

**UNIVERSITY OF NAIROBI**

**DEPARTMENT OF HISTORY AND ARCHAEOLOGY**

**STATE FAILURE AND MARITIME INSECURITY: AN ANALYSIS OF SOMALI  
PIRACY, 1991 - 2012**

**BY**

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**A THESIS FOR THE AWARD OF THE DEGREE OF DOCTOR OF PHILOSOPHY IN  
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**Declaration**

This thesis is my original work and has not been presented for the award of a degree in any other university.

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## **Abbreviations**

AD - Anno Domini (In the year of the Lord)

AFMET - African and Middle East Trading Company

AIDS - Acquired Immunodeficiency Syndrome

AIS - Automatic Identification System

BBC - British Broadcasting Corporation

BC - Before Christ

CCTV - Close-Circuit Television

CE - Common Era

CJTF - Combined Joint Task Force - Horn of Africa

CNN - Cable News Network

CTF - Combined Task Force

DIW - German Institute for Economic Research

DRC - Democratic Republic of Congo

EEZ - Exclusive Economic Zones

EU - European Union

EU - European Union

EU NAVFOR - European Union Naval Force Somalia (Later renamed EU Operation Atalanta)

FAO - Food and Agriculture Organization

GPS - Global Positioning System

HHN - Hobyo-Haradhere Network

HIV - Human Immunodeficiency Virus

ICU - Islamic Courts Union

IMB - International Maritime Bureau

IMO - International Maritime Organization

IPOA - International Plan of Action

IUU - Illegal Unreported and Unregulated fishing

LPSUS - Large Pirate Support Vessels

LRIT - Long Range Identification and Tracking

M.A - Masters in Arts

NATO - North Atlantic Treaty Organization

NAUCENT - US's Naval Forces Central Command

NGO - Non-Governmental Organization

PMSC - Private Maritime Security Companies

PPN - Puntland Piracy Network

RPG - Rocket Propelled Grenade

SHIFCO - Somali High Seas Fishing Company

SNM - Somali National Movement

SOMALIFISH - Somali-Soviet Union joint fishing venture

SRC - Supreme Revolutionary Council

SSDF - Somali Salvation Democratic Front

TFG - Transitional Federal Government

UIC - Union of Islamic Courts

UK - United Kingdom

UN - United Nations

UNCLOS - United Nations Convention on the Law of the Sea

UNSC - United Nations Security Council

UNSCR - United Nations Security Council Resolution

US - United States

USA - Unites States of America

USSR - Union of Soviet Socialist Republics

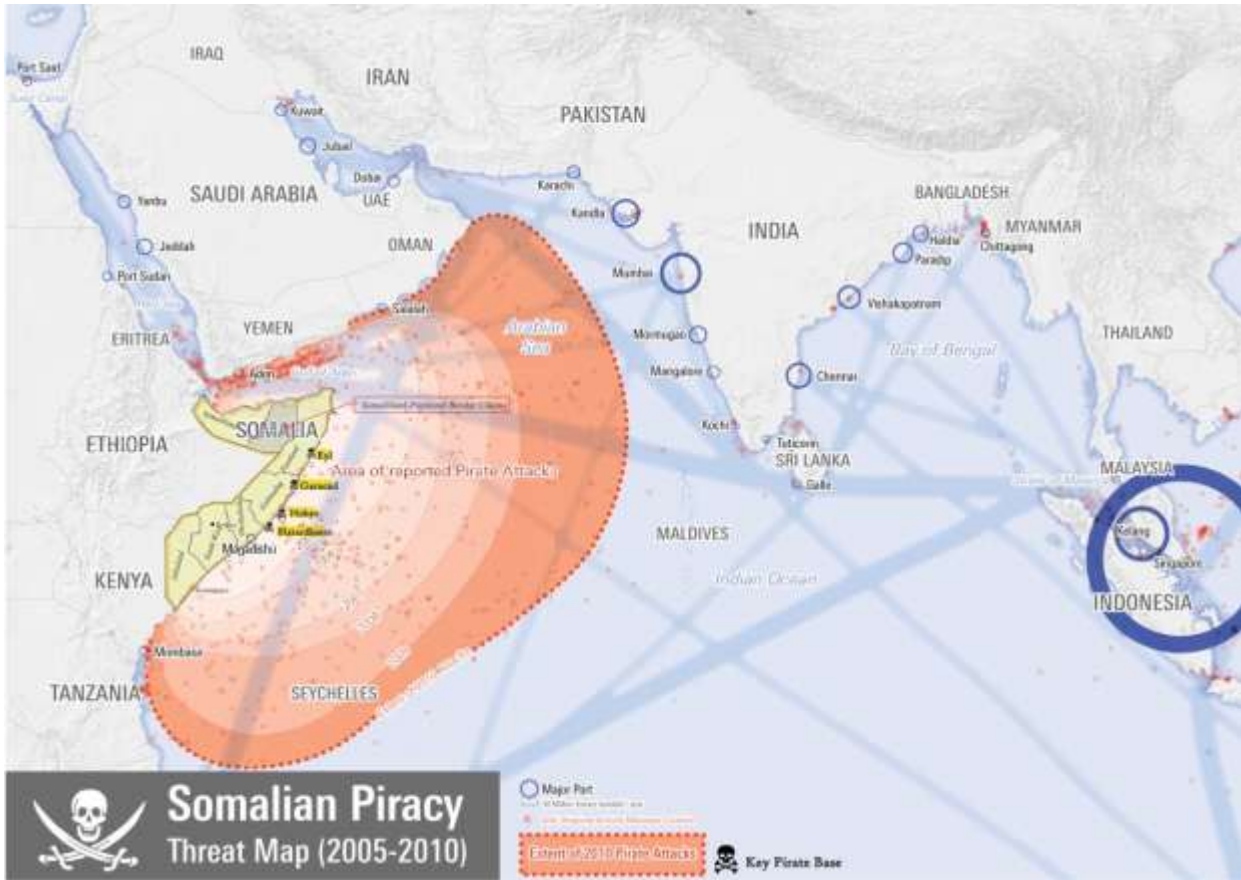
WFP - World Food Programme

WHO - World Health Organization

## **Abstract**

This thesis set to unravel Somali piracy, a recent phenomenon of maritime trade's centuries-old disruptive transgression. This thesis seeks to interrogate the sources, anatomy, and implications of a systemic Somali piracy. The thesis highlights the historical, geographical, and societal transcendental generalizations of a subject largely clothed in systematic local undertones. The thesis argues that Somali piracy was circumscribed by a historically embedded heritage and physical realities that found resonance and fomentation in the society's