

Somali Piracy: The Local Contexts of an International Obsession

International treatment of Somali piracy can appear as a double denial. On the one hand, although the United Nations Security Council involved itself and received support from many member states, the actual policy toward Somalia has been dictated for years by post-9/11 U.S. counterterrorist policy, which made sure that no actors could openly distance themselves from the key priorities of the U.S. administration. Here, multilateralism exists only as far as offshore Somalia is concerned. On the other hand, the fight against piracy near the Somali coast does not aim to tackle the very causes of the support that piracy enjoys among the Somali population at large, not least because the international community would then have to consider the violations of international law perpetrated by some of its major members. Hence, piracy is usually presented as a symptom of “state collapse” and a breeding ground for global jihad, while its moral economy is disqualified and the reconfiguration of a transnational Somali economy simply ignored. This essay focuses on this second set of issues.

From mid-2008 onward, the Security Council spent a considerable amount of time addressing the issue of piracy off the Somali coast, first in the Gulf of Aden but eventually farther to the south, on the East African coast and even near the Seychelles. Many resolutions expressed this international concern—though for other situations which may have cost many more lives, the Council showed greater caution if not a certain reluctance to act.¹ This activism provides a hint as to how piracy and armed robbery at sea should be understood as a global concern: the Somali case is only a pretext allowing some actors in the international community to legitimate their calls for new developments in the international law of the sea and the regulation of maritime space.²

The creation of a maritime force was indeed an important moment of international diplomacy. It was the first time the European Union launched such an intervention, Operation Atalanta, and the French president, Nicolas Sarkozy, was not shy about his personal role in bringing about this creative reinterpretation of the European Security and Defense Policy. But participation extended far beyond the EU and the task force included the United States, China, Japan, South Korea, Russia, India, and Iran, as well as a few others. This maritime force built around its two main components, Atalanta and Combined Task Force 151, is an event in itself and should be seen as a new element in international relations as much as a way of protecting strategic sea routes in the context of the globalization of trade.

Somalia also could be considered as a growing problem. After the close of an international intervention that ended in March 1995 without producing any result,

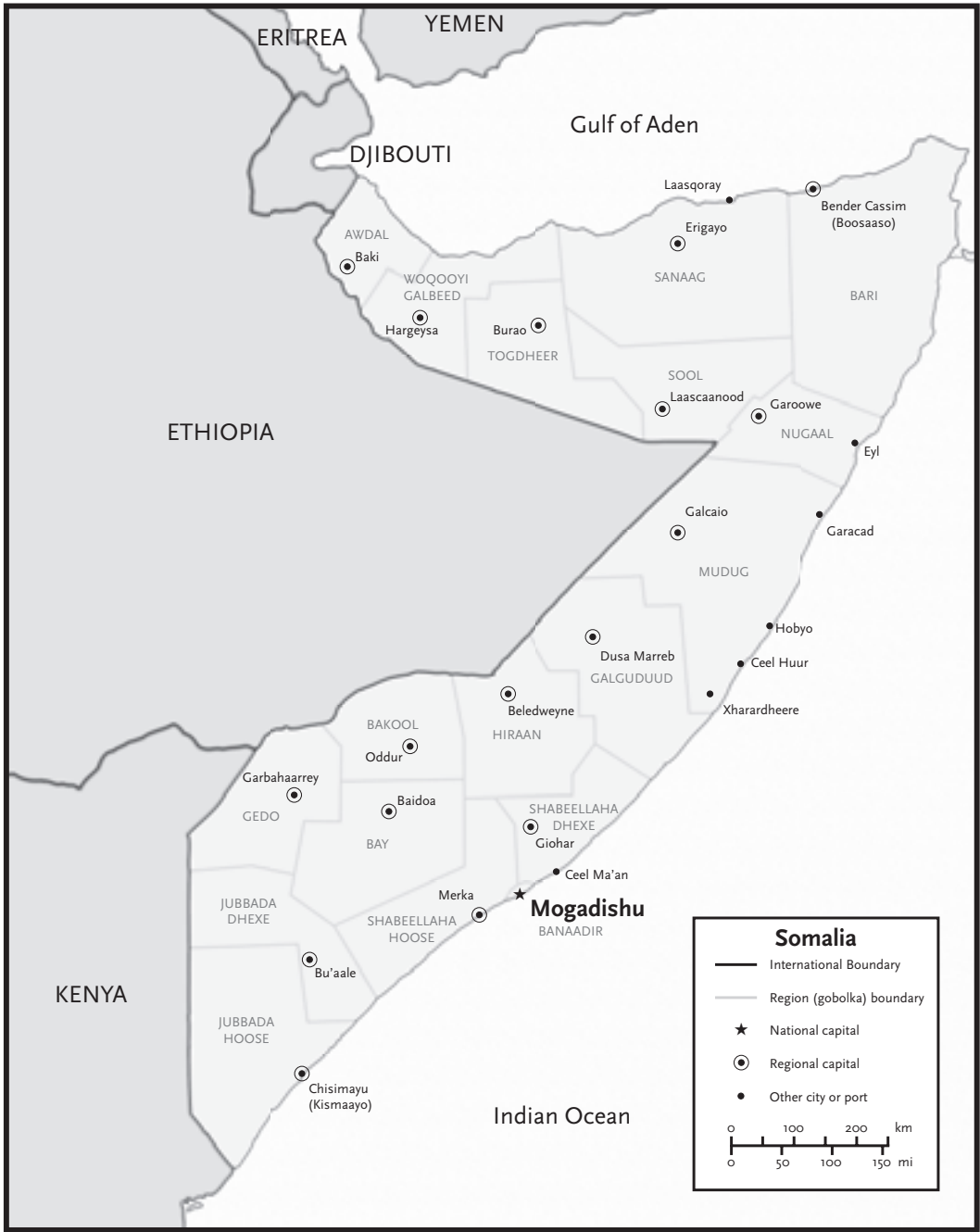


Figure 1: Map of Somalia

the international community bet on a policy of containment that worked efficiently thanks to Somalia's neighbors, especially Ethiopia. The bombings of the U.S. embassies in Nairobi and Dar es Salam in August 1998 and the attack on a hotel near Mombasa in November 2002 prompted a counterterrorist approach led by the Bush administration, which could accommodate regional interests. This policy can be

described as a covert war opposing mainly U.S. and Ethiopian security services to Somali and foreign Islamists allegedly connected to international networks of jihad. It was exacerbated by the victory of the Islamic Courts Union party in Somalia in June 2006 and its control of most of southern-central Somalia during the next six months. The intervention of the Ethiopian army in December 2006 and the subsequent creation of the AMISOM (Mission of the African Union in Somalia, comprising Ugandan and Burundian soldiers) was seen as a way of consolidating a weak and fragile Transitional Federal Government (TFG) created in 2004. In fact, this foreign military presence only provided the condition of a protracted war in Mogadishu and South Central Somalia. In 2008 an attempt to revamp the TFG failed, and in July 2010 the Somali war spread to Uganda. In all these events, the U.S. administration played a leading role in devising quick fixes and made clear that contacts and mediations with groups or leaders it considered terrorists were unacceptable and prohibited.

