hijacked by Somali pirates," *The Observer*, 12 April 2009; Colin Freeman and Mike Pflanz, "Rescued French yacht captain Florent Lemaçon may have died in friendly fire," *Daily Telegraph*, 11 April 2009.

approached the pirate vessel. The mixed group of Somali and Yemeni pirates on board opened fire on the Marines and in the ensuing exchange two Somalis were killed. Another man, believed to be Yemeni, was found dead onboard, although it was unclear whether he was killed in the exchange of gunfire or had been shot earlier and died of his wounds.

Maersk Alabama

On April 8, 2009, the 1,100-TEU container ship the *Maersk Alabama*, part of the US Maritime Security Program, was hijacked 400nm (741km) east of Mogadishu with US nationals and a USAid cargo of food supplies on board, on a regular run from Djibouti to Mombasa, Kenya. Following a prepared plan, the crew stopped the engines and retreated to a citadel below decks from where they could steer the ship. Using this as a base, they engaged the pirates in a five-hour struggle that included steering the ship in a manner that swamped the pirates' boat, stranding them on board. In the confusion, one pirate became separated from the rest of the gang and was taken prisoner by the crew. The remaining pirates retreated over the side to the ship's lifeboat, but failed to start its engine. Richard Phillips, the *Maersk Alabama's* captain, accompanied by the captured pirate, entered the lifeboat to help them. At this point, the pirates reneged on whatever deal had been agreed, taking the captain hostage. The crew immediately began to negotiate with the pirates in the lifeboat.

A P-3 maritime patrol aircraft was monitoring the situation from the air, and the nearest US warship, the USS *Bainbridge*, which had been 300nm (556km) away at the start of the incident, arrived on the scene on April 9. Other ships joined the USS *Bainbridge*, including the guided-missile frigate USS *Halyburton* and an amphibious assault ship the USS *Boxer*. They interposed their hulls between the lifeboat and the Somali coast, plied it with high-pressure hoses, and positioned a helicopter immediately above to engulf it in its powerful downdraft. After the pirate leader sustained an injury and requested medical assistance, he was taken on board the *Bainbridge*. The navy's harassing tactics wore the remaining pirates down and wasted the craft's fuel

until it was dead in the water. After venting their frustration by firing on the US ships with AK-47s, they requested food and water. This request was granted. Without power, the lifeboat could only drift and in the rough sea was moving violently. At this point, they demanded that the US Navy tow them to Somalia.

A line was put in place but, instead of heading for the coast, the Navy gradually brought the lifeboat closer to the *Bainbridge*'s fantail and within range of SEAL snipers. Given permission to fire if they believed Captain's Phillip's life was in danger, the snipers did so on April 12, killing three pirates and ending a 96-hour standoff. The pirate who had been taken on board the *Bainbridge* was flown to New York for trial and on February 16, 2011, was sentenced to 33 years and 9 months in prison.

Quest

The *Quest* was a small yacht, home to Scott and Jean Adams, two Americans who were sailing it around the world, and Phyllis Mackay and Bob Riggle, friends who had joined them for the voyage across the northern Arabian Sea. In February 2011, it was hijacked by pirates off the coast of Oman. The Americans knew they were entering pirate-populated waters and had joined up with a sail race called the Blue Water Rally, which offered them protection in numbers. On February 15, however, they broke away from the group and headed towards the Omani coast for reasons that are not understood.⁴⁸ There is some suggestion that they might have been experiencing some mechanical problems. Alternatively, they may have felt they were close enough to Oman to make the relatively short journey alone. Whatever their reasoning, it was a mistake.

Nineteen pirates boarded the yacht and began to sail it slowly back to Somalia. It was intercepted by the USS *Sterett*, a guided-missile destroyer about 150nm off Cape Guardafui. Two pirates agreed to be taken on board the *Sterett* to negotiate. When the FBI negotiators decided the men were not acting in good faith, they detained them and

⁴⁸ Paul Caulfield, "US Navy warship trailing hijacked American yacht *Quest* as it approaches coast of Somalia," *New York Daily News*, 21 February 2011.

told the men on board the yacht to send someone who could talk seriously. Unfortunately, the pirates may have pondered the fate of the *Maersk Alabama* hostage takers; only a week before, a 33-year sentence had been handed down to the one pirate who had survived. Young and inexperienced, possibly high on *khat* and now leaderless, with one US warship less than half a mile away and three more in sight, including the nuclear-powered aircraft carrier the USS *Enterprise*, the pirates attempted to contact their bosses in Puntland.

The details of what happened next is the subject of an investigation. Shots rang out, not from a naval vessel towards the pirates, but on board the hijacked yacht. A RPG round was then fired at the USS *Sterett*, possibly in the same desperate spirit. Thirteen pirates seemed to recognize their plight and came on deck with their hands raised. Navy SEALs, whose speedy arrival suggests they were ready to make an assault long before the shooting began, arrived to find two more pirates dead and two more in hiding. They shot one and killed the second in a close-quarters knife fight. The four Americans, who they had come to save, lay shot and dying.⁴⁹

Serious questions have been raised about the strategy followed by the FBI hostage negotiating team; in particular, whether it was prudent to separate the pirates from their immediate leaders by detaining them on board the *Sterett* and, it has been suggested, cutting their link to their senior leaders ashore. That these links were being monitored can be assumed from the fact that the on-land negotiator was picked up later and spirited back to the US for trial.⁵⁰

Defiant statements from pirates after they have experienced violent setbacks have become common. Threats to attack both French and American ships were issued after the *Le Ponant* and *Maersk Alabama* incidents, but nothing came of them. However, the threats issued after the *Quest* may have signaled a new attitude toward

⁴⁹ U.S. Department of Defense, "DOD News Briefing with Vice Adm. Fox via Telephone from Bahrain on Somali Piracy Aboard the S/V *Quest*" (news transcript), 22 February 2011.

⁵⁰ Warren Richey, "US seizes man in Somalia, says he was pirates' negotiator in fatal hijacking," *Christian Science Monitor*, 13 April 2011.

hostages. In particular, a pirate named Muse Abdi said that killing hostages “has now become part of our rules,” while another told reporters only minutes before the killings took place that “the hostages will be the first to go.” Ominously, another pirate who gave his name as Bile Hussain said it was a “black day for us and also the Americans, but they lost bigger than us.”⁵¹ To what degree this was bravado, words calculated carefully to resonate with Western values and Western fears, or a real change of attitude will only be revealed over time. However, pirate attitudes toward hostages did appear to be changing, with those from states that had taken violent action against them being singled out for special treatment.

Comparisons can be invidious, yet nonetheless reflect real differences. The reticence with which the members of the various Western coalitions – CTF-151, NATO, and the EU—have used violence stands in contrast with other states that have chosen to keep their forces under national control. There also appears to be a greater willingness on the part of pirates to stand and fight. A few examples are worth highlighting.

Russia

Somali pirates hijacked an oil tanker named the *Moscow University* off the Yemimi coast in May 2010. Russian naval forces aboard the warship *Marshal Shaposhidov* were accused of setting the hijackers adrift with little or no means of returning to the coast safely, or of killing them by placing their bodies aboard their own boat and then blowing it up. Although the evidence is inconclusive, the pirates ashore appeared to take the charges seriously and threatened a tit-for-tat response. A Russian spokesman denied the allegations categorically, saying that they had returned the pirates to their boat but had given them adequate supplies and had not intended to kill them.⁵²

⁵¹ “4 Americans on hijacked yacht dead off Somalia,” *CBS News*, 22 February 2011.

⁵² David Cairns, “Russian navy ‘sent Somali pirates to their death,’” *The First Post*, 12 May 2010. See also the video at

South Korea

On January 15, 2011, the MV *Samho Jewelry* was pirated approximately 350nm southeast of Muscat, Oman. The 20,000-tonne product tanker was carrying chemicals. It was Maltese-flagged, Norwegian-owned, and had a crew of 21 drawn from South Korea, Burma, and Indonesia. It was the second Samho Shipping Company ship to be hijacked; the *Samho Dream*, a VLCC with \$170 million of crude oil aboard, had been hijacked in April 2010 and was not released until November, for what was then a record ransom of \$9.5 million. The South Korean government was clearly unwilling to see this repeated. A South Korean destroyer tracked the *Samho Jewelry* for several days as the pirates attempted to use it as a mother ship from which to attack other vessels, ignoring repeated demands that they surrender. South Korean SOF approached the ship on January 21 and once aboard confronted the pirates. Three soldiers were wounded, and the ship's captain suffered an abdominal wound. The South Korean military said they had mounted the raid because they believed the pirates were exhausted after the long standoff, while also admitting that the battle had lasted five hours. It is perhaps worth noting that the violent intervention took place after North Koreans had shelled a small South Korean island in November 2010, and President Lee Myung-bak had been criticized for his muted reaction.⁵³

India

The incident involving the INS *Tabar*, which attacked a Thai-owned trawler that was being used as a pirate mother ship in November 2008 even though its crew was still aboard, will be discussed in the

<http://www.abovetopsecret.com/forum/thread582100/pg1> (accessed 8 May 2011); and "Russia did not intend to kill pirates: Military," *Agence France-Press*, 17 May 2010.

⁵³ "MV SAMHO JEWELRY pirated in the Indian Ocean," EU NAVFOR Somalia, 15 January 2011; Su-Hyun Lee and Kevin Drew, "South Korea rescues crew and ship from pirates." *New York Times*, 21 January 2011; "Somali pirates hijack South Korean oil tanker Samho Dream," *The Times*, 5 April 2010; "Somalia pirates get hefty ransom," *Al Jazeera*, 7 November 2010.

following section. In February 2011, the Indian Navy cornered another captured fishing vessel with men from Burma and Thailand aboard that was being used as a mother ship, in this case close to the Laccadives, a group of small islands roughly 100 to 240nm off the southwest coast of the Indian mainland. The 28 pirates on board surrendered after only a brief exchange of fire and were taken to Bombay for trial.⁵⁴ Barely a month later, the Indian Navy attacked another mother ship, the Mozambique trawler *Vega 5*, which had been used as a base for several piracy attempts. The navy approached the ship nearly 700nm off southern India and was fired upon. Fire was returned, and 61 pirates together with the original crew jumped into the sea to flee the burning ship.⁵⁵ The navy later discovered that 25 of the pirates were under 15 years old and, of these, four were no more than 11.⁵⁶ As with the *Quest*, the pirate organizers in Somalia threatened to take revenge on Indian seamen: Bile Hussain, the same spokesman as in the *Quest* case, was reported as saying that the Indian government must “release our friends in their hands or else they have to be ready for their citizens to be mistreated in the near future.”⁵⁷ Within a month it appeared that the pirates were prepared to make good on this threat: when the crew of the UAE-owned *Asphalt Venture* were released upon payment of ransom after seven months in captivity, six of the 15 Indian crew members were held back pending release of pirates captured by the Indian navy.⁵⁸

⁵⁴ “28 Somali pirates captured by India to face trial,” *Associated Press*, 10 February 2011.

⁵⁵ Ashok Sharma, “Indian navy captures 61 pirates in Arabian Sea,” *Associated Press*, 14 March 2011.

⁵⁶ Rajat Pandit, “25 of 61 pirates arrested by Navy at sea are children below 15 yrs,” *Times of India*, 17 March 2011.

⁵⁷ “Somali pirate threatens ‘revenge’ after India captures 61 raiders,” *Associated Press*, 16 March 2011.

⁵⁸ Muneeza Naqvi, “Somali pirates keep Indian hostages despite ransom,” *Associated Press*, 16 April 2011.

Indonesia

In March 2011, a group of between 30 and 50 pirates seized an Indonesian-owned and -flagged bulk carrier, the *Sinar Kudus*, about 320nm north east of Socotra, a Yemeni island in the Indian Ocean. In April, Indonesia announced that it had deployed two frigates with 400 embarked marines to protect the ship and crew following its release. Once the ransom, reputed to be between \$3 million and \$4.5 million, was agreed upon and the pirates had left the ship, the Indonesian marines pursued the pirates, killing four in a firefight.⁵⁹

III. Counterpiracy

A. Naval Presence

Limited naval anti-piracy operations began in 2006, following the November 2005 attack on the U.S.-owned cruise liner the *Seabourn Spirit*. UN Security Council resolutions made it easier for states to send warships to the region, and from mid-2008 onwards vessels from the U.S., U.K., France, Germany, Canada, the Netherlands, and Pakistan began to undertake operations. At the beginning, the level of cooperation was generally rudimentary. Communication between established allies well-versed in each other's methods such as the U.S. and U.K. was close and routine, but other navies found communication more difficult. Differing rules of engagement also presented problems, with some states allowing their commanders at sea to take more decisive action than others. The three missions that were assembled to deal with Somali piracy reflected these political imperatives.

⁵⁹ "Indonesia to pick up hostages from Somali pirates," *Agence France-Presse*, 16 April 2011; "Indonesian army kills 4 pirates; 20 hostages freed," *Associated Press*, 3 May 2011.

Discussion Questions

1. The key variable in limiting pirate effectiveness appears to be ship self-protection, not naval deterrence or faster naval reaction times. What lessons can navies learn from this? How might it affect their relations with civilian ship owners and crews?
2. Some in naval circles have suggested that US reluctance to engage pirates on land has been based on a calculated assessments of relevant operational factors; other have suggested it has been postponed by three words: “Black Hawk Down.” Which explanation appears to explain the facts best?
3. What are the implications of independent actors within the task force structure? What are its advantages and disadvantages?
4. Apart from counterpiracy efforts, what are other advantages of ongoing cooperative naval operations? Are these advantages worthwhile even if the counterpiracy efforts are less than successful?
5. What alternative naval force structure might achieve the same result more economically?

NATO

The NATO mission Operation Allied Provider was the first to be stood up. It was established to provide close protection for World Food Program (WFP) aid ships to Somalia in October 2008, following the hijacking of the cargo ship MV *Faina*.⁶⁰ The mission consisted of four ships drawn from Standing NATO Maritime Group Two (SNMG2) under the command of Allied Maritime Component Command Naples and lasted from October 24, 2008 to December 12, 2008.⁶¹ The mission was spurred by the concerns expressed about

⁶⁰ Ploch et al., “Piracy off the Horn of Africa”, p. 20.