new and changing socio-political and economic dynamics. The thesis establishes that the piracy was a consequence of an unsteady Somali state whose peoples' expropriatory and survivalist designs fitted into complementary regional and international appendages. All Somali piracy players and transactions fed into the political economy of a new episode of an old practice off the Somalia coast. The investigation denotes unlikely facts that are different from available data on the piracy and from piracy of the past centuries.

# Somali Piracy Map



## Definition of Terms

### **Piracy**

Used in this dissertation to describe maritime crimes involving the illicit detainment of lawful maritime traffic for ransom or plunder.<sup>1</sup>

### **Waters off the Somali coast**

Used in this dissertation to refer to the coast off Somalia and surrounding waters including the Gulf of Aden, the Arabian Sea and the Indian Ocean.

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<sup>1</sup> Bruce A. Apgar Jr., *Countering 21<sup>st</sup> Century Piracy in the Horn of Africa* (Carlisle Barracks: US Army War College, Pennsylvania 17013, 2010), 1.

## Chapter One

### Introduction

#### 1.0 Introduction

Piracy is an ancient and persistent phenomenon that has braved suppressions through the centuries as individuals within successive generations have continued to see profit in intercepting lawful maritime goods and sailors. Having roots in ancient times, piracy can be categorized into different eras to the contemporary 21<sup>st</sup> century piracy. There have been attempts to suppress piracy over the centuries, but it has proven to be an elusive and difficult problem to eliminate or solve. Contemporary piracy thrived in the waters off India, the South China Sea, the Strait of Malacca, and the Caribbean<sup>2</sup> and to limited extent, the West African Coast. Besides these waters and even more importantly, piracy entrenched itself in the waters off Somalia's coast.

Indeed by 2007, almost half of the world's reported pirate attacks took place in the waters off the coast of Somalia.<sup>3</sup> A single piratical attack affected the interests of numerous countries, including the flag state of the vessel, various states of nationality of the seafarers taken hostage, regional coastal states, cargo owners, transshipment, and destination states.<sup>4</sup> Centred on Somalia's coast, the piracy was marked by brazen attacks by Somali pirates thousands of miles into the ocean waters from their land-based enclaves. This not only posed a threat to global shipping,<sup>5</sup> but also national and regional security. The piracy's persistence in the midst of multiple suppression strategies in place astounded interested parties, a reality that prompted this study. Somali piracy's resistance to containment and possible association with the 'governments' in Somalia and terrorist activities made a case for a need to understand the phenomenon. This study desired to bring to bear a holistic anatomy of the 'new' and endemic piracy off Somalia coastal waters.