In this context, piracy played a paradoxical role. Although it represented a relatively marginal aspect of the Somali crisis and was mostly rooted in a region of the country where Islamists were driven underground, piracy triggered a genuine process of international cooperation and policy emulation. While the international community built a common policy to address this threat, it has been much less creative when it came to understand this phenomenon within the context of a complex crisis that was not driven exclusively by terrorism. It also embraced U.S. leadership, despite the fact that U.S. policy in the region had only contributed so far to radicalizing the Islamists further and making them more connected to foreign jihadists.

It is not possible, within the confines of this essay, to offer a detailed analysis of these episodes, which would require an in-depth discussion of the current strategic debate on the uses and usefulness of naval forces (and therefore on the relevant budgetary allocations) in the post-9/11 world and the emergence of new maritime powers such as China, not to mention the failure of the United States to define a decent strategy for Somalia beyond the killing of leading terrorist figures.³ Rather, this essay, based on nearly twenty years of fieldwork and innumerable interviews with local actors, offers some thoughts on three aspects of piracy off Somali shores which are rarely featured on global agendas and headlines but nonetheless shed some light on a country that the international community does not seem eager to understand.

The first section deals with the moral economy of piracy. This constitutes an aspect that was hardly taken into account by the international community for months after the beginning of the maritime operation. As has so often been the case, the international community claimed to be defending international law but had kept quiet for more than a decade about its violations off Somali shores in the best interests of some of its members, including Japan, China, South Korea, Taiwan, France, and Spain. Although Somali fishing communities eventually turn out to be those suffering the most from piracy, pirates are considered within these same communities to be genuine nationalists who take revenge against numerous infringements on Somali sovereignty, including illegal fishing and the dumping of toxic waste in Somali waters. A direct byproduct of the “economy of protection” that took shape during the civil war, pirates illustrate a form of social success that keeps at bay both Islamists and the secular government supported by the United States and its allies.

The essay's second part describes piracy as a grounded reality and an expression of economic and political trends that emphasize the deep penetration of its moral economy within Somali society. Currently, piracy has developed mainly in the north-eastern part of Somalia (known as Puntland after August 1998), which also happens to contain some of the richest fishing grounds in the country, and in a tiny section of southern-central Somalia (the Xarardheere, Ceel Huur, and Hobyo areas). The social settings of piracy are different in each of these cases and do not have the same political implications, in particular in terms of the often claimed (but never proven) relations between pirates and the Islamist or jihadi insurgent groups that are fighting the TFG in Mogadishu.

The last section examines the timing of the sudden international concern with Somali pirates. Pirates did indeed target ships chartered by the World Food Program (WFP) and the number of incidents grew significantly in the years after 2000. Concerns could well have been expressed as early as 2005. So why did such a mobilization occur in 2008 instead? I suggest that while some actors did raise the issue earlier, it did not dovetail with other concerns shared by key regional and international players.

In conclusion, I take up the military illusion that prevailed in the fight against piracy. Far from eradicating this phenomenon, the military approach has once more made it intractable because it ignored its root causes. It became the first victim of the force it used against pirates, still considered nationalist heroes by large swathes of the Somali population. Although the Puntland administration has been put under tough pressure, the anti-piracy agenda collides with the anti-terrorist agenda. No one at this stage can predict with certainty either the end of the maritime force (the European Operation Atalanta has indeed been extended up to 2012) or its success.⁴

The Moral Economy of Somali Piracy: Pirates or Privateers?

Piracy in Somalia did not develop in a vacuum but in a context where Somalis were fighting internally for survival and for a better access to the spoils of the civil war, while facing increasing infringements upon their sovereignty by international actors. This generally misunderstood situation largely explains why and how a specific moral economy of piracy took shape.

Piracy is a new phenomenon in that part of the African continent, which has witnessed hardly any piracy act during the last fifty years.⁵ While armed robbery in ports has a long history in the Gulf of Guinea, it was not until the 1980s that a few acts of piracy took place in the Horn, and they were mostly caused by political grievances. The Eritrean People's Liberation Front hijacked ships in order to forbid the use of ports controlled by the Ethiopian regime (Assab, in this case), or the Somali National Movement fighting in North-West Somalia (today the self-declared Republic of Somaliland) intended to block exports from the port of Berbera. Eventually, ransoms may have been paid for the release of the ships taken over by these armed movements, but these actions were first and foremost strong warnings rather than a way of funding the war economy of insurgent groups.⁶

Piracy developed only after the Mogadishu upheaval of late December 1990 and the subsequent collapse of the regime led by Mahamed Siyaad Barre. It took place



Figure 2: Map of Major Shipping Routes Surrounding the Arabian Peninsula and East Africa

near the coast of northeastern Somalia and the most southern part of Somalia near the Kenyan border and the port of Kismaayo. At first, it targeted trawlers of various nationalities (Asian, but also belonging to companies settled in Mombasa, Djibouti, or Yemen). According to Somali officials, European companies were also targeted, especially French and Spanish ones.⁷ Not only did the number of targeted ships increase throughout the 1990s but their nature evolved as well. Increasingly, pirates attacked commercial ships carrying goods for Somali or Kenyan ports and cutting through Somali waters in order to save time (and money). Many were actually *dhows*—traditional vessels in the region, outfitted with sails—operating from Dubai

and chartered by Somali traders who did not have the financial resources needed to insure bigger ships (Southern Somalia was indeed considered a war zone and insurance premiums had substantially increased) or simply did not trade enough cargo. By the late 1990s, however, even bigger ships on their way to Mogadishu—or rather Eel Ma'an, which was then Mogadishu's port, located north of the capital—or Kismaayo were targeted.

In order to understand the growth of piracy, in other words, one must begin in the early 1980s when Siyaad Barre was still ruling Somalia. While in the 1970s the Soviet Union was a key partner of the Somali fishing industry, the 1977 war of Ogaden against Ethiopia dramatically changed the situation as Moscow pulled out of Somalia and supported Addis Ababa.⁸ The cooperation between the Soviet Union and Somalia collapsed overnight as Russian experts were expelled and all cooperation projects were brought to a standstill. In 1983, after a few years of disarray, the Somali government decided to establish a joint venture with Italian private companies based in Naples and set up the Somali High Seas Fishing Company, better known by its acronym SHIFCO. By 1991, the SHIFCO fleet was composed of five freezer vessels and a fish-processing vessel. The brand new freezer vessels were a gift of the Italian government and had just been built. Until 1991, SHIFCO enjoyed a legal monopoly over commercial fishing in Somalia's Exclusive Economic Zone (EEZ) and its catches were exported to the profitable European market.