⁶¹ “Operation Allied Provider,” n.d.,

http://www.afsouth.nato.int/organization/CC_MAR_Naples/operations/allied

Somali piracy by several European governments and was intended to be an interim measure until the EU could stand up its own operation. Somali pirate activity had interfered with relief operations, and it had only been possible for them to continue prior to the NATO mission because France, Denmark, Canada, and the Netherlands had each unilaterally agreed to deploy warships to protect deliveries for a limited period.

At the NATO defense ministers' meeting in Krakow, Poland in February 2009, it was decided to extend the mission mandate for an unspecified period under the designation Operation Allied Protector. It involved the diversion of Standing NATO Maritime Group One (SNMG1) when it was on its way to a training exercise in the Far East and Australia. The deployment commenced in August 2009, with ships from the U.S., U.K., Greece, Italy, and Turkey controlled from NATO's Joint Command Headquarters in Lisbon.

In August 2009, Operation Allied Protector was replaced by Operation Ocean Shield under the command of SNMG2. The mission's stated aim was to bring "a distinctive NATO role based on the broad strength of the Alliance by adopting a more comprehensive approach to counter-piracy efforts"; the specific intention was to help local states build the capacity to combat piracy activities with minimal external assistance, in order to create a "lasting maritime security solution off the Horn of Africa."⁶²

[provider/index.htm](#); Bjoern H. Seibert, "Avoiding the institutional 'beauty contest' in countering Somali piracy," *RUSI Commentary*, n.d., <http://www.rusi.org/research/militarysciences/maritime/commentary/ref:C49468FDE5E126/>; "Nato joins Somalia pirate fight," *Al Jazeera*, 10 October 2008, <http://english.aljazeera.net/news/africa/2008/10/2008109173022242657.html>; "NATO ships to fight piracy off Somalia," *Agence France-Presses*, 22 October 2008, <http://globalnation.inquirer.net/news/breakingnews/view/20081022-167899/NATO-ships-to-fight-piracy-off-Somalia>

⁶² "Operation Ocean Shield," n.d., http://www.manw.nato.int/page_operation_ocean_shield.aspx

EU NAVFOR

The EU mission was announced in October 2008. When it was stood up in December 2008 as EU NAVFOR Operation Atalanta, it became the second piracy-specific international mission to be deployed in Somali waters.⁶³ Like the NATO mission, it consisted of seven warships drawn from France, Germany, Greece, the Netherlands, and Spain, supported by contributions from Portugal, Sweden, and non-EU member Norway, operating under British command from the Permanent Joint Headquarters facility at Northwood, just outside London. It was intended to replace the NATO mission with “no voids and no duplication.”⁶⁴ Both Jaap de Hoop Scheffer, NATO’s Secretary-General, and Javier Solana, the EU’s High Representative for Common Foreign and Security Policy, stressed the need for cooperation. As part of its effort, EU NAVFOR also established the Maritime Security Centre – Horn of Africa (MSC-HOA), an online reporting center for shipping transiting the region, which provided a useful website that supplemented existing reporting centers provided by the U.K. (Maritime Trade Office, Dubai) and the U.S. (Maritime Liaison Office, Bahrain). In June 2009, the EU Council agreed to extend the operation’s mandate for a further year until December 2010. It was renewed again, taking authorization through to 2014.

The deployment of the NATO and EU NAVFOR forces gave the impression that the missions had as much, if not more, to do with demonstrating the effectiveness of two essentially competitive organizations than with finding solutions to Somali piracy. The EU mission also effectively advanced its claim to a role in foreign and security affairs that was separate and above those of its member states. In July 2009, the EU declared that like NATO it would become involved in capacity building by sending a mission to train the TFG’s newly created anti-piracy force. In March 2010, the EU went further when it announced it would shift at least some of its attention away from the protection of WFP ships in order to disrupt the operations of

⁶³ Ploch et al., “Piracy off the Horn of Africa,” p. 21.

⁶⁴ Seibert, “Avoiding the institutional ‘beauty contest’ in countering Somali piracy.”

the pirates' mother ships as the waters calmed down at the end of the northeast monsoon season.⁶⁵ This resulted in the "full court press" operation mentioned previously, which between October and November 2010 spread out 14 EU ships along the Somali coast at 50nm intervals, each one positioned between five and 30 miles offshore, to interdict pirate ships departing the coast. The response of the pirates was, as described, to deploy mother ships with hostages aboard.

CTF-151

The third cooperative mission, Combined Task Force (CTF) 151, was established in January 2009 by the U.S. Navy. It was a spin-off from CTF-150, which had been established in 2001 as part of Operation Enduring Freedom (OAF) to track possible al Qaeda and related movements between Pakistan and the Horn of Africa. To accomplish this counterterrorism mission, CTF-150 usually deployed about 14 warships and a supply vessel to cover 2.5 million square miles of ocean, not just off Somalia but also the Gulf of Oman, the Arabian Sea, the Red Sea and large parts of the Indian Ocean. CTF-150 only became involved in counter-piracy operations following the 2005 attack on the *Seabourn Spirit*. Senior U.S. naval commanders have consistently been concerned that this supplementary activity has been a distraction from what continued to be its primary mission. Equally, some states, particularly Germany, which were reluctant to tackle piracy as part of an OAF-related mission, found it much easier to join a coalition effort that was more clearly differentiated.

⁶⁵ Sandra Jontz, "EU navies to go on offensive against pirates," *Stars and Stripes*, 9 March 2010 at <http://www.stripes.com/article.asp?section=104&article=68563>; Katherine Houreld, "Warships more aggressive in confronting pirates," *Associated Press*, 18 March 2010 at http://www.navytimes.com/news/2010/03/ap_somalia_piracy_031810/

Forces Under National Control

In order to avoid placing allied officers commanding CTF-150 in difficult positions politically, the U.S. Navy sometimes placed its own ships under national control. The USS *Winston S. Churchill*, for example, was operating under national control when it apprehended pirates in January 2006. The announcement that NATO would be sending a standing force into the Indian Ocean for the first time in its history spurred a number of other nations to send warships to the region. In October 2008, Russia, some of whose citizens had been seized by pirates when the *Svitzer Korsakov* and *Faina* were hijacked, issued a statement saying it would be sending a warship with support craft to the region that would cooperate with US and EU forces. In December 2008, China announced it would be sending a task force consisting of two destroyers and a supply ship after a Chinese-flagged vessel, the *Zhenhua 4*, fought off an attack in the Gulf of Aden. In January 2009, Japan announced it would make a similar commitment despite the pacifist clauses in its constitution; two destroyers arrived in the area in March and were replaced in July by two others that had been issued with what were described as “expanded rules of engagement.”

India had announced in October 2008 that it would send ships to guard Indian-flagged vessels and Indian seamen who had come under attack and been held hostage; it was exercised particularly by the September 2008 seizure of the MT *Stolt Valor* with 18 Indian nationals on board. That November, the INS *Tabar* fired on what was described as a suspect pirate vessel. However, it turned out to be the *Ekawat Nava 5*, a Thai fishing vessel that had been hijacked by pirates for use as a mother ship with the original crew still on board. The pirates reportedly opened fire that the *Tabar* returned, causing explosions on board that the Indian Navy ascribed to exploding ammunition. There were no reports that the Indian ship stopped to pick up survivors.⁶⁶ According to the only fisherman to come through the ordeal, he and all but two of the hijacked crew were tied up on deck when the attack started. He

⁶⁶ Borzou Daragahi, “Indian Navy foils suspected attack,” *Los Angeles Times*, 19 November 2008 at <http://articles.latimes.com/2008/nov/19/world/fg-piracy20>

managed to escape overboard and drifted at sea for six days before being rescued and taken to Yemen. Although forceful action against pirates is frequently justified and often required, this incident illustrates how necessary it is to acquire as accurate a picture as possible of the potential situation prior to any engagement, and that when hostages are involved, their lives are often more at risk than the pirates’.

Other states that sent warships to the region at various times include Australia, Malaysia, Pakistan, Saudi Arabia, Singapore, and South Korea. As a consequence of the coalition naval initiatives and the contributions made by states on an individual basis, the number of warships involved in anti-piracy operations in the region, always a figure that was hard to pin down because of the frequent transfers in and out of the area of operations, varied around the 30 ship mark.

B. Challenges

Pirate groups have always aimed to make money. They have no other agenda. They do not engage in piracy to advance clan or other political interests, nor do they support terrorist causes. If money passed from pirates to Islamists, it was paid to keep them off their backs, as it was paid to political and clan figures elsewhere.

The attitude of militant Islamist groups appears to be more opaque. Publically, they say that piracy is “un-Islamic” and that they will stamp it out. Hizbul Islam took a similar position in 2009, saying that if they found the Chandlers they would release them unharmed. Groups that may have been part of Hizbul Islam, were ex-Hizbul Islam, or conceivably al-Shabaab, on the other hand, appeared willing to take what they could from pirates by threatening to disrupt their operations unless they paid what amounted to protection money. There have also been unconfirmed reports that pirates have operated out of the southern al-Shabaab-controlled port of Kismayo or at least obtained supplies from there. If true, this suggests some connivance in their activities but not necessarily any direct engagement.

Discussion Questions

1. There is evidence that some Somali pirates have aided the al-Qaeda affiliate al-Shabaab. Does this justify using counterterrorism measures against the pirates?
2. If an alliance between Somali pirates and al-Qaeda were to expand, would this trigger a more pronounced response from the United States? Would this threat of greater US action deter a pirate/al-Qaeda affiliation?
3. What economic alternatives to piracy exist currently? How could these be developed and new opportunities started to the point that would offer a viable option to piracy? What political and security measures would need to be enacted to making these developments sustainable?
4. What actions could be taken against the financial interests of pirate organizers and their clan patrons, either directly or indirectly, in Somalia or abroad?
5. Is China's involvement in counter-piracy operations a positive or negative from the U.S. perspective?
6. What actions could be taken against the financial interests of pirate organizers and their patrons, either directly or indirectly?
7. Has the counter-piracy operations of Somalia exposed flaws in maritime domain awareness? If so, can those flaws be corrected? How?

Piracy has historically been a crime with a strong political dimension. Although most local and regional naval commanders placed the safety of seafarers and the suppression of pirate activity at the center of their mission, many foreign and defense ministries back home ensured from the outset that political considerations overshadowed their efforts. This was demonstrated most obviously in their preference for “catch and release” over capture and prosecution.

However, it also extended to the suspicion that several navies were using piracy operations as a way of gaining credibility on the international stage. China and Russia in particular were using the deployment to learn (or re-learn) the practicalities of transoceanic operations and to observe how navies that were already well-versed in such operations, such as those of the US, the UK, and France, managed their activities. The consequent concern was that if this experience proved successful, the Chinese in particular might be encouraged to expand their power projection capability—that the lasting consequence of Somali piracy might be that it gave new navies the operational experience they needed to accelerate their development. If this might be the eventual outcome, it would be eventually unavoidable. Open-handed engagement in the meantime could prompt China to become a positive player in international maritime security, fulfilling the constructive role that its economic power and international trading interests warranted, which is what the US Navy was hoping to foster.

There is also a lack of mutual appreciation between the navies and the merchant marines, verging on distrust. Whatever the ultimate reasons for their presence, the navies do try to counter piracy as effectively as they can. They are, however, woefully short on ship numbers and subject to rules of engagement (ROE) that restrict what they can do. Spyros Polemis, the chairman of the International Chamber of Shipping, described the “current military response,” for which “only a handful of navy ships” were available to provide protection on any given day, as amounting to no more than a “sticking plaster on a gaping wound,” and charged that governments had “failed to protect shipping, and the smooth flow of world trade, from being literally held to ransom by Somali criminals.”⁶⁷ They have therefore urged merchant ships to adopt more and more vigorous self-protection measures and have begun to imply that vessels that do not do so are at fault if and when they are attacked and captured.

⁶⁷ Jonathan Saul, “Somali piracy set to surge as monsoon ends: EU navy,” *Reuters*, 14 September 2011 at <http://af.reuters.com/article/topNews/idAFJJOE78D0K720110914?sp=true>

However, when they check in with MSC-HOA, ships that admit that they have an armed protection detachment on board are regarded as being at less risk than those without and are therefore accorded a lower protection status. This assessment might be fair, but it also encourages ships to be less than honest about their true status. While sensible measures have proved effective at deterring pirates, who to date have chosen the easiest available targets, a tone has entered the discourse reminiscent of that voiced by underresourced and ineffective police departments who blame householders for being robbed rather than their own low standards of law enforcement. Some commentators have taken a similar line, suggesting that as ship owners have sought to register their ships with flags that offer the most appropriate balance of tax regimen and technical standards, they are somehow avoiding their responsibilities and, consequently, have no right to call for help. Lax and irresponsible ship owners of course exist, but there are just as many, if not more, ship owners who cannot attain the highest operating standards yet strive to operate within the law. International shipping is a cost-sensitive business; it has achieved historically unparalleled levels of efficiency, which has made the cost of marine transport a negligible proportion of the unit cost of most products and raw materials shipped by sea. The demand that ships increase their level of self-protection, and even embark armed guards, reverses the progress that began 200 years ago with the *disarming* of merchant vessels in peacetime as the piracy threat declined. Merchant mariners increasingly take the views – rarely expressed in public – either that navies have become so preoccupied with power projection that they are no longer attuned to trade protection and have therefore become blind to the threat the Somali pirates represent, or, more mundanely, that if navies are under-prepared or under-equipped for the trade protection mission, shipping companies should not be expected to pay taxes *and* pay what it takes to protect their ships themselves. It is a milder version of Hastings’ judgment on the Royal Navy’s impotence with the Chandlers’ abduction: if navies cannot defend national interests and their own citizens on the high seas, it becomes hard to see what they exist for.

To condemn the navies alone, however, would be unjust. States have always been reluctant to take action against pirates. The reasons and the evasions given to explain this lack of resolve naturally vary from case to case, but the underlying justification is largely consistent: short of a larger political imperative, piracy's political and economic costs are too insignificant to warrant taking action. This reluctance has been in display off Somalia and resulted in naval action that has been hesitant, has relied on rudimentary coordination, and has often been self-serving. Resolution of coordination issues between the various multinational naval task forces and ships from countries such as China, Russia, Japan, and India, which remained under national control, awaited the introduction of a process known as Shared Awareness and Deconfliction (SHADE) in October 2009.