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<sup>2</sup> Lauren Ploch, Christopher M. Blanchard, Ronald O'Rourke, R. Chuck Mason, Rawle O. King, "Piracy of the Horn of Africa," *Congressional Research Service*, (2009): 4, accessed July 24, 2010, [http://www.law.umaryland.edu/marshal/crsreports/crsdocuments/R40528\\_042/2009.pdf](http://www.law.umaryland.edu/marshal/crsreports/crsdocuments/R40528_042/2009.pdf).

<sup>3</sup> United Nations Expert Group, *Piracy off the Somali Coast: Workshop Commissioned by the Special Representative of the Secretary General of the UN to Somalia*, (2008), accessed July 24, 2010, <http://www.somalilandlaw.com/SomaliaPiracyIntlExpertsreportconsolidated1.pdf>.

<sup>4</sup> United States' National Security Council, *Countering Piracy off the Horn of Africa: Partnership and Action Plan*, (2008), accessed May 24, 2010, <http://www.cdfai.org/pdf/cotemporary%20piracy%20off%20the%20Horn%off%20Africa.pdf>.

<sup>5</sup> *Ibid*, p.3.

## 1.1 Background to the Study

The problem of maritime piracy is age-old and ever-recurrent.<sup>6</sup> References to maritime piracy are found in accounts of early accounts of sea travelers and traders.<sup>7</sup> One of the earliest recorded pirate kidnappings in the ancient world dates back to 78 BC, when a young Roman aristocrat - Gaius Julius Caesar was kidnapped while sailing in the Aegean Sea, held captive and only released after ransom was paid.<sup>8</sup> Generally, this was the time Rome was establishing itself as a power around the Mediterranean world while pirates roamed the waters intercepting grain boats that travelled between Egypt and Rome to earn a living. Similarly, other pirates of the time operated from the Greek islands of Delos and Crete while another set used the island republic of Cyprus which they used as safe havens for their piratical activities. Piratical activities continued in the successive medieval and modern epochs with our contemporary world being gripped by the piracy off Somalia's coastal waters. Over time, the rise, suppression and recurrence of piracy around the world led to the categorization of piracy into different eras.

Indeed, the first great era of modern piracy originated at some vague time in the European Middle Ages, reached its climax in the sixteenth and seventeenth centuries and was only effectively halted by concerted international effort at about 1830.<sup>9</sup> Centred in the Western Mediterranean, its agents were inhabitants of the Barbary Coast, which extended from the frontiers of Egypt to the promontory that flanks the entrance to the Strait of Gibraltar. By mid-seventeenth century, both the Indian Ocean and the Red Sea were swarming with pirates<sup>10</sup> whose modus operandi included killing or holding captive of crew and passengers to take control of their dhows, boats and ships. It was around this period that pirate masters or captains emerged to establish a hierarchy that brought about organization to the pirate ranks with the promise of bountiful rewards.<sup>11</sup> Famous examples of such pirate captains included captain Bartholomew Roberts who operated in the early 18<sup>th</sup> century and is known to have captured over 400 ships in the Indian Ocean in three years.

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<sup>6</sup> Patrick Lennox, *Contemporary Piracy off the Horn of Africa* (University of Calgary: Centre for Military and Strategic Studies, 2008), 2, accessed May 24, 2010, <http://www.cdfai.org/pdf/contemporary%20piracy%20off%20the%20Horn%20of%20Africa.pdf>.

<sup>7</sup> Phillip Gosse, *The History of Piracy* (London: Longmans, Green and Co., 1934), 1.

<sup>8</sup> Ibid, 4.

<sup>9</sup> Ibid, 10.

<sup>10</sup> Robert B. Serjeant, *The Portuguese off the South Arabian Coast* (London: Oxford University Press, 1963), 5.

<sup>11</sup> Lennox, *Contemporary Piracy*, 2.



While there were unsuccessful attempts to suppress piracy over the centuries, the anti-piracy campaign in the nineteenth century by Britain, France and USA brought piracy to an end in the Mediterranean and Caribbean waters. In the case of waters off the coast of Somalia, it was Britain, France and Italy that worked closely to fight the water's recurring piracy in the 19<sup>th</sup> century.<sup>12</sup> Britain took the lead due to the commanding authority of her powerful Royal Navy and proximity to her Indian colony and the presence of British resident authority in Aden.<sup>13</sup> Thus, the British exerted control over the strategically significant Somali Basin and the Gulf of Aden, at the southern entrance to the Red Sea. In the late 19<sup>th</sup> century, Britain, France and Italy competed for, shared and colonized Somali territory amongst themselves.