When the Mogadishu regime collapsed in 1991, however, most state-owned assets were looted, both at home and abroad (as in the case of Somali Airlines offices or even embassies). The ships, which were then moored in Yemeni ports, were taken over by Engineer Muniye Said Omar, a long-time collaborator of Abdirahman Jaama Barre, the former minister of international cooperation and a close relative of Siyaad Barre.⁹ Unsurprisingly, it seems that Engineer Muniye Said was also on good terms with SHIFCO's Italian partners. SHIFCO was therefore fully privatized overnight. The new manager handled the situation very cleverly and carefully: in order to avoid any public scandal or legal dispute, he was keen to provide all significant players of the former *Somalia italiana* with periodical payments, and he stayed away from Mogadishu politics until 2000, when he was elected MP during the Arta Conference in Djibouti. He became also an MP in the Transitional Federal Parliament set up in August 2004.

Eventually discord broke out over the legal aspects of this privatization, but it did not stop the European Commissioner for Fishery, Emma Bonino, from signing a new permit allowing the company to sell its products to the European market.¹⁰ Bonino's stance was in line with the indifference (or the inclination to support Italian interests) showed by the international community after it intervened in Somalia in December 1992. Despite their claims to re-establish a state in Somalia and the rule of law, the United Task Force and the United Nations Mission for Somalia II never addressed the issue of looted state property.¹¹ And this was so in spite of the insistent requests coming from Somali civil society, notably during the Addis Ababa Conference in March 1993.¹²

SHIFCO's ambition was of course to maintain its fishing monopoly as long as possible, despite the absence of any recognized government. The fact that some of the

richest fishing grounds happen to be located off the Puntland shores explains why, from the very beginning of the civil war, actors of the fishing sector paid greater attention to this region. The terms of the agreement proposed by SHIFCO were not detrimental to the local population. While local political leaders got envelopes full of cash, coastal communities were allowed to fish (as a matter of fact, no one actually had the means to prevent them from doing so) but were also rewarded every time they took control of foreign trawlers that were (illegally) fishing in the Somali EEZ, since a fine/ransom was paid for the release of the ship.

SHIFCO's success in enforcing its monopoly was short-lived. First, very early in the crisis, foreign trawlers took notice of the lack of government in Somalia and decided to operate in the Somali EEZ. Second, widespread corruption was not eliminated by the collapse of the regime. Not only did faction leaders need money to sustain their social capital but some Somali businessmen used their real or alleged proximity to these leaders to strike deals with foreign fishing companies. Those deals were often confirmed by fake official documents, such as letters signed by virtual ministers or even the prime minister. In the 1990s (and later), Somalia was, after all, going through a period in which law was not enforceable, as a result of which numerous middlemen could take advantage of the situation.

Although at first coastal communities defended their rights against unlawful competitors, they quickly faced new problems. Trawlers started arming themselves against local fishermen. Since coastal fishermen had few weapons and little military expertise, they decided to employ militias to do the military part of the job. Rewards were much higher than the normal benefits from fishing. Taking over a commercial ship was not different from hijacking a shipping vessel. *Dhows* became easy targets as they sailed in numbers near the Somali coast, especially after December 1992, when the economy grew quickly in southern-central Somalia thanks to the UN presence and the dramatic increase of aid money in the capital city.

The establishment of the regional State of Puntland in August 1998 and of the Transitional National Government (TNG) in Arta (Republic of Djibouti) two years later was a turning point. When Abdullaahi Yuusuf Ahmed became Puntland's first president (in October 2004 he also became president of the TFG), he spelled out an ambitious program: to restore order in his region, to disarm rogue militias, and to set up an army, a police force, and even a civilian administration. Puntland's coffers were practically empty. While the revenues generated by the port of Boosaaso provided the bulk of Puntland's budget, fishing contracts could also generate a significant share of the resources of the new regional state. Abdullaahi Yuusuf did not want to be locked into a dialogue with SHIFCO alone and sought to involve other companies. In this already confused situation, the establishment of the TNG in 2000 only made things more complex. The TNG was the first government since 1991 that enjoyed some kind of recognition at the regional and international levels. Abdullaahi Yuusuf thus had to compete with a government that also wanted to cash in as quickly as possible on its recognition by at least a section of the international community.

To limit the competition and reassert his authority over Puntland's fishing zone, Abdullaahi Yuusuf employed a British/South African private security company, Hart and Co. Following serious incidents in Boosaaso and a growing discontent expressed

by many Puntland politicians opposed to Abdullaahi Yuusuf, the foreign staff of the company left the country in 2001. Beyond the hostility to foreigners, the main argument raised against this security company was its actual cost for Puntland.¹³ Soon thereafter, another company, SOMCAN, based in Dubai but Somali-managed, took over from Hart and faced expulsion in early 2005 when the new president of Puntland decided to promote another company.¹⁴

This was an essential moment in the process of the professionalization of the Somali pirates. While until then they only had average militia skills, these two security companies trained people to use sophisticated radio equipment, GPS, satellite phones, speed boats and mother ships, Internet resources to locate sea vessels, as well as boarding techniques. Then, the trained staff of each company was fired; roughly 1,500 men found themselves looking for new job opportunities.¹⁵ Some joined pirate gangs and became trainers. It is amazing to see how the international community is repeating today the same errors with extraordinary enthusiasm, as locals are trained and destined to be cut loose. In 2009, while everybody knew that the TFG was unable to pay for its own army, the UN organized an anti-piracy force based in Mogadishu. It was to have little relevance in the fight against pirate gangs settled far on the northern coast; the government was hardly able or willing to fund any interdiction. In Puntland, a new training camp for coastal guards is also being built.

These events did not go unnoticed in southern Somalia, since Somalis have a good sense of imitation when it comes to business. A phenomenon initially confined to northern Puntland was thus reproduced in central Somalia, where, however, expertise was still missing. But in 2004, just before being elected president of the TFG, Abdullaahi Yuusuf launched a military campaign against pirate forces that had become strong enough to contest his authority onshore in Puntland. He prevailed: the pirate gangs fled Puntland and settled for a while in the area of Xarardheere, which was already the cradle of piracy in the central region. As a result, gangs in central Somalia benefited from the expertise of their Puntland colleagues.

As in Puntland, piracy in southern central Somalia faced sporadic opposition. In 2006, the Islamic Courts Union (ICU) was able to curtail piracy activities for a few months, despite attempts at bribing their leaders: Hasan Dahiit Aweys allegedly declined a bribe of more than a million dollars offered in exchange for his tolerance of piracy operations.¹⁶ In December 2006 the Ethiopian army intervened and overthrew the Islamic Courts Union. This intervention allowed the TFG to settle in Mogadishu, an event one of whose unintended consequences was to allow pirates in central Somalia to resume their activities. Two years later, the international community had to dispatch a maritime force in order to curb piracy activities off Somalia.