Hesitancy and poor coordination can be seen at work in the Chandler's case. The ROE under which the *Wave Knight* operated contributed to the lack of effective action, while the apparent delay in dispatching the SBS team from the UK meant it arrived in theatre too late to affect the outcome. Viewed more generally, many states instructed their navies not to detain pirates if they caught them at sea, even if they were in possession of incriminating paraphernalia.

The three most important practical benefits of the naval presence were (1) to complicate the operating picture for the pirates, and, (2) when they were sufficiently close to an incident to be able to react in time, either force the pirates to break off their attack or (3) capture them, when enough navies had modified their rules to engagement to permit this. To enhance their chances of success and to decrease the pirates' options, the US Navy, working with its Coalition partners in CTF-150 and the IMO, established a maritime security patrol area (MSPA) in the Gulf of Aden in July 2008 with eastbound and westbound Internationally Recommended Transit Corridors (IRTCs).⁶⁸ This extended for 464 nm (860 km) along the Yemeni coast, from a point just west of the Bab al-Mandeb to a point roughly north of

⁶⁸ See Map 2, p. 28.

Socotra.⁶⁹ In February 2009, the patrol area was moved a short distance further away from the Yemeni coast in an attempt to prevent pirates from hiding among Yemeni fishing craft, and the coordinates changed again in September 2009.⁷⁰ The intention was not to convoy ships, but to group them together for greater safety and to space them in ways that would optimize a warship's chances of reaching them, usually with its helicopter, before pirates had taken control.⁷¹

What it failed to do was to stop piracy. In their statistical study, Percy and Shortland conclude that naval action had a clear deterrent effect, but that this lasted only a short time. If a naval vessel succeeded in disrupting an attack but the pirates escaped, another attack would take place in the same area between 24 and 48 hours later. The danger period in the Somali Basin remained high for 24 to 96 hours.⁷² However, while their figures are similar to those generated by ONI, the explanation that deterrence is responsible is doubtful. Starting in 2009, ONI issued a warning after every credibly reported failed attack that another was probable within 48 hours or 50 nm.

⁶⁹ "Coalition warships set up Maritime Security Patrol area in Gulf of Aden," *ICC Commercial Crime Services*, 26 August 2008 at http://www.icc-ccs.org/index.php?option=com_content&view=article&id=163:coalition-warships-set-up-maritime-security-patrol-area-in-the-gulf-of-aden&catid=60:news&Itemid=51

⁷⁰ Knott, "Somalia, the Gulf of Aden, and Piracy," pp. 8-9. For the details of the September change see UK P&I Club, Bulletin 621, 1 September 2009 at <http://www.ukpandi.com/UKPandi/Infopool.nsf/html/LPBulletin621>

⁷¹ Some navies have effectively provided convoy protection, the French, Chinese and Russian in particular. Sam Bateman, who travelled the corridor in September 2009, records that many large container ships transited the corridors independently, relying on their size and speed to prevent pirate boarding. Bateman's ship went through at 21 kts. The vessels that joined the escorted convoys tended to be laden tankers and bulk carriers. Sam Bateman, "Sea Piracy: Issues in the Indo-Pacific Region" in Andrew Forbes (ed.). *Australian Anti-piracy Operations: Legal Issues*.

⁷² Sarah Percy and Anja Shortland, "The Pirates of Somalia: Coastguards of Anarchy," Brunel University, Economics and Finance Working Paper Series. Working Paper No. 09-42, December 2009, p. 14 at <http://www.brunel.ac.uk/9379/efwps/0942.pdf>.

In fact, the whole notion of naval deterrence is questionable. While it was true that the pirates found it harder to succeed as a consequence of the introduction and refinement of the IRTCs, more naval patrols, and the improved self-protection measures taken by merchant ships, these all came along at more or less the same time, making it difficult to determine which had the greater effect. It was reasonable to assume that better self-protection measures at least bought time for naval forces to move close enough to be able to respond when merchant ships were under attack. Given that pirate success rates dropped off in the Indian Ocean, where the IRTCs did not exist and naval protection was largely absent (although admittedly not to the same degree as in the Gulf of Aden), however, improved self-protective measures appeared to be a key variable, not deterrence or faster naval reaction times. If this conclusion is true, then the justification for a continuing naval presence as constituted currently must be open to doubt, as must be the assertion that it will bring piracy to an end.

Neither can the cost of this presence be ignored. The annual cost of maintaining a naval presence in the Gulf of Aden-Horn of Africa region is estimated at over \$1.82 billion, based on an average daily availability of 29 ships dedicated to counter-piracy operations.. It is hard to justify this solely on the basis of preventing pirates snatching between \$40 million and \$80 million in ransoms. Much larger figures to cover all losses have thus been suggested based on a poorly defined list that includes items such as additional fuel, loss of fees for transiting the Suez Canal, and added insurance premiums. Calculating how much is lost to piracy worldwide has produced a range of figures over the years, none of which have any empirical foundation.⁷³

In truth, piracy is less economically harmful today than it was in the past. A recent study suggests that, taking all possible categories of loss into account, piracy costs the world economy between \$7 billion

⁷³ For a discussion of this subject, see Murphy, *Small Boats, Weak States, Dirty Money*, pp. 49-52.

and \$12 billion a year.⁷⁴ In the context of world trade measured in trillions of dollars, this amounts to little more than a rounding error. Stephen Carmel has pointed out that the Barbary pirates “had a more-or-less established rate for ransom of roughly \$4,000 per person. Today that would be roughly \$1.5 million per person, which would translate to a total ship ransom in the range of \$29 million – not the \$2.1 million the Somali pirates averaged per ship in 2009.”⁷⁵ Given the historically demonstrable link between piracy and economics, it comes as no surprise that without clear proof that the cost of an outbreak is placing an intolerable burden on their interests, states have felt free to take little or no action against it, although such calculations take no account of the loss or death of seafarers and the misery inflicted on their families.

The question marks that hang over navies’ ability to suppress piracy are hardly surprising: there were never enough warships to effectively cover the pirates’ operating areas in the Gulf of Aden and Indian Ocean, which extended over two and a half million square miles of open sea – roughly the size of Western Europe from the coast of Portugal to the borders of Russia - traversed every year by 30,000 commercial vessels on average.⁷⁶ A number of navies, the US Navy in particular, repeatedly made the point that stopping piracy was not an outcome they could bring about.⁷⁷ History was on their side: piracy has never been defeated unless its sponsors on land have been arrested,

⁷⁴ Anna Bowden, “The Economic Costs of Maritime Piracy,” One Earth Future Foundation Working Paper, December 2010, <http://oneearthfuture.org/images/imagefiles/Cost%20of%20Piracy%20Final%20Report.pdf>

⁷⁵ Stephen M. Carmel, “The Big Myth of Somali Pirates,” US Naval Institute *Proceedings*, Vol. 136, No. 12, December 2010, p. 32.

⁷⁶ The first commander of EU NAVFOR, Rear Admiral Phil Jones, RN, estimated he would have needed 50 ships to properly protect ships transiting the MSPA alone. Knott, “Somalia, the Gulf of Aden, and Piracy,” p. 9.

⁷⁷ Andrea Shalal-Esa, “Fight against pirates also needed ashore: US Navy,” *Reuters*, 4 May 2009, <http://www.reuters.com/article/idUSN0440838820090504>. Also Jonathan Saul, “Interview: UK navy chief says navies won’t eradicate piracy,” *Reuters AlertNet*, 8 January 2010, <http://www.alertnet.org/thenews/newsdesk/LDE6071KK.htm>

defeated, bribed, or agreed to a political settlement based on a combination of these elements.

In late 2007, perhaps with this knowledge in mind, the US Fifth Fleet suggested that US Marines should conduct a simultaneous raid on all the known piracy bases. Even though the goal would have been to destroy boats and infrastructure, not to kill or capture pirates, the request was denied. It was stopped by the use of three short words: “Black Hawk down.” The decision appears a poor one in retrospect, as pirate activity, and pirate profits, reached new heights in the months that followed. A strike at that point could have been psychologically decisive. But piracy is inseparable from politics, something that is as true in Somalia as it has been elsewhere. The decision not to proceed would have been redeemed had decisive political action been initiated instead. It was not. The Bush administration again floated the idea of coastal raids in late 2008 but this time, given greater international presence, felt the need to win the support of its partners. They responded coolly. The deciding factor, however, was that the intelligence agencies were unable to supply sufficiently accurate information to make the raids worthwhile.⁷⁸

Somalis are suspicious of strangers. Foreigners stand out. This makes intelligence difficult to gather, but not impossible. The US preference for technical collection methods would appear to be the optimal solution. Pirate bases or encampments, insofar as they exist, are readily identifiable from the air. However, finding and locating bases that as a matter of policy cannot be attacked adds little to an understanding of pirate operations. Moreover, although pirate ships – or Pirate Action Groups (PAGs) as the navies for some unfathomable reason want to call them – can be tracked as they depart Somalia, this is not enough. They need to be tracked continuously as they move into the Indian Ocean shipping lanes, and this does not appear to be happening to the extent necessary. It can be done using commercially available

⁷⁸ “Bush administration plan to go ashore to hunt down Somali pirates is met with skepticism,” *Cleveland.com*, 15 December 2008, http://www.cleveland.com/world/index.ssf/2008/12/bush_administration_plan_to_go.html

surveillance approach radar and optical surveillance systems; the cost is high but not, relatively speaking, exorbitant. The question remains, nonetheless, who will pay? More importantly, an understanding of pirate dynamics ashore needs to be developed, together with the identity and practices of pirate leaders and financiers. Somalia has a sophisticated cell phone network that can be tapped by vessels patrolling offshore and from space, but any information harvested from this source needs to be assessed by someone familiar with neuro-linguistic programming and Somali culture to determine truth from deception. People with both sets of skills are available, although they appear to be woefully underemployed. In addition, the US focus on countering terrorism appears to have meant that few, if any, contacts have been fostered among pirate groups or those familiar with their operations. Yet these people too are not hard to find.

C. Lack of Political Engagement

In contrast with historical experience, the current approach is characterized by a lack of policy engagement, an overreliance on naval patrols, and an overconcentration on judicial solutions. The international response has also suffered from weak or nonexistent strategic communications, arguably the result of unclear policy direction.

Discussion Questions

1. The naval operation off Somali can be regarded as a failure compared to the naval operations of Bosnia, Iraq and East Timor. Why?
2. What is the role of Special Operations Forces in contending with piracy?
3. What factors make the maritime aspects of piracy difficult to deal with?

4. Are civilian casualties – either among the Somali population or the hostages – justified if it brought piracy to an end? If so, what level of casualties would be acceptable, and how could the policy to be sold to key constituencies, e.g., seafarers’ families?

The root cause of these problems has been widespread international indifference to the fate of Somalia post-1995 when the last UN forces left the country. American indifference has been driven largely by the horrific outcome of the battle of Mogadishu in 1993, which has reportedly paralyzed more than one policy initiative, including proposed raids against piracy encampments. American reluctance to become involved in Somalia – above and beyond the bare minimum needed to hunt down the perpetrators of the 1998 East African embassy bombings – has been cemented by the conflicts in Iraq and Afghanistan, which have consumed national resources, political reputations and official attention at an alarming rate.

Apart from the need to respond to the occasional high-profile incident – for the US the hijacking of the *Maerk Alabama*, for the French the *Le Ponant*, and for the British the predicament of the Chandlers (although its response was noticeably low-key following the navy’s initial failures) – policy and its implementation across all states have largely failed to involve the highest level of government. Powers have been content to engage with Somalia through the medium of the United Nations and its agencies such as FAO, the IMO, and the UN Office on Drugs and Crime (UNODC). The consequence has been continuing support for the TFG, the ineffective central government, a continuing refusal to grant international recognition to Somaliland, only half-hearted attempts to deal constructively with the admittedly untrustworthy political leaders of Puntland, and the development of various international initiatives of which the most prominent have been the Contact Group on Piracy off the Coast of Somalia (CGPCS) and the Djibouti Code of Conduct.

The CGPCS was created on January 14, 2009, in response to UNSC 1851. It is described as a “voluntary, ad-hoc forum” at which nearly 60 states and organizations—including the African Union, the EU, NATO, and various UN bodies—and representatives of the maritime-related industries such as shipping and insurance can coordinate political, naval, and other responses to Somali-based piracy. It has five working groups that meet regularly at various locations around the world: Military and Operational Coordination, Information Sharing, and Capacity Building, chaired by the United Kingdom; Judicial Issues, chaired by Denmark; Strengthening Shipping Self-Awareness and Other Capabilities, chaired by the United States; Public Information, chaired by Egypt; and Tracking Illicit Financial Flows, chaired by Italy.⁷⁹

The Djibouti Code of Conduct (or, to give it its full title, the Djibouti Code of Conduct Concerning the Repression of Piracy and Armed Robbery Against Ships in the Western Indian Ocean and the Gulf of Aden) was signed on January 29, 2009 by nine regional states. A further eight have signed subsequently, bringing the total to 17 out of the 21 eligible to accede. The signatories have agreed to co-operate to advance:

- The investigation, arrest and prosecution of persons or people suspected of perpetrating or aiding piracy;
- The interdiction and seizure of suspect ships and equipment;
- The rescue of ships, persons, and property subject to piracy and armed robbery; and
- The conduct of shared operations such as the provision of “shipriders,” i.e., law enforcement officials embarked on the naval vessels of another signatory.