In 1960, British and Italian Somali lands united to give birth to an independent republic of Somalia whose state authorities controlled and patrolled the Somali coastal waters by use of a small maritime force whose surveillance restricted Somali coastal waters traditional piratical tendencies. However, when Said Barre's regime collapsed in 1991, a new Somalia-centred piracy Era exploded right into world headlines. This study desired to reveal the holistic anatomy of this 'new' and 'endemic' piracy in waters off the Somali coast by locating its sources, motivations, structure, representation, voices, effects and initiatives to end it. Such an endeavor necessitates a closer look at what went on in the waters off the Somali coast so as to unravel a seemingly unattended, unending and systemic problem.

## **1.2 Statement of the Problem**

Piracy is an age-old but recurrent world issue whose available writings are predominantly centred on geographic, legalistic, economic and political paradigms. Existing literature has given geographic interpretations and settings of piracy while explaining the development of laws to counter it. Additionally, the literature was dominated by both economic arguments and political developments as being responsible for the occurrence of piracy. Even with all these standpoints, little was been systematically elucidated about the emergence and resurgence of the Somalia-centred piracy off its coastal waters. Moreover, the piracy was a system with multiple facets which went beyond economic, geographic, legalistic, and political dimensions. Thus, research on

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<sup>12</sup> Gary E. Weir, "Fish, Family, and Profit: Piracy and the Horn of Africa," *Naval War College Review* 62, no. 3 (2009): 17, May, 24, 2010, [http://www.africacenter.org/wp\\_content/uploads/2009/07/Fish-Family-and-profit/pdf](http://www.africacenter.org/wp_content/uploads/2009/07/Fish-Family-and-profit/pdf).

<sup>13</sup> Weir, "Fish," 17.

piracy off Somalia's coastal waters was an attempt to unravel a threatening phenomenon to the blue economy and help in placing it in its rightful contextual frameworks.

Despite existence of legal instruments and initiation of strengthened regional and international responses to combat the Somalia-centred piracy, the pirates resolve to capture more vessels was perplexingly unshaken. Contrasted against the powerful navies that patrolled the waters, the increased piracy activity puzzled many and thus necessitated an interrogation. This puzzle may have lied in the unresearched possibility of Somalia's political crisis providing a theatre for piratical economic gain for the Somali pirates, the coastal communities, and their national, regional, and international partners.

Recent writings on piracy present new views about the problem with two being critical to this study. The first view is the widespread perception that the piracy, off the Somali coast was intrinsically linked to Somalia's 'failed state' status<sup>14</sup> though a comparison with countries that had similar state collapse experiences such as Liberia and Sierra Leone disabused that common notion. Nevertheless, Somali piracy may have been fuelled and promoted by individuals or groups from non-failed states for economic gain which creates a confounding conjecture that this research thrived to shed more light on.

The second view is that scourges of piracy and terrorism were getting systemically intertwined in some parts of the world particularly in Sri Lanka and Colombia where there had been naval terrorist attacks.<sup>15</sup> There were no specific studies that had demonstrated these linkages on Somali piracy and research of this nature had the potential to unravel the possible association of the Somalia-centred piracy and transnational terrorist groups. This raised some questions: What was the relationship between the Somali pirates and the Al Qaeda-affiliated Somalia's Al Shabaab Islamic militant group, if any? Did proceeds from piracy fund Al Shabaab's terrorist activities? Were the pirate attacks a new form of terrorism? What were the possibilities that the complex web of piracy had international links with the west and other developed countries? And what was

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<sup>14</sup> For instance, ABC News, BBC and CNN have televised multiple Horn of Africa piracy stories. The stories can be accessed from their websites. Similarly, papers such as the New York Times, International Herald Tribune and UK's Daily Telegraph have published numerous articles on the Horn of Africa piracy.

<sup>15</sup> Gal Luft and Anne Korin, "Terrorism Goes to Sea," *Foreign Affairs* 83, no. 6 (2004): 61-71, November 20, 2010, <http://www.jstor.org/stable/20034137>.

the piracy's implication on the 'international' fight against terrorism? Similarly, what were the relations between the pirates and government authorities and militias across Somalia?

Scholarship on piracy provided other new ideas that explained the Somalia-centred piracy but have not been studied. First, that unlike past centuries' piracy that was driven by pirate kingpins and bases,<sup>16</sup> piracy, off Somalia's coastal waters was reported to have been a preserve of uncoordinated groups of people who were possibly part of an intricate regional and international web. This was perhaps the 'newness' of the Somali piracy that ought to have be unraveled. This 'newness' lied in the realm of the nature of the pirates' recruitment, age, family, returns and religion, issues that are so far yet to be researched. There were possibilities of an evolution of sea banditry to a wider militia connected or linked to a higher order of piracy which this study pursued. Thirdly, to what degree were Somali clan rivalries, the entrance of the Al Shabaab and the fluid nature Somalia's government authorities responsible for the resurgence of the piracy?