Through the present, the moral economy of piracy is shaped by this period. Pirates are seen as genuine nationalists who fight the looting of national assets and fine foreign vessels recurrently accused of depriving Somalis of their national wealth and of dumping toxic waste in Somali territorial waters, if not even onshore. These latter claims have been fully documented and prosecuted once, in 1992.¹⁷ But never since—not even after the Asian tsunami of 2004, which was seen by Somalis to have profound local effects—have these claims been taken seriously by the international

community, although it investigated several cases without ever finding any hard evidence to support a legal prosecution.

This narrative was reinforced by the fact that pirates could claim to have been connected at some point with coastal guards. Their actual behavior on the ground, which is analyzed in greater detail in the next section, also provided greater credibility to their claims. In particular, the reinvestment of a percentage of ransom revenues in local real estate or consumption strengthened the view that pirates do something for their people, while the benefits of foreign fishing companies have no positive impact on their livelihood.

For all these reasons, popular sympathy for the pirates has not evaporated, despite the numerous efforts by the international community to make its case clear. As we will see, most targeted ships have been commercial cargos, not trawlers.¹⁸ Nevertheless, the population at large still shares the besieged view that piracy is rooted in the reassertion of national sovereignty. Why this is so has also to do with the overall situation, the failure to build a credible government and the numerous foreign interferences in Somali politics during the two last decades.

Pirates between Entrepreneurs and Militias

Somali piracy developed within in a complex web of relations that explains its local variations and the involvement of other social actors, including clan elders, faction leaders, business people, and rank and file militias. This section is devoted to the description of some of these aspects.

Since the international community was not willing to consider the history of the piracy, it missed a number of important points that deserve some attention and help explain why the maritime coalition cannot stop this phenomenon. As already mentioned, piracy does not have the same history in Puntland and in central Somalia (the Xaradheere and Hobyo areas). This is in part the result of different chronologies, since piracy in central Somalia was a more recent phenomenon and did not involve the same interest groups. Moreover, the absence of any local administration or regional government in that area (unlike in Puntland) meant that pirates did not have the same need to legitimize their deeds.

I have also suggested that piracy first started as an informal alliance between fishermen (or coastal communities) and militias. The former were able to handle sea navigation while the latter were instrumental in hijacking the ship and dealing with the hijacked crew onshore. The moral economy of piracy had consequences for the way in which ransoms were divided, since the respective shares were determined following the very rules applied in the fishery industry (beginning with distinctions between the owner and the fishermen, offshore operators and onshore personnel selling the catches, and so on).

More crudely still, this was also an extension of the “economy of protection” that had taken shape onshore. If the hijacked ship could show an acceptable license, it was only required to pay a very minimal fee (*duco*). If this was not the case, the fine was heavy and those who stopped the ship were given a much higher reward. Those rules were adapted to commercial shipping. If the cargo belonged to a group of Puntland traders, it was released with a minimal payment. If it belonged to traders from other

regions (e.g., Mogadishu), the fine/ransom depended on whether the owners of the cargo could find a shrewd representative in Puntland to mediate the case. The amount of the ransom essentially depended on the ability to get closer to the Puntlanders.

Another aspect of this moral economy is still applicable today. Ships were (and still are) taken hostage only once. When they are released, they can move freely and no other group is supposed to target them. This is possible because part of the ransom is given to neighboring gangs, and this practice reflects the idea that pirates should not fight among themselves and have vested common interests. A few incidents that occurred in 2010 suggest that this “honor among thieves” has become more difficult than before.

Indeed, things have started to change, in particular because businessmen have been increasingly involved and because the division of pirate labor has become more sophisticated. When crews are held hostage onshore, local businessmen may provide cash advances for their subsistence as well as payments to the militias guarding the crews: this is a way of not only defusing risks but also sharing the benefits of piracy by securing generous reimbursements once the ransom has been received. As in other cases of hijacking, one should also point out the role of the translator, who is often instrumental in guiding the militias and in maintaining the relation between pirate leaders and crews. But a much more important role is that of the *dilaal*, the intermediary who negotiates for the release of the ship and the well-being of the crew. In Somali culture, a *dilaal* can get a huge percentage of the transaction, and this may also be the case in piracy. In some cases, he can be the translator, but he can also be someone who has no direct connection with the military operation.

Another dimension should be highlighted. Although initially pirates used little military hardware, their success allowed them to buy heavy weapons for use onshore to guard the crews and protect their operations; there is no evidence yet that the weapons they use offshore got more sophisticated. Long before 2008, pirates became significant military players in Puntland and aligned themselves with their respective clans in any confrontation opposing these clans to the Puntland administration or to other clans. This suggests that pirate gangs do not behave as sheer delinquents: they follow clan rules, they respect (up to a point) the authority of clan elders, and they do not behave as thugs when they are onshore. This also explains why they are not immediately perceived as the criminals described by the international and especially Western press.

Most pirates belong to the Majeerteen/Omaar Mahamuud or Majeerteen/Iise Mahamuud sub-clans, though rank and file militias can be recruited from other clans. Had he been willing to tackle this problem, the successor to Abdullaahi Yuusuf, President Adde Muuse, would have courted the risk of serious clan clashes, since he belongs to a third clan called Majeerteen/Osman Mahamuud. The case of the current Puntland president is even more sensitive, since the two main pirate leaders, Abshir Abdullaahi Boyah and Garaad Mahamuud Iise, belong to his sub-clan, Iise Mahamuud/Muuse Iise, which reinforces the likelihood of financial support to his presidential campaign and beyond.¹⁹ This context has important practical consequences for the way in which the Puntland administration could challenge the pirates. As some experts underline, Puntland officials may not want to risk a direct military

confrontation and prefer instead to focus on winning “hearts and minds.”²⁰ To a certain extent, the last reshuffling of the administration in March 2010 and new commitments it has made suggest that its newly activist attitude is the result of international pressures rather than a genuine commitment and a willingness of the Puntland security forces to address the problem.

In 2010, the main piracy centers and their hinterlands were the Garacad, Eyl, and Laasqoray areas (which means that members of the Warsangeli clan are also involved). To a large extent, the resilience of pirate activities meant that they have become more sophisticated and benefited from more expertise, as money has been increasingly available. This trend has not been disrupted by the course of events or international intervention.

What makes this piracy distinct from piracy in southern and central Somalia (located in the areas of Xarardheere, Hobyo, and Ceel Huur) is the deliberate strategy in Puntland that consists in building support among clan elders, officials, and intellectuals, as well as a very entrepreneurial approach to the use of ransoms. The key beneficiaries invest locally or regionally and do not spend their resources exclusively on the sumptuary celebration of their feats. This contributes to strengthening their popular legitimacy and the sympathy of the public, even though some clerics, elders, and civil society activists have talked against them publicly.