In addition, the Code provides for information sharing. To facilitate this, it has enabled construction of three new centers: two dedicated to rescue coordination in Mombasa, Kenya and

⁷⁹ US Department of State, “Contact Group on Piracy of the Coast of Somalia,” <http://www.state.gov/t/pm/ppa/piracy/contactgroup/index.htm>

Dar es Salaam, Tanzania (a sub-center) and one dedicated to maritime information in Sana'a, Yemen. Other aspects of the Code cover the implementation of adequate anti-piracy legislation and the provision of support and assistance by extra-regional powers.⁸⁰

Both initiatives reflect an international aspiration to replicate off of the coast of Somalia what is seen as a successful institutional solution to piracy in Southeast Asia, even though the two situations differ markedly. Until the recent rise in Somali piracy, Indonesia was the most pirate-prone nation on Earth. Most piracy in the Strait of Malacca originated in Indonesia. For reasons outsiders need not agree with but can understand, Indonesia did not place a high political priority on piracy suppression and greatly resented the international criticism that flowed from this decision. Japan made persistent efforts to cajole Indonesia and other littoral states in the region to take firmer action. By 2001, Tokyo had secured agreement for the establishment of ReCAAP (the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia) but substantial action was not undertaken until after the US proposed the Regional Maritime Security Initiative (RMSI) in 2004 and the Joint War Committee of Lloyd's of London designated parts of the Malacca Strait a war zone for insurance purposes in 2005.⁸¹ It was these two pressures – the suggestion that the United States would deploy naval forces and Marines to the Straits to deal with the problem unilaterally, and the imposition by Lloyd's of an economic cost that the littoral states could not disguise, manipulate, or ignore – that prompted Malaysia, Singapore, and Indonesia to take action jointly to head off unacceptable international interference and to breathe effective life into ReCAAP's cooperative procedures. Several other factors had arguably greater

⁸⁰ International Maritime Organization, "Djibouti Code of Conduct," <http://www.imo.org/OurWork/Security/PIU/Pages/DCoC.aspx>; James Kraska and Brian Wilson, "Combating Pirates of the Gulf of Aden: The Djibouti Code and the Somali Coast Guard," *Ocean and Coastal Management*, Vol. 30, 2009, pp. 1-5.

⁸¹ For the Joint War Committee of Lloyd's of London, visit "Joint War Committee," *Lloyd's Market Association*, http://www.lmalloyds.com/Web/market_places/marine/JWC/Joint_War.aspx.

impact, of which the most significant probably was the Chinese government's 1998 clampdown on internal corruption that closed the market for pirated goods in southern China.

The critical point is that the littoral states of Southeast Asia had functioning governments that were open to international persuasion and assistance and could take steps of varying effectiveness to address the piracy problem. They were reasonable interlocutors, whose existence meant maritime states could work with littoral states that responded to political pressure and financial inducement.

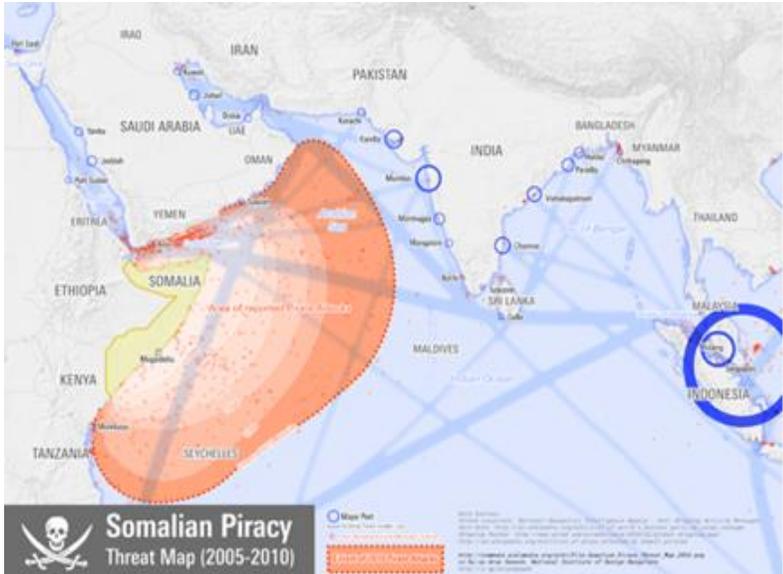
The situation in the Horn of Africa is not comparable. Somalia is a failed state. The other states in the region have varying levels of governmental competence, but all lack the economic resources to tackle the problem. Regional consultative mechanisms are weakened by local rivalries, most particularly between Ethiopia and Eritrea, both of which have interfered in Somalia's domestic politics in pursuit of their own interests. The larger regional players, the AU and the Arab League, are interested in the political problem of Somalia but have little interest in piracy. There is a chance that a rising sense of alarm among members of the Gulf Cooperation Council (GCC) triggered by pirate attacks on shipping heading for or departing the Arabian Gulf might presage a change of attitudes in the wider region. Among international institutions, the UN, the EU, and NATO have engaged in pirate suppression with varying degrees of effectiveness and understanding. The insurance industry raised rates for shipping in the Gulf of Aden, but this did not have the effect it had in Southeast Asia with governments that were sensitive to increases in business costs and to the impression that they were unable to control their own territory.

One final diplomatic effort need to be mentioned: the Somali contact group on counter-piracy, also known as the Kampala Process. This was established in January 2010 in response to a request by Working Group 1 of the CGPCS for a venue where counter-piracy information generation and sharing discussions and negotiations could take place between the TFG, Puntland, and Somaliland, and where their counter-piracy efforts could be coordinated. The United Nations Political Office for Somalia (UNOPS), based in Hargeisa, Somaliland,

provides secretariat functions to support the drafting of new anti-piracy laws to be enacted by each of the participants.⁸²

D. Three Representative Incidents

The examples of the *Bonsella*, the *Golden Nori*, and the *Le Ponant* exemplify these difficulties and strained allegiances.



Map 3: Somalian Piracy Threat Map, 2005-2010

Bonsella: A Pirate Attack in the 1990s

On September 9, 1994, the M.V. *Bonsella*, a small merchant ship carrying emergency aid to Somalia, was approached by a dhow three miles off Caluula, northeast Somalia, on the Gulf of Aden. Once it was alongside, armed men were seen on deck. Two mortar shells were fired, a red flag was waved, and the ship ordered to heave-to or it would be sunk. Eleven men from the 26 onboard the dhow boarded the vessel and identified themselves as the Somali Coast Guard, North East Region. After examining the cargo manifest, they told the master that

⁸² Kampala Process, *Oceans Beyond Piracy*, n.d., <http://oceansbeyondpiracy.org/matrix/activity/kampala-process>

the *Bonsella* would be used to apprehend fishing vessels operating off the Somali coast without proper licenses. On September 10, the vessel, still accompanied by the dhow, approached two suspected fishing vessels, both of which turned out to be merchant ships. One was pursued and ordered to stop via VHF radio messages. Instead it increased speed and headed out to sea, despite two mortar shells being fired in its direction. When the “coast guards” were asked why a ship that was obviously not a fishing boat had been fired upon, the hijackers explained that “they wanted to capture a faster vessel for their patrolling operations” and promised to release the *Bonsella* once they captured a ship that better met their needs. They ordered the master to prepare the vessel’s Zodiac for future use during pursuit operations. After moving past Cape Guardafui on September 12, the ship and dhow headed for the open sea the next day, where they drifted while awaiting passing vessels.

Late in the afternoon on the 13th, they chased a ship using the dhow and the Zodiac but were unable to catch it. The master was advised that his vessel and crew would be released the following day. That day, September 14, the captors demanded that the ship’s cargo of aid supplies as well as almost all of its stores and equipment be discharged into the dhow before they would release the ship, and threatened that if the crew resisted, they would be shot and the ship sunk. By 1300 hours the transfer was complete. The “coast guards” then demanded the ship’s cash, claiming they needed the money to pay the stevedores at Boosaaso. The captain attempted to bluff it out but was marched to the ship’s safe and made to open it at gunpoint. The hijackers then returned to their dhow and ordered the master to sail for Djibouti. Although the crew had been escorted everywhere at gunpoint throughout their ordeal, fortunately none were injured.

Although this attack—along with others such as that on the MV *Full City* in 1995, in which currency and alcohol were stolen—share strong similarities with pirate attacks the world over, many of the features that now distinguish Somali piracy from that which occurs elsewhere were also evident, such as the use of “mother ships,” the prevalence of kidnapping, the targeting of foreign fishing boats and aid

ships, the distance from shore, and the involvement of corrupt political figures. Experience from other pirate-prone areas around the world strongly indicates that many, if not most, pirate incidents go unreported. The level of organization displayed by this attack suggests that the pirates were too well-practiced for it to have been anything other than part of a pattern.

Golden Nori: *Fears About Terrorism*

In October 2007, the Panamanian-flagged, Japanese-owned 11,600 DWT chemical tanker *Golden Nori*, loaded in part with benzene, was hijacked in the Gulf of Aden about 70 nm off the Somali town of Caluula.⁸³ This was one of the first recent hijackings in the Gulf; most previous major ship attacks had taken place off the Indian Ocean coast. The USS *Porter* responded to the ship's distress signal and succeeded in sinking the pirates' skiffs, which were being towed behind the tanker. With assistance from a German naval vessel, the *Porter* prevented it from entering the port of Boossaso, but they could not prevent the tanker being sailed to a point 380nm (704km) further south, where it was then moored. Because benzene is particularly volatile, fears were expressed that the hijacking was either terrorist-inspired or that the ship might fall into terrorist hands and be used as a floating bomb to attack a major port. The U.S. Navy received permission to enter Somali territorial waters to keep the *Golden Nori* under close observation. Senior naval commanders took the view that the permission granted could serve as a useful precedent in the future, whether the attack was terrorist-inspired or not. The dock landing ship USS *Whidbey Island* remained on station until the ship and its crew was released in December, shortly after the pirates issued a demand for

⁸³ Office of Naval Intelligence, "Worldwide Threat to Shipping Report," 31 October 2007, paragraph H.2, http://msi.nga.mil/MSISiteContent/StaticFiles/MISC/wwtts/wwtts_20071031100000.txt. The relevant National Geo-spatial Intelligence Agency (NGA) Anti-ship Activity Message (ASAM) is 2007-280 dated 28 October 2007 but apart from the precise coordinates of the ship's position when it was hijacked provides little other useful information.

a \$1 million ransom and the US Navy began to block supplies, including *khat*, reaching the ship from the shore.⁸⁴

Le Ponant: An SOF Raid, a UNSC Resolution, and an Attempted Prosecution

In April 2008, the *Le Ponant*, an 850-ton, three-masted French luxury sail cruise ship that was relocating from the Seychelles to the Mediterranean for the summer cruising season with 30 crew but no passengers on board, was hijacked in the Gulf of Aden, triggering the most robust counter-piracy response up to that point.⁸⁵

The captain, Patrick Marchesseau, had set his course based on naval advice and was following a track designed to take his ship down the midline of the Gulf, about 100nm from both the Yemeni and Somali coastlines. The ship was proceeding at its maximum economic speed of 13kts. Pirates sensibly go to where the ships, are which is where the navies and maritime safety organizations tell them they should be. Ships first were told they should stay 50nm off the coast of the Indian Ocean, so the pirates waited at the 50nm line; then they were told to keep 100nm off the coast, so the pirates followed them there, and so on. Some ships now hug the coast of India, which is where the pirates are operating as well. Waiting for *Le Ponant*, therefore, was a hijacked long-line fishing boat, sitting silent and stationary right where it knew its potential victims would be sailing. Marchesseau was sufficiently suspicious of the vessel to give it a wide berth, however. He relaxed once it passed astern, only to be told that two skiffs carrying a total of nine pirates were approaching them at speed. The pirates were clearly experienced. They ignored the temptation to board the *Le Ponant* using the yacht's low marina deck at the stern. If they had done so, they would have become entangled in the ropes the yacht was trailing precisely for this purpose. The pirates instead took up positions

⁸⁴ E-mail correspondence with Vice-Admiral Kevin J. Cosgriff, USN, 2 May 2011.

⁸⁵ "Le Ponant Pirate Attack: The Released Hostages and Pirates Speak," *Yacht Pals*, 17 April 2008; William Langewiesche, "The Pirate Latitudes," *Vanity Fair*, April 2009.

either side of the yacht's mid-point. This meant that when it tried to zigzag, they were sitting at the points where the maneuver had the least effect. They then approached the yacht and hooked a ladder over the side. When crewmembers attempted to dislodge the ladders, the pirates opened fire with AK-47s.

Once on board, the pirate's leader, Ahmed, ordered Marchesseau to make for Cape Guardafui, and tracked the fidelity of the ship's progress using a hand-held GPS receiver. Proceeding as slowly as he dared, Marchesseau and his crew watched as the yacht was intercepted by a Canadian frigate, the HMCS *Charlottetown*. It launched its helicopter to look them over, but made no attempt to intervene. The pirates were blithely unconcerned by its presence and were equally unperturbed when it was joined and then overtaken by a French corvette, the *Commandant Bouan*, which tracked the yacht as it was sailed south along the Somali coast for another two days. If anything, the pirates were more concerned about being pirated themselves and shot at any small craft that approached too close. They stopped once to pick up food and reinforcements. The food came in the form of live goats that the pirates slaughtered, bled, butchered, and cooked on deck as they needed them.

Their destination was the town of Gara'ad, a line of tin roofs hugging the coast south of Eyl in Puntland. The yacht was anchored about a mile off the town. Out to sea, the corvette was joined by a French frigate and, over the horizon, by a helicopter carrier. The helicopter carrier's presence could not have been a secret, as fishing vessels passed by it every day.

The *Le Ponant* was greeted upon arrival by about 70 townsfolk, some 30 of whom were paid about \$50 a day to help the pirates guard their prize while they took turns to go ashore. It emerged subsequently that this group was loosely affiliated with the group that hijacked the *Faina* some months later. Senior figures also came on board, one of whom was described as the "chairman" and another who acted as a translator. A conference was convened at which it was decided to ask for a ransom of \$3 million.

During the time he and his crew were held, Captain Marchesseau was told that the pirates were subject to fines for breaches of discipline: \$100 for late return from shore leave; \$500 for discharging a weapon; \$1,000 for sleeping on watch; \$2,000 for harming a hostage. American journalist William Langewiesche suggests that reports issued after the hostages were released inflated the importance of this list into a pirate code or charter, and comments that “the penalties described, if remotely accurate, were probably poorly enforced.”⁸⁶ Yet the crew’s actual experience suggests that the pirates did respond to discipline: one man who accidentally discharged his weapon was immediately sent ashore and, when Marchesseau objected to the theft of the crew’s possessions, those who took them were reprimanded and the items returned. Langewiesche adds without further explanation that in some cases this was only temporary.

The negotiations were conducted with the owners via the yacht’s satellite phone. An initial counteroffer of \$1.3 million was rejected. After several days of haggling, \$2.15 million was agreed on, to be delivered directly to the pirates on board. This was one of the first times the pirates had made such a demand, and the air-drop methods that would later be developed were not yet in place. Instead, the money was sent to the French frigate, which launched two Zodiacs to a point some distance away from where the yacht was anchored. The pirates’ negotiating team approached the Zodiacs in skiffs. Three bags of money were handed across, and the pirates counted it out in their boat in sight of the French naval and *gendarmerie* team. When they were satisfied, the pirate negotiators headed for the beach. The hostages, minus Marchesseau, were allowed to board the Zodiacs, which took them to the frigate. The captain’s three guards were collected by a skiff, which also headed for Gara’ad. Marchesseau was left alone exactly seven days after the pirates had first come aboard. A French SOF team then arrived and evacuated him to the frigate.