In the end, this study acted as a springboard upon which the transcendent nature of the piracy, off the Somalia coast can be understood. In the process and even more fundamentally, the seemingly multi-faceted nature of piracy in waters, off the Somalia coast was explained with its possible national, regional and international piracy systematic linkages and operations being exposed.

### **1.3 Objectives of the Study**

This study had the following objectives:

1. To explain the emergence of Somali piracy.
2. To examine Somalia state deficiency and piracy.
3. To investigate the representation and captive's voices of Somali piracy.
4. To examine Somali pirate political economy.
5. To analyze interventions against Somali piracy.

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<sup>16</sup> Lennox, *Contemporary Piracy*, 5.

## **1.4 Research Questions**

1. What are the beginnings and organization of Somali piracy?
2. What is the connection between state collapse and piracy in Somalia?
3. Is the media depiction of Somali piracy a correct reflection of the piracy's perpetrators and victims?
4. How did direct and indirect participants benefit from Somali piracy?
5. Why and how did different affected parties initiate mechanisms to suppress the piracy?

## **1.5 Limitations and Significance of the Study**

This study was concerned with Somali piracy whose piratical activities straddled a wide area that generally covered Somalia's coastal waters and outlying waters. Hijacked vessels were brought to the shores of Somalia thus making Somalia the epicentre of the piracy - thus the depiction Somali piracy. The period of study was between 1991 and 2012. 1991, was the year when President Siad Barre's government collapsed, a development which exacerbated instability in Somalia and whose ramifications included an upward spike in piracy. In 2012, no Somali pirate successfully hijacked a vessel which marked an 'end' to Somali piracy. However, the United Nations Security continued renewal of authorizations of international navies to combat the piracy indicates that the 'end' is yet to come.<sup>17</sup> 2012 is also the year when Kenya's Court of Appeal ruled that Kenyan courts had jurisdiction to try Somali pirate's suspects after a lower court - Kenya's high Court had in 2010 declared that courts could only deal with offences carried out within the country's territory.

The research was conducted in Nairobi as it had been mentioned as one of the cities that played host to some of Somali piracy's actors such as bankers, lawyers, ransom aircraft operators and ransom negotiators. Similarly, Nairobi was said to have attracted investments from Somali pirate ransom money despite the unavailability of a study that confirmed that popular notion. In fact, a newly published book by Jay Bahadur countered the notion.<sup>18</sup> Other research areas were the

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<sup>17</sup> United Nations Security Council, Security Council Adopts Resolution 2442 (2018), SC/13566, Authorizing 12-Month Extension for International Naval Forces Fighting Piracy off Somali Coast (6<sup>th</sup> November, 2018), accessed January 17, 2021, <https://www.un.org/press/en/2018/sc13566.doc.htm>.

<sup>18</sup> Jay Bahadur, *The Pirates of Somalia: Inside their Hidden World* (New York: Pantheon Books, 2011).

Coastal region of Kenya where informed sailors, former captured crew members, sea fairing union leaders and fishermen were accessed and interviewed.

There were several limitations that had the potential of disrupting this research. There was a scarcity of financial resources that was ameliorated by a generous tuition waver by the University of Nairobi besides a book allowance that allowed me to purchase some of this study's relevant books. A language barrier between the researcher and some Somali respondents was resolved by hiring of a translator.

Nonetheless, the alarming increase in piracy attacks in the waters off the Somalia coast since the last two decades of the 20<sup>th</sup> century and the turn of the 21<sup>st</sup> century necessitated this modest study as its scholarship was scanty despite the piracy's sensationalist global headlines. Imbued by its destructive tendencies, this systematic study was an attempt of availing empirical ideas to relevant entities on possible ways of ending the piracy. This study was a modest attempt to interrogate the perception that Somali piracy was intrinsically linked to country's political crisis whereas other African countries that had similar political upheavals with respectable coasts did not experience piratical activity. Similarly, the possibility that Somalia's 'failed state' status may have but only partially fueled the piracy has been examined. Other issues that made Somalia to tick in regard with the development and escalation of piracy were of interest to this study and were interrogated to illuminate Somali piracy further in the hope of offering possible remedies to an invasive problem. The study has hopefully unearthed the piracy's underlying complex and shadowy political economy in Somalia with obscure regional and international reaches. Moreover, this study not only painted a fuller picture of Somali piracy but also provided a deeper understanding of the inter-play between the piracy and multiple other players and entities.