In southern Somalia, the situation is different. First, the region has been deprived of any kind of administration for nearly two decades, except when the Islamic Courts Union gained control of the region for a few months during the second half of 2006. Although piracy there is comparable in terms of skills and methodology to its northern version (especially after Puntland gangs sojourned in the area in 2004), it is organized along lines that are very similar to those of local militias (*mooryaan*). The pirates do not employ much in the way of strategy or tactics to win popular support but rather the usual munificence that characterizes the behavior of the *mooryaan*. Consumption of *qaat* (a regional stimulant) and generous donations to kinsmen are the norm. The popular support that typically follows reflects the positive view that piracy is simply a lucrative activity rather than a deliberate strategy seeking to win the support of influential people.

While piracy and jihadism developed in the same area, it is important to single out some differences that should caution against quick conclusions. In Xarardheere and Hobyo, pirate gangs and the radical Islamist group al-Shabaab recruit among the same Saleebaan sub-clan (Saleebaan/Faarah), although on the ground, relations between the two groups seem to be scarce, at least so far. Their coexistence can be explained by factors that do not necessarily involve collusion.²¹ First, pirates are much better armed than any other group and it would be very costly to confront them. Second, they have not yet been shown to have any political ambitions other than the need to operate without encountering obstacles, and as a result they are not really competing with Islamist groups. Finally, through either collusion or kinship, movements such as al-Shabaab may be able to get a (small) share of the money pirates distribute rather generously after ransoms have been paid.

A last point should be made in order to underline the internal contradiction of a simplistic vision of piracy. In Puntland and central Somalia, pirates actually offer a

counter model to Shabaab activists. Not only is piracy a crime for Islam but pirates enjoy life in an epicurean manner, encouraging the dream of many youngsters—typically, to marry very early and leave Somalia with a genuine visa to settle overseas. The image projected by a member of Al-Shabaab is the exact opposite: his life is ascetic and his reward not mundane.

The Origins of International Interest for Somalia

The year 2008 witnessed an unprecedented mobilization of the international community against piracy off Somali shores. While those concerns were certainly motivated by an increase in the number pirate attacks, other reasons explain this new interest in Somalia too. In particular, the key international players in the management of the Somali crisis had a vested interest in allowing Ethiopian troops to leave Somalia after its 2006 intervention, as well as in a revamped Somali cabinet to lead the war against Somali Islamists and their foreign allies.

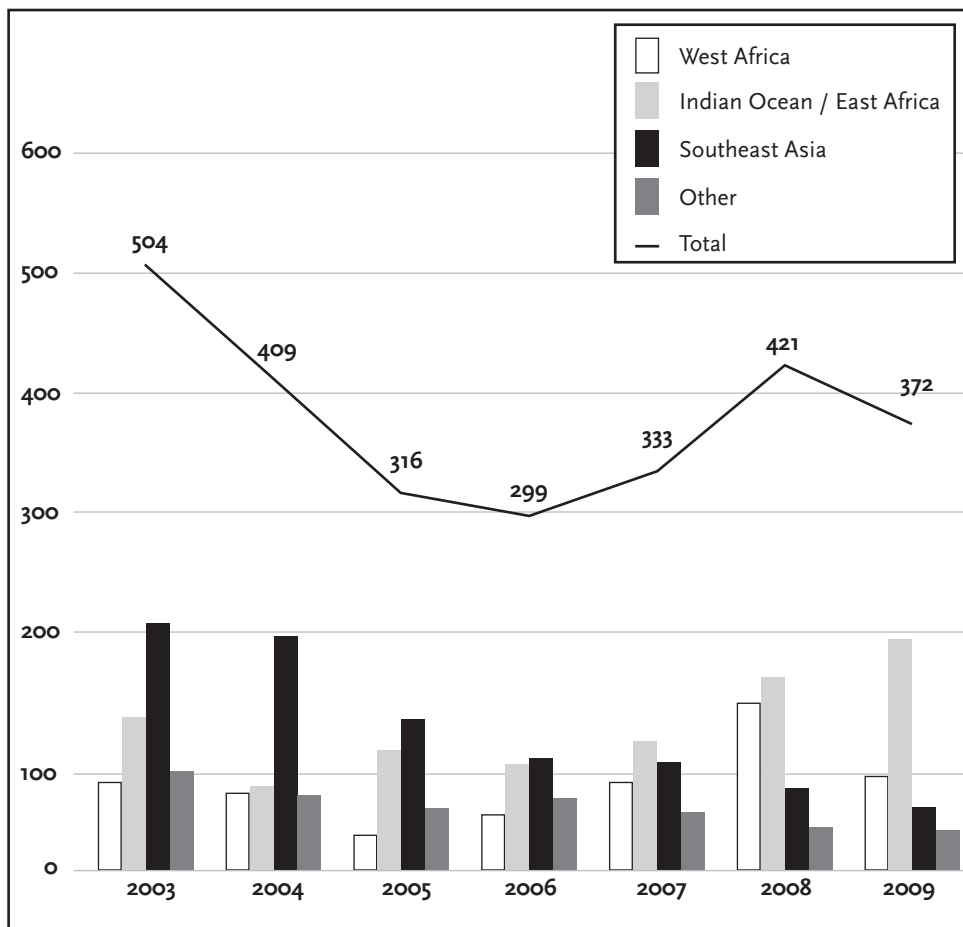
The traditional analysis selectively emphasizes a spurt over just a few years and in Somalia in particular. In 2006, 15 cases of piracy off the Somali shores were recorded. In 2007, this number jumped to 31; in 2008, it reached 111, and 217 in 2009. The international community had reasons to be concerned; more than 21,000 ships travel every year through the Gulf of Aden, representing 10 percent of the international oil trade and 7 percent of global maritime trade. In a longer time horizon and a wider geographical scope, however, a numerical analysis raises more questions than it answers. Was 2008 the right time to move, and was the new interventionism even the right move?

This chart suggests that if numbers have a meaning, the international community should have been concerned in 2003, or even in 2005, either because of the absolute number of piracy cases (2003) or because of its sharp increase (2005). But no such concern was mobilized and neither the international media nor the UN Security Council devoted time to discuss the problem throughout those years, while experts actually raised the issue.²²

In 2003 international attention was focused elsewhere, in particular on the Middle East (Iraq especially), more than on the Horn of Africa. Somalia had also disappeared from the international agenda since a “national reconciliation conference” was being held in Kenya under the auspices of key allies of the West, Kenya and Ethiopia. In 2005, if any international attention was paid to Somalia, it was mostly focused on the split within the TFG and the departure to Mogadishu of more than a third of the parliament (including the speaker) in a gesture of defiance directed against the heavy-handed Ethiopian policy and the will of the TFG president, Abdullaahi Yuusuf, to bring in Ethiopian troops to assert his authority in Somalia.