Shortly afterwards, a report reached the task group that a SUV was leaving the town. Helicopters were scrambled with SOF on board.

⁸⁶ William Langewiesche, “Pirate Latitudes.”

The SUV was spotted, and its engine block shot out. Six men were captured, and \$200,000 of the ransom recovered. When the captives were paraded before Marchesseau, however, he only recognized three of them. The governor of the Mudug stated subsequently that only two of the captives were pirates; the remaining four were *khat* dealers unconnected with the events on board. The yacht's crew was taken to Djibouti and flown to France, where President Sarkozy himself greeted them, deeming their return a great triumph. The captives were also sent to France, where the authorities stated on several occasions that they would be tried. So far, there has been no record of any trial taking place, and what happened to these men is unclear. It is possible that were returned to Puntland, where they may have been imprisoned.

As a consequence of the *Le Ponant* incident, the French government made it clear that it would take a leading role in finding an international solution to Somali piracy and announced shortly afterwards that it was working with the US and the UK on a joint resolution to be put before the UN Security Council. This was adopted by the Council in June 2008 as UNSC Resolution 1816.⁸⁷ Interestingly, the French operated a carrier group in the northern Arabian Sea in 2006 that mounted air operations over Afghanistan, but they were unwilling to place it under CTF-150 and therefore the group remained under national control at all times.

IV. Strategies and Counterstrategies

History does not provide statesmen or officials with a template for action, but experience suggests that once the necessary political will has been aroused, any counter-piracy strategy needs to confront three issues:

- How to conduct operations on land
- How to deny pirates access to capital, labor, and markets
- How to transform pirate activity using legal and economic incentives

⁸⁷ United Nations Security Council, Resolution 1816 (2008), 2 June 2008.

Discussion Questions

1. What are the pirates' weaknesses, strategically and tactically? How can these weaknesses be exploited?
2. What would be the effect of specific international regulations clarifying piracy and the international community's reaction to it?
3. Pirates are considered both criminals and military enemies, giving them an ambiguous status: they possess the rights and protections of both groups. What is a workable solution to this?
4. How can anti-piracy success be measured? Harsher penalties for pirates has led to harsher treatment of their victims. Are civilian casualties justified in order to stop piracy?
5. What are key ingredients to a successful counter-piracy operation? Is CTF-151 useful or necessary?
6. Are anti-piracy operations with sub-optimal results worth the effort?

A. Conducting Operations on Land

Piracy is an act of depredation that is executed at sea but planned and mounted from the land. Piracy's weakest link is its need for safe harbors and land-based support. Reducing their bases disrupts and generally denies pirates the ability to operate. Failure to do so prolongs counter-piracy operations and often renders them futile. The reason why external force was, and still is, needed to undertake land operations is almost always the presence of weak or ineffective government ashore.

U.S. Navy operations against pirates in the West Indies during the 1820s clearly demonstrate the limitations placed on the effectiveness of a counter-piracy force when it is prevented from operating on land against pirate bases, especially if the obstacle is a hostile government. Because they were suspicious of American motives, Spanish authorities effectively provided the pirates with sanctuary. U.S. sailors were not allowed to land on Spanish territory, and all captured pirates had to be surrendered to the Spanish authorities

on Cuba or Puerto Rico. Although a combined force of U.S. and Royal Navy vessels made life hazardous for the pirates, only when Spain recognized it could not hold onto its imperial possessions and local officials not only withdrew their support for the pirates' activities but also began to cooperate actively in piracy suppression did the outbreak dwindle, eventually ending in 1829.⁸⁸

B. Denying Access to Capital, Labor, and Markets

Piracy can be brought under control more quickly if the economic opportunity that drives it is reduced or if the cost of exploiting that opportunity is raised to the point where the reward ceases to justify the risk. The inability to affect the economic factors driving Somali piracy has been observable from its inception.

Taking action to deny pirates sanctuary in Somalia would alter their risk-reward calculations dramatically because it would divert more of their income into self-protection. Sanctuary is important to the Somali business model: it enables hostages to be held and kept alive cheaply. Kidnap and ransom was less successful around the Strait of Malacca between roughly 2000 and 2005 because pirate negotiators could not use time to their advantage and captives had to be moved regularly to avoid discovery. Whatever their business model, all pirates depend on markets where they can purchase the supplies and equipment they need, hire the labor they require, and sell whatever they plunder. Disrupting any one of these can affect pirate operations adversely; disrupting all of them prevents marauders from operating.

Breaking the labor portion of this economic cycle requires political and economic change within Somalia that will take time to be effective. The focus has been on closing down the demand market where hostages are turned into cash or cutting off the supply of seafarers. The suggestion that demand can be extinguished by making the payment of ransom illegal is callous; ransom is currently the only way that hostages can regain their freedom. Those who advance this argument do so knowing full well that a pool of seafarers will be

⁸⁸ James A. Wombwell. *The Long War Against Piracy: Historical Trends* (Fort Leavenworth, KS: Combat Studies Institute Press, 2010), pp. 42-9.

trapped in Somalia but argue that the long-term gain of piracy eradication outweighs the short-term misery and potential loss of life, even though it may take two years or more for the policy to bite. Further, only a few hundred sailors would be affected, most of who come from developing countries. It seems hard to believe that such calculated inhumanity would not have a depressive effect on the willingness of all sailors to embark on Indian Ocean voyages, and this might well spark a union labor embargo.

Using naval power to cut off the supply of seafarers is hugely inefficient. In the absence of effective action on land or *from* the sea, ship owners will have to invest more in self-protection, including armed protective details where necessary.⁸⁹ These are expensive, and if all ships crossing the western Indian Ocean have to embark such detachments, the cost of goods shipped by sea would necessarily increase. That said, so far no ship passing Somalia with such a detail on board has been hijacked or even attacked.

Ship self-protection measures range from the most basic, such as standing adequate watches, maintaining maximum sustainable speed throughout the transit, and securing all external doors, to the use of powerful lights, high-pressure hoses to throw a curtain of water over the ships' sides, trailing ropes off the stern to prevent pirates gaining access to what is often the lowest part of the ship, possibly fixing booms to each side and trailing ropes in the water beside ships to prevent lateral approaches, using anti-climb paint, and wrapping rails with razor wire, which can be electrified for additional protection. The use of private security guards, especially if they are armed, remains a contentious issue. Nonetheless, it is a market into which the world's leading private security companies have plunged with alacrity, providing services from risk assessment and security advice to hostage

⁸⁹ The IMO have noted that too many ships take insufficient precautions. Gregor Hunter, "Shipping companies fail to heed warnings," *The National* (UAE), February 18, 2011. After resisting the use of armed guards for many years, the International Council of Shipping changed its policy in early 2011. See "Shippers back private armed guards to beat pirates," *Reuters*, February 15, 2011, <http://af.reuters.com/article/somaliaNews/idAFLDE71E1F520110215>.

negotiation and armed personnel, at rates that already exceed the amount pirates have extracted in ransom.

Although this represents a reversal of an economic trend reaching back to the 18th century, as noted above, this development is being pressed remorselessly by the international community, which prefers to see industry bear the cost of piracy suppression.⁹⁰ It is likely to be ineffective since the pirates retain the escalatory initiative. This was demonstrated in late 2010, when pirates began using hostages as human shields to deter naval forces from intervening and, in some cases, harming their captives once ashore to force the early payment of ransom.⁹¹ These odious developments unfortunately represent a rational response to a situation where the pirates find themselves the subject of more aggressive naval tactics at sea, thus reducing the number of successful hijackings, while at the same time their bases on land are left untouched, thus leaving their sense of immunity intact. The combination is almost an incentive to maximize their returns. It seems likely that the rising cost of protection, coupled to the steady erosion of the effectiveness of that protection as the pirates adapt, will increase pressure on states from ship owners and labor unions to uphold their obligations under the Law of the Sea to protect the right of innocent passage.⁹²

C. How to Achieve Pirate Transformation

Even today, combatants can be divided into two categories: lawful and unlawful. Although modern pirates are treated as criminals,

⁹⁰ On the correlation between greater maritime security and lower transport costs, see Douglass C. North, "Sources of Productivity Change in Ocean Shipping, 1600-1850," *Journal of Political Economy*, 76, No. 5, September-October 1968, pp. 959-60.

⁹¹ Katharine Houreld, "Somali pirates torturing hostages," *Associated Press*, February 1, 2011,

<http://www.businessweek.com/ap/financialnews/D9L44TR80.htm>

⁹² Or on international organizations: See the letter from the International Chamber of Shipping to UN Secretary-General Ban Ki-Moon dated 11 August 2011 and available at

<http://www.marinelog.com/images/stories/2011SEPTPIX/bankimoonletter.pdf> asking for armed UN guards on all merchant ships.

their predecessors were often regarded as combatants who fell for the most part into the “unlawful” category. The famous Dutch jurist Hugo Grotius (1586-1645) argued that pirates could undergo a legal “mutation,” moving from the unlawful to the lawful categories. He wrote: “A transformation [*mutatio*] may take place, not merely in the case of individuals ... but also in the case of groups, so that they who have only been robbers upon embracing another mode of life becomes a state” capable of providing for “the enjoyment of rights.”⁹³

Effecting such a change inevitably means offering pardons and other inducements. This may be repugnant, but it follows ineluctably from piracy’s ambiguous status between the criminal and the political, the cost and difficulty of prosecuting pirates under domestic law, and the logistical, technical, and financial demands of suppressing an activity that exploits the fluid medium of the sea. Although Rome and Britain laid the foundation of all international and national law against piracy today, they both recognized that major outbreaks needed to be addressed flexibly, selectively offering the perpetrators pardon and, in some cases, economic and political incentives to change, as well as punishment and destruction if they did not.

This is not to suggest that amnesty can be made to work easily; the historical record shows that is not the case. Application of this experience to Somalia would be complicated by the fact that before amnesty could be offered to the pirates and their organizers, it would need to be extended to members of the political leadership and officialdom in Puntland who benefit from and in many cases are intimately involved in piracy operations. Development assistance would also need to be in the mix. Amnesty and development would need to be backed with penalties. While most of these would involve the withdrawal of political or economic support, others would need to be directed at individuals, including the cancellation of amnesty, restrictions on travel, and the freezing of bank accounts and other assets held overseas. If history is a reliable guide, the threat of punitive action against pirate bases would also need to be in the mix. Naval patrols

⁹³ Cited in Daniel Heller-Roazen, *The Enemy of All: Piracy and the Law of Nations* (New York: Zone Books, 2009), p. 111.

would need to continue, although better intelligence would make them more productive, and a local coast guard with coordinated land- and sea-based components would need to be raised as part of a coherent political, economic, and judicial program.

Appendix A: An Overview of the Key Social, Cultural, Economic, and Political Issues Shaping Somalia Today

The following section provides a short background and explanation of key components of contemporary Somali history. It sets the stage for comprehending and analyzing the rest of the case study.



Map 4: Somalia

A. Somalia, 1960-1991

In 1960 Britain and Italy granted independence to the two territories they separately controlled in the Horn of Africa. These territories merged almost immediately to form the Republic of Somalia. In 1969, following the assassination of the Republic's first president, the army under the command of Major General Mohamed Siad Barre seized control. Barre was appointed president shortly thereafter and a year later announced that scientific socialism would become the country's official ideology.⁹⁴ The strength of his commitment was always questionable as, like most colonial rulers, he was prepared to accept aid from wherever he could get it; in fact Somalia depended upon it.

The USSR was Barre's sponsor until 1977, when it switched its support from Somalia to the revolutionary regime in Ethiopia, Somalia's traditional enemy, led by Colonel Mengistu. In response, Barre invaded the Ogaden region, an area that had been absorbed into Ethiopia during its imperial wars of the 19th century but whose population remained ethnically Somali. Barre's aim was to secure his regime's domestic support by tapping into pan-Somali sentiment. He was hoping to secure his objectives before the Soviets could come to the aid of their new ally, but he miscalculated and Somalia's army was crushed.⁹⁵

This defeat left Barre's regime seriously weakened internally and dependent more than ever on foreign aid from Arab countries and especially the United States. Although he was no longer able to count on internal unity and allegiance, the aid enabled Barre to expand the army from around the 12,000 possible under Soviet largesse to 120,000 men under U.S. patronage; the disadvantage of this was that the sheer size of the armed forces limited the funds available to manipulate important social groups and exploit the divisions between them. This

⁹⁴ For further reading on scientific socialism, see Frederick Engels, *Socialism: Utopian and Scientific*, 3rd ed. (New York, NY: Pathfinder Press, 2007).

⁹⁵ Ioan Lewis, *A Modern History of the Somali*, 4th ed. (Oxford & Athens, OH: James Currey and Ohio University Press, 2002) (orig. pub 1965), pp. 231-9.

limitation forced Barre to make choices, and he chose to favor his southern power base at the expense of the northern clans living in what are now Somaliland and Puntland.⁹⁶ As a consequence, the first armed resistance to his rule arose in the north in 1978, focused on a clan-based political grouping called the Somali Salvation Democratic Front (SSDF) led by a one-time associate, Colonel Abdulahi Yusuf Ahmed of the Majerteen sub-clan of the Darood clan-family. Barre's response was to arm the other Darood sub-clans and stir up inter-communal rivalry.

The SSDF was the first of the modern-sounding political groups based on traditional sub-clans that arose to challenge Barre. This in turn provoked him into arming their traditional rivals to deflect the violence that might otherwise have been directed against his regime. The Majerteen resistance in the north-east was followed in 1981 by the Isaaq in the north-west. Barre's bitter response to these challenges led to the 1988-91 civil war. His poisonous policy of playing one sub-clan off against another backfired as the army fell apart into clan-based militias. By January 1991, the game was up. Barre at first fled south to the port of Kismayo and then abroad to Nigeria, where he died in 1995.