## **1.6 Literature Review**

This study borrowed a lot from literature from other parts of the world whose long running piratical experiences have been recorded. This borrowed literature was contextualized with contemporary publications on Somali piracy and other piracies to build this study's major themes of historiography of sea piracy, state fragility and piracy, representations of piracy and interventions against piracy. A sieving through this common and varied literature prompted this

study's systematic interrogation of Somali piracy's various components and dynamics with multiple socio-political and economic lens to paint a true and correct portrait of the piracy.

### **1.6.1 Historiography of Sea Piracy**

Phillip Gosse gives a general history of piracy in Europe, the Americas, the West Coast of India, Straits of Ormuz pirate coast, the Malay Archipelago and the Malagasy African coast. He states that piracy dates back to 78 BC when a boisterous Roman aristocrat was captured, detained and released after payment of ransom, an episode which the privileged extract settled by 'serving' the pirates cold but sweet revenge.<sup>19</sup> In these waters, he presents the origin and players involved with a partisan denominator on highlighting the exploits of the more successful pirates. Also intertwined with the exploits was the political intrigues that both exacerbated and halted piracy. In the chapter 'The African Coast,' he focuses on the African waters which have vague records until the 18<sup>th</sup> century and singles out the Island of Madagascar as the main port for pirates after their escape from a British government expedition in the Atlantic Ocean.<sup>20</sup> Despite highlighting piracy in and around the Persian Gulf,<sup>21</sup> there is an eerie silence on piracy on waters off the coast of Somalia.

J. L. Anderson,<sup>22</sup> like Philip Gosse, gives a history of sea piracy but opines that piracy has been dominated by "piracy cycles" since ancient times. Accordingly, small and independent groups of individuals engaged in piracy and their success led to better coordination and organization. Similarly, political entities, from ancient Roman times have continued to suppress pirate groupings to protect their trade volumes while other entities perpetrate it. Alongside the Indian Ocean waters, Anderson analyses the nature of piracy in the world's major waters. Anderson also analyses the legalistic and economic dimensions of piracy. He interrogates the legalistic problems in the suppression of piracy such as the issue of jurisdiction of the trying courts. Furthermore, he examines piracy in economic terms and argues that piracy may be parasitic or dependent on seaborne trade. Anderson's political, legalistic and economic dimensions were critical in unravelling and placing Somali piracy in its rightful dimensions.

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<sup>19</sup> Gosse, *History*, 4.

<sup>20</sup> *Ibid*, 232-236.

<sup>21</sup> *Ibid*, 253-263.

<sup>22</sup> J. L. Anderson, "Piracy and World History: An Economic Perspective on Maritime Predation," *Journal of World History* 6, no. 2 (1995): 175-199, November 20, 2010, <http://www.jstor.org/stable/20078637>.

Although giving a historical narrative of piracy, Clinton V. Black focuses on the period between the 16<sup>th</sup> and 18<sup>th</sup> centuries. Indeed, Black argues that piracy was at its peak between 1714 and 1724. Black begins by analyzing Buccaneers who were the forerunners of West Indies buccaneering and privateering piracy. The Buccaneers were initially harmless traders and hunters before transforming into butchers of men due to Spaniard attacks. The book is a 17<sup>th</sup> century portrait of an expanding world economy and politics. The Buccaneers' attacks on Spanish territories indirectly protected the English, French and Dutch colonies. Thomas Modyford, the Governor of Jamaica during the Second Dutch War (1665) commissioned Buccaneer captains to defend the islands thus illustrating the close link between politics, commerce and the rise of piracy.<sup>23</sup> Various factors including personal greed influenced the pirates. While highlighting the life stories of pirates of West Indies that include that of two women,<sup>24</sup> Black presents a vivid picture of some of the pirates' social life which was characterized by street brawls, gambling, sex orgies and hard drinking. Black's assertion that politics, commerce and personal greed for scintillating lifestyles gave rise to the West Indies piracy provided illuminating lens through which this study interrogated Somali piracy.

Phillip De Souza examines the problem of piracy and its political dimensions in the Graeco-Roman world.<sup>25</sup> Addressing the piracy's fundamental issues, he defined who a pirate was in the Graeco-Roman world before highlighting the piracy's available evidence and terminological differences in the Greek and Latin sources. Detailing the history of piracy from the Bronze Age to Macedonian's Alexander the Great era, De Souza captures the history of piracy in Greece and the Aegean Sea's pre-Hellenistic period. In analyzing "Hellenistic piracy," he presents a detailed study of the subject from both Greek and Roman points of view. De Souza similarly analyses successive Roman attempts to end piracy along their waters. He also examines the problem of piracy in the late Roman Republic in the context of its politics and propaganda. In a sense, De Souza fronts a political approach in the analysis of piracy whose lens were helpful in situating the place of Somalia's political crisis in the growth and escalation of Somali.