The year 2006 marked a shift in the Western attitude toward Somalia. Counterterrorism became the core policy for coping with the internal situation; to that point it had been essentially a covert issue that no Western states had dared to discuss with Washington. Before the ICU took over Mogadishu, the TFG was seen as a weak institution and was expected to do everything within its capacity to win greater legitimacy and popular support. In June 2006, after the defeat of the Somali factions allied with the United States against the ICU, the TFG became overnight the only recog-

Table 1: Number of Reported Piracy Incidents 2003–2009 (Through October 21, 2009)



Source: The Hague Center for Strategic Studies (HCSS) Piracy Database

nized interlocutor in Somalia and its leadership no longer had to meet any condition in order to enjoy this privilege.²³ The U.S. assistant secretary for African affairs, Jendayi Frazer, played a decisive role in this shift and spelled out the new paradigm when she declared in December 2006 that the leadership of the Islamic Courts was controlled by al-Qaeda.²⁴ This was yet another step in a policy that in the ensuing weeks allowed (or at least enabled) Ethiopia to intervene militarily, defeat the militias of the Islamic Courts, and install the TFG in the capital, more than two years after it had been set up.

Forged in mid-2006, the International Contact Group on Somalia—a set of UN ambassadors speaking together on the problem—began to make victorious (and quite unrealistic) statements after January 2007. Yet in reality the situation was quickly spiraling out of control.²⁵ It took the international community and the United States more than a year to acknowledge that the Ethiopians were losing ground and that some kind of negotiations were necessary. Meanwhile, guerrilla warfare developed in Mogadishu in 2007, while in Asmara, in nearby Eritrea, a coalition of former Islamic

Courts leaders, nationalist figures, and representatives of the diaspora established a political wing under the name of the Alliance for the Re-Liberation of Somalia (ARS) to oppose the presence of the Ethiopian army in Mogadishu and in southern Somalia. By then, the regional dimension of the Somali crisis—the protracted conflict between Eritrea and Ethiopia—was more apparent than ever, while at the same time the Somali insurgents radicalized. In particular, a new militant organization became prominent: Harakat al-Shabaab, set up in 2004 and insignificant throughout 2005, became within a few months a powerful movement able to challenge the mainstream organizations that had led the political Islamic trend in Somalia.²⁶ Although the international discourse stresses the financial and human support coming from al-Qaeda, one should also argue that Harakat al-Shabaab proved more convincing than other insurgent groups and was able to merge its vision of Islam (derived from a limited and approximate reading of the Salafi thinkers and the prescriptions of Ayman al-Zawahiri) with a vibrant Somali nationalism that could not accept the presence of the historical arch-enemy, Ethiopia.

In August 2007, the special representative of the UN secretary general (SRSG), the former Guinean prime minister François Lonsény Fall, was replaced by Ahmedou Ould Abdallah, a Mauritanian diplomat whom the Bush administration trusted more than his predecessor. France had warm relations with him because of his fluency in French and the role he played when he had worked for the United Nations in Burundi and West Africa (notably on Ivory Coast). France chaired the European Union in Kenya for the year 2008. At first French diplomacy was open-minded and acknowledged the need to engage the armed opposition to the TFG. But when the dialogue materialized, French open-mindedness became largely rhetorical. By April 2008, Paris had endorsed the viewpoint of the U.S. administration without any qualifications: dialogue with the armed opposition would be exclusively limited to the moderate Islamists as defined by the United States, and the others would not be offered any chance, no matter how representative they were on the ground. In June 2008, an agreement was reached between the TFG and a section of the ARS led by Sheekh Shariif Sheekh Ahmed, who had been the leader of the Executive Committee of the Islamic Courts Union and one of the few Islamists acceptable to the United States. Delayed for months, this fragile political process ended in the election of Sheekh Shariif in January 2009, a few weeks after the resignation of Abdullaahi Yuusuf, who had lost his international (and Ethiopian) support.

Piracy then became an important diplomatic issue for different reasons. First and foremost, Ahmedou Ould Abdallah needed international support, in particular financial support, so as to back the agreement he had mediated and largely shaped. As often in the UN system, the importance of the achievements is reflected in the amounts of money pledged and disbursed by donors. At one point, the SRSG bet on Saudi Arabia to fund the new TFG, but Riyadh found that the deal with the insurgency was not comprehensive enough because too many of its leaders had been excluded by the United States and Ould Abdallah. Then, piracy had its roots in a country deprived of any state and courted by al-Qaeda, which provided simplistic but efficient narratives prone to focus the attention of many chancelleries. The anti-piracy

intervention also played an ambiguous role, since many countries preferred to invest in an offshore operation rather than send their soldiers to Somali soil.

France was in a paradoxical situation: in the past, the country had hardly shown interest in Somalia or provided aid, but the sudden proximity to the SRSF and the chair of the European Union gave Paris a significant degree of influence.²⁷ At first, the French did not intend to be present in Somalia, but the option of leading in a new European undertaking was seen positively in Paris.²⁸ It showcased the utility of the French base in Djibouti at a time when relations were strained because of a French white paper on defense that foresaw a reduction of the French military presence in Djibouti. It also seemed valuable because of the high-profile investigations related to the killing of the French judge Borrel in Djibouti (investigations that traced his murder to the inner circle of Djibouti president Ismael Omar Guelleh). The initiative also allowed President Nicolas Sarkozy to cast himself as a primary European leader despite his difficult relations with his German counterpart, Angela Merkel. Last but not least, it highlighted the protection of WFP ships by the French and Canadian navies.

A third dynamic was created by this succession of events. A number of nations had citizens and ships hijacked by Somali pirates and could not fail to join the international maritime coalition, at least on an autonomous basis. But such a force required a minimum of coordination and the very functioning of this maritime armada turned out to be a creative moment in global politics. To mention only one example, Japan had been interested in recovering a status of normal power for more than a decade. Its noninvolvement in the 1991 Gulf War was internationally met with sarcasm despite its huge financial contribution to the international coalition against Saddam Hussein. After various initiatives, the involvement of units of the Japanese Self-Defense Forces to fight piracy offshore Somalia was seen as a step forward. For the first time, an embassy and a military base were established by the Japanese in Djibouti. When China joined the fray, the United States felt that this operation would provide an opportunity to start afresh discussions on some military issues.²⁹ Russia too got involved but, unlike other countries, became highly vocal about the reluctance of Kenya, Djibouti, and Yemen to prosecute the pirates. This bitterness was expressed less candidly by other members of the maritime coalition and brought about a series of UN Security Council resolutions.³⁰