B. The Reasons for Regime Failure

The United States abandoned Barre at the end of the Cold War. Like the rulers of other ex-colonial states with only a rudimentary government capacity that depended on superpower payments to survive, he lost whatever authority and legitimacy he had been able to buy.⁹⁷ Barre, like the continent's other discarded rulers, scrambled to secure new sources of income to sustain the patronage system that had kept him in power. In common with most other cases where the ruler's

⁹⁶ For more information on the role of clans in Somali society, see chapter 4 of Richard H. Shultz and Andrea J. Dew, *Insurgents, Terrorists, and Militias: The Warriors of Contemporary Combat* (New York: Columbia University Press, 2006).

⁹⁷ Robert Jackson defined these entities as "quasi-states." See Robert H. Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990), pp. 24-6.

authority was too weak to contain disruptive actions, the response by powerful individuals or sub-groups in Somalia was to concentrate on wealth accumulation rather than strengthening state institutions.

Rent extraction is payments over and above the real cost of goods. It was conducted not by the rulers directly but by groups or individuals who allied themselves to the ruler in return for economic favors. This exchange of goods and services for government money was scarcely more than state-sponsored criminality. Some rulers played this role with conspicuous success, such as Mobutu Sese Seko in the Democratic Republic of the Congo. Although Barre had proved skilled at attracting international aid and manipulating its proceeds for internal political advantage, he proved less adept at extracting rents domestically for the same purpose. His campaign of divide-and-rule was insufficiently effective to save his regime, but all too effective at sowing lasting discord between the clans and sub-clans. In the process he taught his successors how to seize the assets they wanted and sustain militias through predation. Access to political patronage became more important than the efficient use of those assets, a trend that was exacerbated by a 1975 tenancy law making it easier for bureaucrats to expropriate village lands. The law disrupted the customary pattern of land holding in the south, drawing in outsiders who drove the conflict that exploded in the 1990s. The outsiders depended initially on the coercive power of the Barre regime but, as this faltered, political figures who were often Barre protégés began to field their own armed gangs. As the regime's power declined further, these gangs were able to break the law with impunity and Somalia began its descent into political and security chaos.

It is important to understand that discord and disorder did not affect every part of Somalia equally and that civic and economic activity continued successfully (in some cases extremely successfully) in the absence of central government. Nonetheless, it is also the case that some groups viewed the state's collapse not as a crisis but as an opportunity to make money and acquire prestige by using means that in more peaceful circumstances would have been impossible and that otherwise would have been beyond them. These means included

pillage, protection, control of vital trades such as livestock and charcoal exports, administration of trade-related economic activities such as ports and airports, taxing of markets, exploitation of arms and migrant flows, and the expropriation of land. Weaker groups were starved and denied foreign aid to increase their political amenability.

This rent-seeking behavior is apparent in pirate activity in two ways. First, it is at least arguable that some of the initial assaults on international fishing vessels were perpetrated “bottom-up” by local fishermen fighting to retain control over the rich fishing grounds off Somalia that were now unprotected.⁹⁸ From a very early stage, however, their actions were countered by domestic warlord groups intent on making money from the international fleets through the sale of licenses.⁹⁹ This evolution was epitomized in the case of Puntland by its eventual alliance with Hassan Munya, who after absconding to Yemen with a Barre financed fishing fleet in 1991 used it to prey parasitically on local fishermen, forcing them to sell their catch to him at rock-bottom prices.¹⁰⁰ Second, this warlord activity was in line with the more common “top-down” exploitation of conflict perpetrated by elites on land.¹⁰¹

Discussion Questions

1. What is meant when a state is described as “failed”? What are the implications for security?
2. Is the term “failed state” an oversimplification? Has it led to lazy thinking?
3. Like many ex-colonial states in Africa, Somalia was dependent on foreign aid from the moment it was granted independence in 1960. What have been the political and economic consequences of

⁹⁸ Murphy, *Somalia: The New Barbary?* pp. 18-19; 20-21, and 24-25.

⁹⁹ Ibid., pp. 19-20. The journalist Jay Bahadur quotes the pirate leader Boyah commenting on the rapacious practices of the foreign fishing fleets and the protection they received from warlord groups. Jay Bahadur, *The Pirates of Somalia: Inside Their Hidden World* (New York: Pantheon Books, 2011), p. 16.

¹⁰⁰ Murphy, *Somalia: The New Barbary?* pp. 21 and 22-23.

¹⁰¹ Ibid., p. 54.

that dependence for Somalia, for neighboring states, and for the international community?

4. What should a “state” look like? What role do states play? What happens when a state is weak, is failing, or has failed?

C. Somalia Since the Fall of Barre

Clans

Reaching any understanding of Somali piracy or, indeed, any understanding of Somali society and politics generally, demands the recognition that Somalia is a lineage-based society where almost everyone is identified by his or her membership in a clan. Clans are the principal source of individual and family security. Appreciation of political relations requires an understanding of genealogical relationships, although these do not determine enmity or goodwill, merely context. There are six major clan confederations: the Hawiye, Darood, Isaaq, and Dir, which are all traditionally pastoralists surviving on animal herding alone; and the Rahanweyn and Dirgil, which are largely agro-pastoralist, combining herding with arable farming, and consequently have a lower social status. The clans form what anthropologists term segmentary systems, which can best be visualized as nesting Russian dolls fitting inside each other; such systems are decentralized, highly individualistic, and democratic. Clan and sub-clans are led by “elders,” but these individuals, generally senior, adult males, have little instated authority and are not synonymous with chiefs.

Experience in the years following independence demonstrated that clan loyalty was often incompatible with bureaucratic government. After Barre’s fall, the workings of government withered in the turmoil of clan-based conflict. While people may turn to them in times of violence and danger, it is important to note that clans only mobilize as groups when conflict beckons. Clan boundaries are not, therefore, barriers. Cooperation between individual members of different clans and even between clan or sub-clan groupings is not merely possible but commonplace. The Marehan (a sub-clan of the Darood) and the Haber Gedir Ayr (a sub-clan of the Hawiye) formed the Jubba Valley Alliance

in 2001 to control the lucrative traffic through the port of Kismayo. The freedom to cooperate across clan lines was also a crucial factor in Somali piracy: the “Somali Marines,” the highly organized group that started operating from Haradheere in 2005, was based on an alliance between elements within the Majerteen (Darood) and Suliman (Hawiye) sub-clans.

It is important to emphasize that not everything in Somalia has to happen *within* a person’s own clan. Cooperation *across* clans lines is perfectly possible and occurs in many walks of life, commercial activity being a good example. Islamic political movements have also recruited support from multiple clan sources. The leadership of the violent Islamist movement al-Shabaab is drawn from a number of clans, although recently senior leadership positions have generally been held by members of Isaaq sub-clans. Piracy was based on an initial alliance, but recruits have also been drawn from outside this original core. Some educated Somalis living abroad even suggest that they consciously avoid asking each other lineage questions simply because the experience of the past twenty years has demonstrated just how divisive the answers can prove to be.

Discussion Questions

1. What are clans? How are they different from tribes? In what ways should this difference shape the policy responses of external actors?
2. Does cultural understanding matter? If so, how can policy-relevant information be gathered and taught effectively?

Warlords

Following Barre’s departure in 1991, much of the political space was occupied by warlords. Kimberley Marten identifies such figures as leaders (1) who use trained men to take advantage of the disintegration of central authority to seize control over often small geographical areas; (2) whose actions are based on self-interest, not ideology; (3) whose authority is based on personal charisma and

patronage ties to their followers; and (4) who erect barriers to trade between the area they control and neighboring warlord-controlled areas as a result of the fragmentation of political and economic structures.¹⁰² Somalian examples include General Muhammad Farrah Aided (Haber Gedir Ayr sub-clan); his competitor for control of Mogadishu, Ali Mahdi Mohamed (Abgaal sub-clan); General Said Hersi Morgan (Majerteen clan, Abdirahim sub-clan) in Kismayo; and Colonel Abdulahi Yusuf Ahmed (Majerteen clan) in Puntland.

Warlords' Contribution to the Rise of Piracy

Warlords appear to have contributed to the rise of piracy as a consequence of their interest in the commercial potential of fishing and their complicity in toxic waste dumping off the coast. They followed the model established by their mentor Barre, whose government issued fishing licenses to foreign vessels in a somewhat unsystematic manner. Once he had gone, the warlords and the political groups they controlled began to issue licenses in their turn, including Yusuf's Somali Salvation Democratic Front. The UN reported that the sale of such licenses "had acquired the features of a large-scale 'protection' racket, indistinguishable in most cases from piracy" off Somalia's northeastern coast, which became Puntland, and that the resulting conflict between fishing vessels sometimes resembled "naval warfare."¹⁰³

Warlord groups in the south began to copy this practice, even establishing a London-based operation to "license" foreign fishing vessels in part of Somalia's self-declared exclusive economic zone (EEZ). This extends from the Kenyan border to about nine degrees north, roughly coinciding with Puntland's southern border.¹⁰⁴ The company, Africa Fisheries Management (Afnet), channeled the profits into an account controlled by Hussein Ali Ahmed, who divided it up

¹⁰² Kimberly Marten, "Warlordism in Comparative Perspective," *International Security*, Vol. 31, No. 3, Winter 2006/7, p. 48.

¹⁰³ United Nations Security Council, "Report of the Panel of Experts on Somalia Pursuant to Security Council Resolution 1474 (2003)," S/2003/1035, 4 November 2003, pp. 60, 61.

¹⁰⁴ Scott Coffen-Smout, "Pirates, Warlords and Rogue Fishing Vessels in Somalia's Unruly Seas," n.d., <http://www.chebucto.ns.ca/~ar120/somalia.html>

between five other warlords: Hussein Aideed, Ali Mahdi, Abdullahi Yusuf, Mohamed Abshir, and General Morgan. The revenue generated from licenses amounted to \$600,000 to \$1 million per year from 1996 to 1998 but had dwindled to around \$300,000 a year by 2002.¹⁰⁵ The Transitional Federal Government benefited from a similar scheme, issuing its own licenses after it was established in 2004.

In 1999, Yusuf's government signed a deal with Hart Nimrod, a British company registered in Bermuda, to establish a maritime security force to police Puntland's claimed EEZ and force foreign vessels to purchase fishing licenses. The force was under-resourced from the start; the ship it commissioned to conduct patrols was too slow to catch any but the slowest license evader. Consequently the venture made little money and was wound up after it was caught in the internal battle between Yusuf and his political rivals in 2001. Unfortunately, its 80 or so coast guards, whose training presumably included boat handling, navigation and vessel boarding, included some who put that knowledge to subsequent use in piracy.¹⁰⁶

Hazardous waste dumping has also been cited as a piracy cause. It is an emotional issue, and repeated accusations have been made concerning links between some members of the Somali elite and Italian and Swiss companies that allegedly were front operations for the Italian mafia. Two reports of waste washing up on land, including low-level nuclear waste, circulated in 1992 and 1996 but nothing more was heard about it until 2004. At that time, following the Indian Ocean tsunami, more barrels of toxic material were reportedly cast up on sections of the Somali coastline. Several of these reports originated from Greenpeace, which summarized their investigations and interpretations of what had occurred in a 2010 report entitled "Toxic Ships". Although they were unable to prove their accusations conclusively, they asserted that "waste was likely dumped in Somalia in the period 1990-1997," probably with the active connivance of

¹⁰⁵ United Nations Security Council, "Report of the Panel of Experts on Somalia Pursuant to Security Council Resolution 1474 (2003)," S/2003/1035, 4 November 2003, p. 44.

¹⁰⁶ "Firms reap Somali piracy profits," *Al Jazeera*, 9 September 2009.

warlord figures and their associates who controlled Mogadishu at the time.¹⁰⁷

The Battle for Mogadishu

More destructively, the battle between Aideed and Ali Mahdi for control of Somalia's capital, Mogadishu, plumbed the depths of savagery and set the pattern of unrestrained violence that continues to scar what had been a flourishing and cosmopolitan city under Italian rule. Although both Hawiye, they came from different sub-clans. Aideed had been the Somali ambassador to India under Barre and in 1988 was chosen by the Haber Gedir Ayr sub-clan to lead their military force; Ali Mahdi had risen to prominence through his close connections to Barre, not as a consequence of any public support. However, he had the means to equip fighters. In 1990 when Aideed left the city to pursue Barre southward, Mahdi stayed behind and used his wealth to engineer his election as interim president. But Aideed proved to be the more effective and ruthless commander. The Haber Gedir Ayr, unlike Ali Mahdi's Abgaal clan, had no previous presence in Mogadishu. Aideed changed that by recruiting young fighters from the sub-clan area in the interior by promising them loot and women. Cut adrift from their families and the sanctions maintained by clan elders, Aideed's forces fought with a murderous ferocity that their opponents could not match. It is estimated that within nine months of Barre's departure around 35,000 non-combatant Mogadishu residents lost their lives as the two factions struggled for control. Aideed effectively won because he forced Ali Mahdi to accept the division of the city between them.

To consolidate his position and fulfill his promise to his fighters, Aideed cut off food and medical supplies to the refugee camps in the areas he controlled, preventing the original inhabitants from returning and reclaiming their looted homes and possessions. This provoked international outrage. In 1992 the UN negotiated a ceasefire

¹⁰⁷ "The Toxic Ships: The Italian Hub, the Mediterranean Area and Africa," *A Greenpeace Report*, June 2010, p. 25. See also Peter Eichstaedt, *Pirate State: Inside Somalia's Terrorism at Sea* (Chicago: Lawrence Hill Books, 2010), pp. 37-44.

and introduced a military mission, United Nations Operation in Somalia (UNOSOM). Both Aideed and Ali Mahdi recognized the political leverage that control of aid shipments would give them. They vied for the right to supervise aid distribution and attacked the UN when their demands were ignored. Once it was clear that the UN humanitarian mission had largely failed, the US reluctantly agreed to intervene to protect supplies. The force that arrived with great fanfare in Mogadishu in December 1992 was named optimistically “Restore Hope” and the mission was redesignated UNITAF (United Task Force).¹⁰⁸

Aideed and the Haber Gedir Ayr were suspicious of the US presence but hostile to the UN, particularly to its then Secretary-General, Boutros Boutros-Ghali, who they saw as their enemy. The precise trigger for the calamitous events recounted in Mark Bowden’s book *Black Hawk Down* remains open to interpretation.¹⁰⁹ Some observers suggest that Aideed, looking to pick a fight with the UN force, mounted a pre-meditated ambush on an isolated group of Pakistani soldiers who were killed and then disemboweled to maximize the terror effect of the attack. Others suggest that although Aideed felt under pressure as a consequence of the international intervention, his position was much stronger than that of his domestic rivals. They could only change this relative balance by arguing in support of the power-sharing arrangement being advanced by the UN that offered them a way of wresting power from Aideed, something that they could not achieve on their own.