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<sup>23</sup> Clinton V. Black, *Pirates of the West Indies* (Cambridge: Cambridge University Press, 1989), 27-40.

<sup>24</sup> Ibid.

<sup>25</sup> Phillip De Souza, *Piracy in the Graeco-Roman World* (Cambridge: Cambridge University Press, 1999).

Further, on the theme of the history of piracy, but on a different dimension, Robert Bertram Serjeant gives a Politico-Economic Survey of the Red Sea and Indian Ocean prior to the coming of the Portuguese. Both the Mameluke sultans of Egypt and Syria who controlled the northern Red Sea and the Yemenite kings who controlled the southern areas received proceeds from piracy which was perpetrated by Bedouins.<sup>26</sup> The book also describes the Portuguese battles to conquer the Indian Ocean and Red Sea amidst pirate hazards as the mid-seventeenth century Indian Ocean was swarming with pirates who killed passengers to take control of ships, boats and dhows<sup>27</sup> before stripping the vessels of everything and destroying them.<sup>28</sup> Unfortunately, Serjeant only mentions existence of piracy in the Red Sea and the Indian Ocean without describing its origin and organization but his revelation that its pirates murdered passengers and destroyed their vessels provided good comparisons to this study's Somali piracy.

Patricia Risso discusses the historiography of maritime violence in the Western Indian Ocean/Persian Gulf region. Risso argues that the first 'piracy' studies on the Western Indian Ocean and the Persian Gulf explained it as resulting from the sixteenth-century Portuguese brutality which forced locals into the crime while other authors explained it as a seaward extension of the tribal Bedouin raids.<sup>29</sup> Similarly, Risso considers European maritime violence in the region as an extension of wars that had begun in Europe. Furthermore, Risso explains the emergence of a new moral relativism position in 1960's which stated that the British inappropriately referred to the piracy as indigenous naval warfare and commercial competition between neighbours.<sup>30</sup> Moreover, while examining cross-cultural perceptions of piracy, Risso compares and contrasts the English and Arabic conceptions and vocabulary of maritime violence. Risso also compares British roles in two case studies, one, concerning maritime violence along the West Coast of India while the other case focuses on British India's suppression of what it considered piracy in the Persian Gulf.<sup>31</sup>

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<sup>26</sup> Robert Bertram Serjeant, *The Portuguese off the South Arabian Coast* (London: Oxford University Press, 1963), 4-6.

<sup>27</sup> *Ibid*, 112-115.

<sup>28</sup> *Ibid*, 125-126.

<sup>29</sup> Patricia Risso, "Cross-Cultural Perceptions of Piracy: Maritime Violence in the Western Indian Ocean and Persian Gulf Region during a long Eighteenth Century," *Journal of World History*, 12, no. 2 (2001): 295, November 20, 2010, <http://www.jstor.org/stable/20078911>.

<sup>30</sup> *Ibid*, 296.

<sup>31</sup> *Ibid*, 302-319.



Risso provided two illuminating insights in the study of piracy. One, existing circumstances have influenced writings on Somali piracy and this study has tried to put the writings into context i.e. are articles on Somali piracy influenced by selective or 'on the surface' media reports. Two, by interrogating cross-cultural perceptions, we can better understand Somali piracy. Thus, to critically analyze Somali piracy, cross-cultural lens was put into use i.e., interrogating whether Somali pirates had similar views to that held by the rest of the world about the pirate activities they engaged in.

In his paper, James A. Wombwell<sup>32</sup> gives a historical synopsis of piracy for the past 500 years. In the outline, he espouses the causes, enabling circumstances and measures taken to counter the pirates. His view that lack of an initial strong response to low-level piracy allows a piracy to grow into outrageous proportions which require substantial military might to eliminate the menace provided this study with the challenge of gauging the size and timing of the anti-piracy campaign. The issue of tackling modern piracy received global attention in 1980's which pushed the International Maritime Organization (IMO) to establish an agency that recorded acts of piracy, a development that this paper took up to examine its contribution in the eradication of Somali piracy. IMO also kick-started discussions on the contentious definition of piracy. The same contestation was a point of reference during the arrest and trial of Somali piracy suspects. Wombwell also explains the causes of modern piracy from early 1980's with the ship owner's reluctance to embrace defensive mechanisms being a new insight that this study amplified to build a clear portrait of Somali piracy. His analysis on South East Asia as one region experiencing modern world piracies highlighted new ideas such as lack of regional cooperation to fight the menace, a development that this study juxtaposed with Somali piracy. Moreover, the regional countries decision to decline USA's proposed anti-piracy initiative provided a good comparison with Somali piracy.