In the meantime, the Obama administration had barely changed the priorities of its policy on Somalia. Its public pronouncements were more open and flexible, but there was not much behind this rhetoric other than the long since crystallized counterterrorist priority. To be sure, Washington did have an ambivalent position toward the issue of piracy. On the one hand, fighting piracy was a way to assemble an international coalition that would fund the TFG and therefore allow the United States to focus on its counterterrorist agenda. This also served to legitimize the newly created U.S. Combat Command for Africa (AFRICOM), since fighting piracy is among its five priorities (although at first the area privileged by the U.S. military planners was the Gulf of Guinea).³¹ Finally, piracy interdiction allowed the U.S. Navy to claim a greater role than the one it had assumed thus far in the “war on terror.”³²

Yet some international partners were not willing to be confused with the U.S.

maritime counterterrorist force, Combined Task Force (CTF) 150, and in January 2009 the United States had to set up another force, CTF 151, comprising both U.S. and non-European allied vessels. Some allies had their navies involved in CTF 150 but they had no authority over the conduct of counterpiracy missions within a counterterrorist framework. Piracy thus focused the attention of the Somalia experts in Washington precisely when key officials started to acknowledge that the real threat was coming from al-Shabaab and its recruitment campaigns in the West.

Last, but not the least, while most of the media focused on Somalia and developed a standardized narrative linking the pirates to the Islamists and the jihadists, one country was trying to use the crisis to advance its own interests: Yemen. Indeed, Yemen wanted the international community to pay for the creation of an anti-piracy base located on its coast. No chancellery dared to mention the role Yemen played in the Somali crisis. For more than a decade, experts have called attention to the weapons and ammunition trade going from Yemen into Somalia. To this day, the proliferation of small arms such as AK-47s or RPGs in Somalia is essentially made possible by Yemen, although other regional states such as Ethiopia and Eritrea or imports from Ukraine and Belarus also account for the arms trade. To the extent that the main traders are politically associated with the Yemeni president, Abdallah Saleh, who is fighting Al-Qaeda in the Arabian peninsula and allows U.S. special forces to operate in Yemen, those criticisms have been sidelined or dismissed. In the same way, the continuing cooperation between some pirate gangs and Yemeni operators linked to human trafficking is not considered even though it took place from the early days of the Somali civil war.³³

Conclusion: The Stalemate of Anti-Piracy Military Efforts

The most likely outcome of the international anti-piracy efforts will not be an exhaustion of piracy. It will be a form of piracy that is more violent toward the crews and more sophisticated militarily and that eventually attempts to sabotage the ships it fails to take over. While figures show that the success rate of attacks has been halved in two years, their numbers are still a major issue for maritime security in the area. Pirates are also operating in a much larger area today (the Seychelles are hardly included in Somali territorial waters), which makes the mission of the international force only more difficult.

The presence of this maritime armada confirms the view of many Somalis: the international community has a warlike approach to the situation prevailing in their country, motivated by counterterrorism concerns but also economic interests that translate into the looting of Somali maritime resources. Somali websites draw a parallel between two figures: the alleged \$100 million paid in ransoms to the pirates in 2008 and the \$300 million generated by fishing in the Somali Special Economic Zone. Although there is no way of crosschecking these figures, they explain why Somalis are inclined to believe that the international community is protecting its own interests rather than their sovereignty.

Moreover, many stories circulate about the arbitrary arrest of honest fishermen and the destruction of Somali boats, and they cannot be entirely dismissed on the basis of an alleged xenophobia or paranoid perceptions. They raise important legal

issues about who is allowed to transport weapons in international waters. Certainly, UN resolutions provide legal tools that limit this right, but we can be sure that these tools will not be used against the major maritime powers.

Similarly, Somali people still question why nothing is done to stop what they consider to be illegal fishing. To a large extent, the international echo of piracy has convinced some trawlers not to come too close to Somali waters—but this is a very fragile achievement. The international community may have its own reasons explaining its reluctance to take action in this respect. There is no transparency in the way contracts may (or may not) have been attributed by the TFG, still considered the sovereign authority. The international community could therefore claim that the TFG is the relevant authority entitled to take action, although such a claim would not be particularly convincing.³⁴

The focus on militias boarding foreign ships seems to have ousted a better understanding of why piracy has developed off the coasts of Somalia. By denying its historical background and pursuing an exclusively military strategy, the international community is only repeating a political mistake already made onshore against the terrorist threat: there is no military solution, and policing requires the mid-term vision of a solution for Somalia that no one is yet ready to spell out.

The connection made by many between piracy and terrorism essentially reflects the lack of (and lack of interest in) any decent analysis of internal Somali politics: enemies are identified as jihadists, Islamists, or pirates and are taken out of any historical context. This is yet another illustration of the inclination of some Western actors to articulate a global narrative by cobbling together different actors with different agendas and presenting them as the symptom of a single threat. Despite President Obama's declarations to the contrary, we are still immersed in the "global war on terror." What we should have learned instead is that misunderstanding and overstating the threat is the best way to make it intractable.

NOTES

1. To cite just a few: United Nations Security Council Resolution 1814 (2008) called on the international community to take action to protect shipping involved in the transport and delivery of humanitarian aid to Somalia. In resolution 1816 (2008), the Security Council expressed its concern at the threat that acts of piracy and armed robbery posed to the safety of commercial maritime routes and international navigation. It authorized the states cooperating with the Somali Transitional Federal Government (TFG) to enter the territorial waters of Somalia and to use, in a manner consistent with relevant international law, all necessary means to repress acts of piracy and armed robbery at sea. Resolution 1838 (2008) commended the ongoing planning process toward a possible EU naval operation. Resolution 1897 (2009) renewed the Security Council's call upon states and regional organizations to take part in the fight against piracy off the coast of Somalia. Resolution 1918 (2010) also called on all states to consider favorably the prosecution of piracy suspects and the imprisonment of convicted pirates apprehended off the Somali coast: on April 27, 2010, the Security Council called on all states to criminalize piracy under their respective domestic laws. See Report n. S/2010/91 downloadable from <http://www.un.org/sc/committees/751/mongroup.shtml> (last accessed September 13, 2010).

2. Not unlike the legal developments that took place during the seventeenth century: Janice

Thompson, *Mercenaries, Pirates and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton: Princeton University Press, 1994). It should be pointed out that this focus on piracy may converge with other concerns related to the Global War on Terror (even though the expression is not supposed to be used anymore) and the increasing trafficking of nuclear technologies or products.

3. "Security Issues for the U.S. Military in the 21st Century: Why Alexander the Great Is Still Relevant and Pirates Remain a Problem: An Interview with Admiral William J. Fallon," *Fletcher Forum of World Affairs* 33, no. 1 (Winter/Spring 2009): 115–30.