Advocates of this view suggest that the crisis would probably not have taken the course that it did if the hugely experienced U.S. diplomat Robin Oakley had not been withdrawn, thus removing a brake

¹⁰⁸ For more information on the various UN missions to Somalia in 1992-1994, see chapter 4 of Richard H. Shultz and Andrea J. Dew, *Insurgents, Terrorists, and Militias*.

¹⁰⁹ For the best account of the events that culminated in the October 1993, battle see Mark Bowden, *Black Hawk Down: A Story of Modern War* (New York: Penguin Books, 2000), pp. 92-5. See also Richard H. Schultz, Jr. and Andrea J. Dew, *Insurgents, Terrorists and Militias: The Warriors of Contemporary Combat*.

on the confrontational UNITAF commander, Admiral Howe, who was accustomed to getting his own way and had the political connections in Washington to make that happen. There is no dispute that Aideed was a ruthless leader with little concern for human life, either Somali or foreign, but Howe was ill-suited to the fluid negotiation-based culture of the Somalis. He was enraged by Aideed's sense of his sub-clan's entitlement to power and deployed his forces without concern for the messages these deployments sent. One of the most sensitive sites in the city was the radio station, which Aideed controlled. In this interpretation, Aideed, who had only been informed of UNITAF's decision to inspect the radio station the night before, saw the move, which was assigned to a lightly armed Pakistani force, as proof that the UN were taking sides in the conflict starting with an attempt to silence his most influential propaganda tool. He reacted quickly, seeding the crowd that gathered to watch and protest the Pakistanis' activities with gunmen who shot from inside the crowd, leaving 25 soldiers dead and over 50 injured.

Howe's response was to order an attack on the Abdi House where Aideed and the clan elders met regularly. The meeting of July 12, 1993, was called to criticize Aideed and question his methods. Missiles fired from US helicopters left 73 dead and hundreds wounded; Aideed was not among them. The surprise attack outraged Somalis, bolstered Aideed's status, and undermined the UN's claim that its mission was entirely humanitarian.

Howe continued to press for Aideed's arrest and in the aftermath of the Abdi House debacle demanded that SOF be deployed to help him achieve that aim. On October 3, in an ill-fated attempt to capture Aideed and his inner circle, two US helicopters were destroyed, 18 US servicemen killed, and 73 wounded. The Clinton administration decided almost immediately that the US should withdraw: all US troops left by March 1994 and the final UN contingent left in March 1995. Its departure was marked by mass looting by Somalis.¹¹⁰

¹¹⁰ Murphy, *Somalia: The New Barbary?* p. 47.

Evidence emerged later that al Qaeda had been in contact with Aideed who took support where he could get it, although he was firmly opposed to Islamism. The US helicopters were brought down using fragmentation RPG rounds detonated close to the tail rotors, which mimicked a tactic that al Qaeda had honed during the war against Soviet forces in Afghanistan.¹¹¹ Despite its own subsequent claims there is, however, little evidence to suggest that al Qaeda's actual participation in the events of October was anything more than marginal.¹¹²

Discussion Questions

1. Why did the United States intervene in Somalia in 1993? What changed during the course of the deployment to provoke Farah Aideed?
2. Upon closer investigation, was it the UN and the US that provoked Aideed?

What Explains the Difference Between North and South?

The conflict between Aideed and Ali Mahdi epitomized Barre's poisonous legacy that exploited, but did not create, the natural divisions within Somali society. At first glance the existence of these divisions is surprising. Somalia, unlike many post-colonial states in Africa, is one of the largest ethnically, religiously, and linguistically homogenous areas on the continent. The primary fault line lies between the pastoralist north and the agro-pastoralist south. The two clan confederations in the south, the Dirgil and Rahanweyn (known collectively as the Sab), are the most open social groups and should, theoretically, provide a basis for Somali nationalism. Even with this advantage, however, they have never succeeded in overcoming the northern clans' genealogical pride and scorn for settled farmers. The

¹¹¹ Paul Watson and Sidhartha Barua, "Somalian link seen to al Qaeda," *Los Angeles Times*, 25 February 2002, <http://articles.latimes.com/2002/feb/25/news/mn-29792>. Also Mark Bowden. *Black Hawk Down: A Story of Modern War* (New York & London: Penguin Books, 1999), pp. 110-11

¹¹² Murphy, *Somalia: The New Barbary?* p. 72.

long history of pastoralism, and the attitudes of its practitioners born of years of migration and the hard living it entails, have proved a poor grounding for the institutions of modern government – certainly one centralized in Mogadishu – to the point where it might be more accurate to describe Somalia as a “geographical expression” or “cultural entity” than as a nation.

Two plausible explanations have been advanced for the continuation of these differences even though both parts of Somalia experienced colonial rule and suffered under Barre and his violent aftermath. Lewis suggests that the answer lies in the differences between Britain’s relatively light-handed colonial rule that left settled social structures in today’s Somaliland largely alone, and Italy’s more interventionist, centralized, and bureaucratic model.¹¹³ William Reno, in contrast, argues that the vital distinction is the extent to which local elites either joined with, or were excluded from, the political networks that dominated commerce during the post-colonial period and were such a feature under Barre. Political marginalization was more common in the north, where groups were “forced to become more adept at exploiting the economic opportunities of clandestine markets and overseas employment on their own” largely because, lacking political favor, they were in no position to form armed bands and simply loot whatever they wanted.¹¹⁴

Centralism Versus Localism

UNOSOM ignored this gulf in experience and pursued the creation of a centralized state in Somalia to the exclusion of all other options. One long-time observer of Somali affairs, Matt Bryden, writing in 1999, accused UNOSOM’s political section of trying to build this state “around Somalia’s burgeoning warlord class” and charged that when the operation withdrew in 1995, it “counted among

¹¹³ Ioan Lewis, *Understanding Somalia and Somaliland* (London: Hurst & Co., 2008), pp. 34-5.

¹¹⁴ William Reno, “Somalia and Survival: In the Shadow of the Global Economy,” *QEH Working Paper Series*, February 2003, QEHWPS100, pp. 17 and 25.

its achievements the substitution of propaganda for diplomacy, the exaltation of the political cult of warlordism, and the destabilization of Somalia's principal reservoirs of political stability: Somaliland and the North-east," which would take two years to return to pre-UNOSOM stability.¹¹⁵

Ironically, it was an official from Ethiopia, a neighbor that threatened Somalia and in turn feels threatened by what happens there, who came up with a responsive solution to Somalia's governance problem. In the final paragraph of a 1998 paper submitted to the Intergovernmental Authority on Development in Eastern Africa (IGAD) Partners Forum, the Ethiopian Ministry of Foreign Affairs noted that "local administrative structures could constitute building blocks" for the restoration of peace and stability in Somalia and that "an important role could be played by civil society – the emergence and role of which should be encouraged by the international community."¹¹⁶

As seemingly straightforward and, in Bryden's words, "banal" as such a suggestion sounds, it is one that had eluded the international community since Barre's departure and continues to elude it to the present day. It recognized the separate aspirations of Somaliland in the northwest, the Rahanweyne fighters in Bay and Bakool in the southwest, and the Hiiraan Regional Authority in south-central Somalia, and was the spur that led to the creation of Puntland based on the Majarteen areas in the northeast. By encouraging these various regional embryonic entities with diplomatic attention and foreign aid, the "building blocks" approach hoped to build sufficient confidence to negotiate the re-establishment of national government. The international community led by IGAD supported this approach between 1998 and 2000, but Ethiopian-Egyptian rivalry effectively scuppered its chances.

The two states had vied for influence in Somalia since the mid-19th century, and this rivalry flared once again starting in the 1950s. The "building blocks" approach was Ethiopian in origin and continued

¹¹⁵ Matt Bryden, "New Hope for Somalia? The Building Block Approach," *Review of African Political Economy*, Vol. 26, No. 79, March 1999, p. 135.

¹¹⁶ Bryden, "New Hope for Somalia?" p. 134.

to receive Ethiopian backing. As a result, Egypt endorsed the proposal for a Transitional National Government (TNG), with Arab League support. In August 2000, the TNG was adopted, despite the fact that the majority of states had backed the “building blocks” initiative only a year previously.¹¹⁷ By endorsing the TNG, the international community reverted to its preferred solution, which was the one pushed so assiduously by UNOSOM: the re-creation of a single government for the whole of Somalia that mimicked normative government models, although these models had not been universally successful outside their original cultural settings. The ability of centralized government to deliver public goods has been especially questionable across much of Africa, including Somalia, which by then had become the “poster child” of state failure.

In fact, between 1991 and 1999, twelve attempts were made to reconcile Somalia’s internal factions and build a single government: each one failed. Despite its UN mandate, the TNG likewise was a failure, never controlling more than a small proportion of Somali territory. Its mandate expired in 2003 and was followed in 2004 by another UN-mandated body, the Transitional Federal Government (TFG), which controlled even less territory. By the time of its expected demise in August 2011, it controlled no more than a few square miles of Mogadishu, courtesy of Ugandan and Burundian soldiers operating

¹¹⁷ Matt Bryden, “No Quick Fixes: Coming to Terms with Terrorism, Islam, and Statelessness in Somalia,” *Journal of Conflict Studies*, Vol. XXIII, No. 2, Fall 2003, pp. 44-45. According to Bronwyn Bruton, the approach had already been at least partially captured prior to its collapse by prevailing international community attitudes that focused on appointing officials and building professionalized institutions, leaving too little room for local customs and innovations. Bronwyn Bruton, “In the Quicksands of Somalia: Where Doing Less Helps More,” *Foreign Affairs*, Vol. 88, No. 6, November/December 2009, p. 91. The Arab League is an international organization of Arab states in the Middle East, similar to the European Union. Countries pledge understanding and camaraderie on a variety of issues, including mutual trade and security. For further reading on the Arab League, see “Profile: Arab League,” *BBC News Online*, http://news.bbc.co.uk/2/hi/middle_east/country_profiles/1550797.stm (accessed July 14, 2011).

under an African Union mandate named AMISOM. The fact that UN inertia led to the renewal of TFG's mandate for a further year to August 2012 in no way changed either the fundamental weakness of the TFG or the questionable appropriateness of a central government for all of Somalia. The Darood clan had seen the TNG as a creation of the Hawiye and worked with Ethiopia to bring it down. The TFG, the first president of which was Abdullahi Yusuf, was viewed by the Hawiye as working the other way; that is to say, as a Darood conspiracy against them.

It remains the case that a version of the "building blocks" approach pursued in the original spirit of localism and without the international community's intent to use it as a means to achieve its preferred single-state solution looks to have the best chance of success. The two most stable blocks – in fact the only two to have achieved any degree of political maturity, although there is a marked difference between them – are Somaliland in the northwest and Puntland in the northeast.

Somaliland and Puntland

Somaliland is a Somali success story—one of the few. It has maintained political stability through three peaceful changes of government and has created an independent judiciary, an active and free press, and a relatively healthy economy. It has nonetheless been refused international recognition, which ignores its economic and political achievements and flies in the face of both history and sensible politics. Ioan Lewis has poured scorn on this ill-found reluctance, writing that while governments in Mogadishu have been "recognized and disingenuously promoted by the UN; in contrast the functioning and democratically elected Somaliland government, that owed virtually everything to its own efforts, remained unrecognized. This absurd anomaly did nothing to assist southern Somalia's recovery. However much it may have served numerous layers of UN bureaucracy (and

subsidiary international peace-makers)...this travesty of reality condemned the TNG [and its successors] to a fantasy existence.”¹¹⁸

Puntland was established in 1998 at a conference of Darood Harti clan leaders. They issued the Garowe Declaration, which made public their intention of forming an administration for the Somalia’s northeast. The Declaration was their response to the building blocks initiative, which at that stage had some political momentum. The main impetus for the move came from Abdullahi Yusuf’s Majarteen sub-clan, and unsurprisingly he was appointed the region’s first president. He refused to step down when his term expired in 2001. With Ethiopian backing, he stayed in office until taking up the presidency of the TFG in 2004, again with Ethiopian support. Puntland’s political leadership has always been associated with corruption of varying sorts and to varying degrees. It seems unlikely that virulent piracy could have thrived without Yusuf’s tacit approval, at a minimum. Although opposed to piracy, his successor, Muse Adde, could do little to resist what was already becoming an entrenched interest. Adde’s successor, Abdirahman Mohamed Farole, in his turn is variously accused of being either a pirate financier or being in receipt of pirate patronage.

While the problems of working with Somaliland relate almost entirely to diplomatic niceties, the obstacles to working with Puntland extend beyond the diplomatic to selecting who, among a number of characters of varying integrity, one can work at the “state” level and identifying, from a distance, who at the local level either wields sufficient power now or could win enough support in the near future to make any engagement worthwhile. Although Puntland is largely stable and the two most recent changes of government have been peaceful, those in power have not displayed the probity and general good sense of their Somaliland neighbors. This leaves too much room for corruption and criminal behavior to flourish. Although the US announced a “dual-track” approach to Somalia’s problems in 2010, which despite denials effectively lessened its automatic support for the

¹¹⁸ Ioan Lewis, *A Modern History of the Somali*, p. 307.

TFG, there is no evidence so far that the State Department has the ability or appetite for such detailed engagement at the sub-state level.¹¹⁹

Discussion Questions

1. Is the effort to establish a single government for the whole of Somalia a workable goal, or a waste of time? Why?
2. What alternatives are there, and who should be in charge of developing and enforcing them?

Puntland's Piracy Problem

Piracy is not the sole source of corruption in Puntland, but it is a substantial one and buys the gangs much influence. To put it in perspective, piracy ransom is probably the quasi-state's second largest source of income – admittedly by some margin—after remittance payments from members of the Somali diaspora. Looked at historically, this is not of itself enough to rule out some form of engagement. The pirates and the men who back them are rational actors quite capable of recognizing carrots and sticks. Piracy is a crime. It is also a commercial opportunity. Somalis take their opportunities where they can, and hijacking is wonderfully profitable; on occasions, incredibly so. Profit optimization is possible because of the political protection provided by Puntland's political leadership and access to the territory's relative stability. This has enabled the gangs to organize their activities and enjoy their spoils without having to invest prohibitive amounts of money and manpower in land-based security.