4. See <http://www.consilium.europa.eu/showPage.aspx?id=1518&lang=en> (last accessed July 8, 2010).

5. This does not mean that piracy did not exist before. The wrecking of ships sailing near the northeastern Somali coast was a common practice throughout the eighteenth and nineteenth centuries and constituted one of the (many) reasons explaining the European interest in that part of the continent.

6. Stefan Eklöf Amirell, "La piraterie maritime en Afrique contemporaine: Ressorts locaux et internationaux des activités de piraterie au Nigeria et en Somalie," *Politique Africaine* no. 116 (December 2009): 97–119. In the case of Somaliland, piracy was also linked to the struggle for the control of ports exporting livestock to Saudi Arabia.

7. Interviews with officials of the Somali Ministry of Fishery, Nairobi, November 2008. See also Mahamed Abshir Waldo, "The Two Piracies in Somalia: Why the World Ignores the Other?," http://wardheernews.com/Articles_09/Jan/Waldo/08_The_two_piracies_in_Somalia.html (last accessed July 8, 2010).

8. Robert Patman, *The Soviet Union in the Horn of Africa* (Cambridge: Cambridge University Press, 1990); Jeffrey Lefebvre, *Arms for the Horn: U.S. Security Policy in Ethiopia and Somalia, 1953–1991* (Pittsburgh: University of Pittsburgh Press, 1991).

9. Although the right hand of Abdirahaman Jaama Barre, he was never appointed in an official position throughout the 1980s but was seen as a key middleman in relation to the Italian cooperation system and private sector.

10. She did so in the very last days of her mandate at the European Commission, just before stepping down (she was commissioner until 1999.). The Italian press reacted angrily (not least because of the alleged involvement of SHIFCO in the killing of two journalists) but no one tied this issue to the ownership of the company. On the privatization, see my contribution in the forthcoming volume edited by James Cockayne and Adam Lupel, *Peace Operations and Organized Crime: Enemies or Allies?* (New York: Routledge, 2011).

11. Unified Task Force (UNITAF) was a U.S.-led, UN-sanctioned multinational force operating in Somalia between December 5, 1992, and May 4, 1993. A proper UN peacekeeping mission then took over through March 1995.

12. This suggests that the war profiteers are not always those whose names are the most cited.

13. Although private security companies have long claimed that they are cost effective, their involvement in conflicts show that they are too costly for Third World countries. This point was already made after their involvement in Sierra Leone in 1997, and Puntland is yet another example.

14. Stig Hansen, "Private Security and Local Politics in Somalia," *Review of African Political Economy* 35, no. 118 (2008): 585–98.

15. *Ibid.*

16. He stopped the pirates in Harardheere and later became the chairman of the ICU Shura.

He is better known for being on the U.S. list of terrorists, although many experts argue that this is political blackmail rather than a hard fact. Interview with Zakaria S. A., at the time one of his closest advisers, Mogadishu, September 2006.

17. Debra MacKenzie, "Toxic Waste Adds to Somalia's Woes," *New Scientist*, September 19, 1992. Ironically enough, the key middleman in the deal was the then minister of health of the Ali Mahdi Mahamed cabinet, Nuur Elmi Usmaan.

18. Less than 10 percent of the ships attacked by pirates in 2009 were fishing vessels. Most of these attacks were aimed at securing a mother ship, allowing pirates to sail further in international waters and take commercial ships by surprise.

19. The last Somalia Monitoring Group report (UN Doc. S/2010/91, March 10, 2010) provides convergent analyses. The report can be downloaded from <http://www.un.org/sc/committees/751/mongroup.shtml>. No hard evidence of such collaboration has been yet provided. Against this view, one may argue that pirates and their business associates needed to shore up the support of their clan and therefore had to fund the electoral campaign of the current president.

20. International Crisis Group, "The Trouble with Puntland," *Policy Briefing* 64, August 12, 2009.

21. Yet collusion is cannot be ruled out. For instance, pirate leaders move freely in territories controlled by al-Shabaab and are often seen either in Kismaayo or in the Bakaahara market in Mogadishu.

22. See for instance, UN Doc. S/2003/223, 25 March 2003, *Report of the Panel of Experts on Somalia Submitted in Accordance with Resolution 1425* (2002).

23. Roland Marchal, "Somalia: A New Front against Terrorism," Social Science Research Council, New York, 7 February 2007, <http://hornofafrica.ssrc.org/marchal/> (last accessed July 8, 2010).

24. Let us recall that today the Obama Administration claims with the same faith that al-Shabaab is fully controlled by al-Qaeda.

25. See, for instance, the January 5, 2007, statement that opens with the following sentences: "The International Contact Group on Somalia met on January 5, 2007 to coordinate international efforts to foster stability, security, and reconciliation in Somalia. There is an historic opportunity for the Somali people to reach sustainable political solutions for Somalia based on the framework of the Transitional Federal Charter." See http://eritrea.usembassy.gov/somalia_contact_group.html (last accessed September 24, 2010).

26. Roland Marchal, "A Tentative Assessment of the Somali Harakat al-Shabaab," *Journal of Eastern African Studies* 3, no. 3 (November 2009): 381-404.

27. Recurrently, French diplomacy reminds people of France's participation in the European Development Fund. But France has no leverage on the use of that money in Somalia (and until recently little interest in gaining such leverage).

28. Not least for the opportunity it afforded to compensate for an embarrassing precedent: in January 2009, the newly elected Sheikh Shariif asked the French government to train his personal guard. The French secret services intervention ended disastrously when two of their officers were kidnapped in Mogadishu in July 2009. By July 2010, only one had been released.

29. "China's Navy off Somalia: Cash and Carry," *Economist*, October 29, 2009.

30. See in particular UNSC Resolution 1918 (2010), which reflected a number of Russian concerns.

31. Lauren Ploch, *Africa Command: U.S. Strategic Interest and the Role of the U.S. Military in*

Africa, Congressional Research Report, April 3, 2007, available at www.fas.org/sgp/crs/natsec/RL34003.pdf (last accessed September 8, 2010).

32. Gary J. Ols, "Eastern Exit: Rescue . . . from the Sea," *Naval War College Review* 61, no. 4 (Autumn 2008): 125–48

33. For years, those who tried to cross the Gulf of Aden were in the greatest majority Somali, but over the last three years the situation has changed and today the majority is made up of Ethiopians, mostly Oromos. This should be yet another sign of the deteriorating situation in Ethiopia, despite the support provided by Europe and the United States to the regime.

34. In May 2010, a surrealistic donors conference in Istanbul aimed to discuss the reconstruction of the country (in particular Mogadishu) despite the continuing intense fighting. Some diplomats wanted fishing to be on the agenda since they were looking at building a more solid legal framework to get Spanish and French trawlers back in Somali waters (one can only wonder whether they would have operated under the protection of the European armada).