On the other hand, pirate organizers are exposed to financial risks if the pirates return without a prize, possible political risks in the sense that clan interests need to be kept in balance, and, potentially, personal risks if their movements and business interests outside Puntland can be tracked and targeted. All three – but particularly the first and last—offer levers that the U.S. and other states must press if piracy is to be contained. However, as the political and naval response so far has shown, risk cannot be expanded exponentially; alternative

¹¹⁹ John Vandiver, "US trying new approach in Somalia to fight insurgency," *Stars and Stripes*, 19 October 2010.

investment opportunities need to be in the mix as well. The concern is that if piracy continues to be successful – if the counter-piracy policies continue to fall short and the pirates do not begin to fight among themselves – then the economic alternatives to piracy within Puntland will be crowded out and the descent into criminality will continue.¹²⁰

Discussion Questions

1. What political, economic, and social factors explain why piracy finance and management has become concentrated in Puntland?
2. What evidence is there that illegal fishing and illegal waste dumping caused Somali piracy?

The Somali Diaspora

One source—perhaps the most promising source—of the wealth, skills, and entrepreneurship that will be needed to revive Somalia and provide alternatives to piracy is the country’s diaspora community. Overseas Somalis now constitute the largest African community in the UAE, their businesses lining the streets of Dubai’s commercial center, while thriving communities can be found throughout Western Europe, including the U.K., and North America. Significant Somali communities exist in the Netherlands, Norway, Denmark and Sweden, while a perhaps surprising number have located to Finland. In North America, Toronto and Minneapolis are the main centers, although Columbus, OH, Washington, DC, Ottawa, ON, and Atlanta, GA, have sizable populations as well. Not surprisingly, these overseas residents have tended to coalesce around their clan roots.¹²¹ The result has been that diaspora interest in the struggles on the ground in Somalia has continued in some cases to the point where the positions held by expatriate Somalis has become more intransigent than the positions held by those who remained in country. These overseas

¹²⁰ Martin N. Murphy and Joe Saba, “Countering Piracy: The Potential of Onshore Development,” in “Global Challenge, Regional Responses: Forging a Common Approach to Maritime Piracy,” Selected Briefing Papers. Dubai: Dubai School of Government, 2011, p. 51.

¹²¹ Lewis, *Understanding Somalia and Somaliland*, pp.132-4.

interests have on occasion used their financial clout to prolong the conflict; in other cases, they have sought reconciliation and resolution, as demonstrated in the case of the Chandlers.

Islam in Somalia

The issue of Muslim identity has not been an important political factor in Somalia; to use an oft-repeated phrase, it has been a “veil lightly worn.’ Arguably, Islam as experienced in Somalia is quite different from Islam elsewhere: Somalia was converted originally by Sufi sects, which interpret Islam tolerantly, while politics and religion have never been unified as they have in most other parts of the Muslim world.¹²² In the political realm, Islam has only served as a rallying cry in response to foreign interference, whether British and Italian colonialism or American and Ethiopian military intervention. Sufi political quietism has been strained by the recent rise of activist Islamism, however.¹²³ While for the most part this has grown only shallow roots in Somalia itself, it appears to have taken a stronger hold among expatriate Somali communities in Kenya, Europe, and North America, and among the ethnically Somali Ogadeni in Ethiopia.

During the Barre era, secular and public education was neglected, and Islamic schools went some way toward filling this educational vacuum. Funded by Saudi and Gulf sources, they tended to espouse Salafism, the belief that every Islamic state must be based on the earliest and “purest’ form of Islam. The present generation that is in, or is vying for, power has been influenced by these teachings, in some cases profoundly. For these Somalis, Salafism’s appeal lies in its strong opposition to international trends and its rejection of existing social structures, such as clannism, that in their view exacerbates internal divisions and facilitates external interference in Somali

¹²² For more on Sufism, see Carl W. Ernst, *Sufism: An Introduction to the Mystical Tradition of Islam* (Boston: Shambhala, 2007) and J. N. C. Hill, *Sufism in Northern Nigeria: Force for Counter-Radicalization?* (Carlisle, PA: Strategic Studies Institute, U.S. Army War College, 2010).

¹²³ For reading on activist Islamism, see Quintan Wiktorowicz, *Islamic Activism: A Social Movement Theory Approach* (Bloomington: Indiana University Press, 2004).

affairs.¹²⁴ Because Salafists held the strongest rejectionist views, they attracted others who may not have fully understood or shared its ideology. Al-Itihaad Al-Islami (AIAI), the group that has spawned the current crop of violent jihadist groups operating in Somalia, was formed during the 1980s, reached the peak of its influence in 1992 shortly after Barre fell and, by around 2005, had virtually ceased to exist. Nonetheless, even if AIAI was weakened organizationally, politically motivated Islam was on the upswing. While its adherents' beliefs, aims, and methods were generally unpopular, they gained a reputation for delivering what they promised, honestly and efficiently. The key to their success lay not in the power of their ideas or the quality of their organization, but in the consistent and substantial financial support they received from wealthy patrons and Islamic charities outside the country. The prolonged governmental collapse and the tearing down of traditional social institutions, first by Barre and then during the course of the civil war, left Somalia exposed to the influence of Islamist groups that were no more interested in the well-being of its inhabitants than any other external player.

Islamic Militant Groups

When the ICU fell in January 2007, it was succeeded by al-Shabaab and Hizbul Islam, two militant Islamist groupings that drew the bulk of their support from the southern part of Somalia. They were opposed by Ahlu Sunna Waljamaca, a clan-based, "moderate" Islamist or Sufi-oriented grouping originating north of Mogadishu.

The largest and most militant of the Islamist groups was the Salafist al-Shabaab ("youth" in Arabic). Although it only emerged publically in 2003, it claims to have been founded in 1998. It has often been portrayed as the ICU's militia, but was more akin to a separate faction that grew in strength and influence through the use of violence. It carried out killings and attempted killings in Somaliland in 2003 and 2004 and murdered a BBC journalist in 2005.

¹²⁴ For more on Salafism, see Roel Meijer, *Global Salafism: Islam's New Religious Movement* (New York: Columbia University Press, 2009).

Although it played a leading role against the Ethiopian army in December 2006, its fighters stayed behind to join the clan-based resistance when the ICU was routed and its leaders driven into exile in January 2007. Initially their contribution was marginal. Resistance leaders wanted to keep it that way. Al-Shabaab, however, was able to call on Islamist sympathizers overseas (and possibly in Eritrea¹²⁵) to provide it with resources sufficient to make it the most effective armed opposition to the Ethiopian military presence. Ethiopia's departure in January 2009 left al-Shabaab the most powerful armed group in southern Somalia and one consistently opposed to the internationally recognized TFG, which it confined to a small part of Mogadishu.

Al-Shabaab is not a monolithic entity – like so much in Somalia, it is an uneasy coalition of interests—and its hard-line, Wahabist-inspired social policies and punishments, including stoning and amputation, have earned it fear but few friends.¹²⁶ Although it is described regularly as being associated with al-Qaeda and publically announced its allegiance to Osama bin Laden in September 2009, how deep that allegiance goes and how much it is driven by one faction rather than the leadership as a whole remains open to doubt.

Its links to piracy have also been widely touted. Establishing that ransom money helps fund al-Shabaab operations and may ultimately be shared with al-Qaeda would draw increased resources to the counter-piracy fight and might provoke the United States in particular into prosecuting the problem more aggressively. Proof that these suggested links exist remain elusive, although some senior regional leaders and officials claim that the allegations are soundly based. The difficulty is demonstrating that funds reach al-Shabaab and are used to fund operations directly, rather than as a consequence of personal or clan connections. Pirate operations are more exposed to pressure from al-Shabaab now than previously. Because the pirates are

¹²⁵ Michael Onyiego, “Analysts say Eritrea is not supporting al-Shabab,” *VOANews.com*, 21 July 2010.

¹²⁶ See, for example, “Mogadishu demonstrations against al-Shabaab; Puntland withdraws support from TFG,” *Hiiraan Online*, 21 January 2011.

now mostly located outside Puntland, they have been forced into areas where they need to co-exist with the Islamists.¹²⁷

Hizbul Islam (the “Party of God”) was the second Islamist armed group operating in the south. It, too, was a coalition, but one bound together more loosely than al-Shabaab. Its leading figure was Sheik Aweys, an Islamic nationalist whose vision of a Somalia united under *sharia* law lacked the simplicity of al-Shabaab’s vision as well as the clan support to give it roots.¹²⁸ Aweys moved twice against pirate operations: once as leader of the ICU in 2006 when its forces successfully drove the pirates out of Haradheere, and once when Hizbul Islam attacked the town in 2010. This raid succeeded in driving the pirates north, at least for a while, and unsettled pirate operations as far away as Adado, as the Chandlers’ experience attests.¹²⁹ The motive for the attack had almost certainly little to do with principled opposition to piracy and more to do with the need to gain control of a stretch of the coast the group could use as a port or trans-shipment point. Despite the presence of persistent conflict, economic life within Somalia has continued and in some cases thrived: exports of livestock and charcoal have continued, with imports of all that is needed to make life tolerable within Somalia coming the other way. Control of ports and the income they provide has therefore been important to all political groups since Barre’s fall. Hizbul Islam lost its port revenue when it was driven out of Kismayo by al-Shabaab, its then partner, during a power struggle in October 2009.¹³⁰ The need to replace it prompted the move on

¹²⁷ Although it suggests that al-Shabaab was the force that advanced on Haradheere and not Hizbul Islam, a useful summary of the evidence and commentary on the speculation can be found at “Op-Ed: Al-Shabaab, pirates and the West,” *Somalia Report*, 9 April 2011.

¹²⁸ For more on Sharia law, see Paul A. Marshall, *Radical Islam’s Rules: The Worldwide Spread of Extreme Shari’a Law* (Lanham, MD: Rowman & Littlefield Publishers, 2005).

¹²⁹ “Somali Islamist insurgents seize pirate haven,” *BBC News*, 2 May 2010; “Somali insurgent group seizes pirate stronghold,” *VOANews.com*, 2 May 2010..

¹³⁰ “Somalia: Islamist leader snubs Al Shabaab rulers in Kismayo,” *Garowe Online*, 24 September 2009; Abdi Guled, “Islamist rebels face off in southern Somalia port,” 24 September 2009; “Somalia: Al Shabaab seize control of

Haradheere.¹³¹ During 2010, reports that al-Shabaab and Hizbul Islam had merged were interwoven with other reports that they were fighting each other.¹³² By December, the consensus appeared to be that a merger had taken place. The absorption of Hizbul Islam also has implications for al-Shabaab. If Michael Weinstein is correct, it will tip the internal balance within al-Shabaab away from the transnational terrorist wing, which is the natural ally of al-Qaeda, and toward the more inward-looking nationalist wing that, like the groups that made up Hizbul Islam, seek to establish a Wahabist-Salafist Islamic state within Somalia.¹³³

The clan-based opposition was named Ahlu Sunna Waljamaca (ASWJ), led by Sheikh Mahamed Moallem Hussein.¹³⁴ Its first clash with al-Shabaab took place even before the Ethiopian army withdrew in 2009.¹³⁵ The group draws support from the major Hawiye sub-clans in the central Hiiraan and Galgudud regions, including the Haber Gedir Ayr. Other clans in the region include the Sa'ab and the Sulieman, both of which have known connections with piracy. These sub-clans have shown some support for ASWJ, but the Sa'ab also have their own administration called the Galmudug State of Somali Republic. Adado,

Kismayo after battle," *Garowe Online*, 1 October 2009. A copy of the Garowe Declaration is available for public use. See *Puntland Traditional Leaders Conference* (United Nations Development Program Somalia, 2009) http://www.so.undp.org/index2.php?option=com_docman&task=doc_view&gid=152&Itemid=35 accessed July 15, 2011.

¹³¹ Nick Wadhams, "Somali pirates vs. Islamists: A dispute over business," *TIME*, 7 May 2010.

¹³² "Somali Islamists al-Shabaab and Hizbul Islam 'to merge,'" *BBC News*, 20 December 2010.

¹³³ Michael Weinstein, "Somalia: Al-Shabaab's Split and its Absorption of Hizbul Islam," *GaroweOnline*, 9 January 2011. See also the interesting comments at "What's next for Dahir Aweys, Hizbul Islam?" *Danielberhane's Blog*, 15 January 2011.

¹³⁴ Georg-Sebastian Holzer, "Somalia's new religious war," *ISN Security Watch*, 31 July 2009. ASWJ translates roughly as "Adherents to the Sunnah and Congregation."

¹³⁵ "Somalis killed as Islamists clashed," *BBC News*, 30 December 2008; Mohamed Ibrahim and Jeffrey Gettleman, "Ethiopian army begins leaving Mogadishu," *New York Times*, 2 January 2009.

the town nearest to where the Chandlers were held, lies in the center of this region. ASWJ is affiliated with some non-Hawiye sub-clans as well, such as the Marehan in Gedo, who traditionally have been hostile to the Hawiye. The group signed a power-sharing deal with the TFG, which had revived following the appointment of Sheik Ahmed to the presidency in February 2010, but it withdrew from the deal in September following the resignation of the TFG prime minister, Omar Abdirashid Sharmarke.¹³⁶

National and International Players

The Transitional Federal Government was established in October 2004. It is recognized by the United Nations and most states as the legitimate government of Somalia, even though it controls little more than Mogadishu port, airport, and Villa Somalia, the presidential palace. It depends on the presence of troops provided by Uganda and Burundi, constituted as the African Union Mission in Somalia (AMISOM), to survive at all. The mandate provides for a force of 8,000 troops, but the numbers deployed have rarely exceeded 5,300. TFG leaders have been accused of corruption, as have those of Puntland, and many Somalis regard it as no more than another faction vying for power like the rest. It asserts that if international donors would only give it the necessary maritime security resources in terms of coastal patrol craft, arms, and training it would be able to tackle piracy. This claim, like so much else about it, is utterly illusory. Its current UN mandate was due to expire on August 31, 2011, but institutional inertia has caused it to be renewed for another year.

¹³⁶ “Somali group quits government,” *Al Jazeera*, 25 September 2010.

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