Peter Chalk describes the scope and dimension of maritime piracy and states that a total of 1,845 actual or attempted acts of piracy were registered around the world between 2003 and the end of

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<sup>32</sup> James A. Wombwell, *The Long War against Piracy: Historical Trends, Occasional Paper 32*, (Fort Leavenworth: Combat Studies Institute Press, 2010).

2008.<sup>33</sup> However, he argues that the real number of acts of piracy is greater because ship-owners are reluctant to report attacks against their vessels to shield the companies from negative publicity. Like Chalk, Weir writes about piracy across the world while giving a background of piracy off Somalia's coast.<sup>34</sup> He argues that the emergence of piracy was due to the need for economic survival by traditional Somali fisherman against large foreign commercial fishing vessels. He further states that the absence of government authority encouraged the growth of Somali piracy. These two authors' works raised fundamental issues that this study has undertaken to substantiate and explain.

Though Woodward's book is on the Horn of Africa, he dedicates a sub-section to Somalia where he dissects the Somali piracy. His examination on the piracy's sources helped in strengthening this study's chapter two while his take on the piracy's organization and changing operational structures went a long way to shape this study's transitional organization and operations. Woodward's explanations on Somali piracy's ransoms economic dimensions helped to amplify this paper's take on political economic dimensions of Somali piracy while his analysis on the international anti-piracy responses helped to solidify the undercurrents that prompted and influenced the international campaigns to eradicate the vice.

In an elucidating, gripping and close exposure, Jay Bahudur<sup>35</sup> tackles the subject of Somali piracy. By use of knowledgeable characters such as former pirates and captives alongside other pirate insiders, Bahudur reviews the history and beginnings of Somali piracy. Further, the book draws our attention to Somali pirates' preparation for a hijack operation and the execution of the hijack process. By use of different hijack escapades, Bahudur presents spicy ingredients on the custody and treatment of captured sailors alongside their vessels. He also measured the pirates take on the hijack ordeals with voices of former captives who also give their side of the story. Bahudur also reviewed the law of the sea and the experiences of Somali pirate suspects in Kenya's judicial system. He also examines the legal and extra-legal anti-piracy campaigns against Somali piracy and the economics of the ransom-centered Somali piracy.

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<sup>33</sup> Peter Chalk, *Maritime Piracy: Reasons, Dangers and Solutions* (Santa Monica (California): Rand Corporation, 2009), 2.

<sup>34</sup> Weir, "Fish," 1-16.

<sup>35</sup> Bahadur, *Pirates*.

Bahudur book provides insights on Somali piracy that went a long way to shape the design of this study. This paper contextualized Bahudur's highlights further to develop the paper's themes and sub-themes. His pirate centered narrative gave this paper an opportunity to reveal incisive details on the organization and workings of Somali pirates and how they treated their captives. Moreover, his narrative helped this paper to critique the subject of ransoms which has always been shrouded in mystery and exaggerations. His narration of Puntland-the internationally yet to be recognized autonomous region of Somalia gave this study noteworthy information on the centrality of Puntland to Somali piracy.

The foregoing works on sea piracy historiography present an informative expose of the vice through several lenses. While the lens captures variances in the piracy portrait throughout different times, generations, and regions, the discrepancies create a truer and more comprehensive arc of the vice. Among the advantages of this comprehensive history of piracy is a complete exposition of the reasons of piracy, the intricacies, and insights of which molded this study - Somali piracy. The accompanying portrayal of the various processes that have driven piracy across space and time provided as a reference point to Somali piracy. Moreover, the ongoing presence of economic and political dimensions in previous piracy helped to place Somali piracy within comparable but useful contexts.

### **1.6.2 State Fragility and Piracy**

Both Henry A. Ormerod<sup>36</sup> and Ellen Semple<sup>37</sup> discuss political dimensions that informed piracy in the Mediterranean Sea. Ormerod not only describes the vivid conditions of Mediterranean navigation with multiple illustrations to give the piracy its proper geographic and political setting but also explains how various government circumstances encouraged the Mediterranean Sea piracy. On his part, Semple argues that Mediterranean piracy was a recurrent phenomenon influenced by political developments<sup>38</sup> amongst other factors. Moreover, Semple states that the Mediterranean piracy occurred in certain geographical stretches which were natural breeding

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<sup>36</sup> Henry A. Ormerod, *Piracy in the Ancient World: An Essay in Mediterranean History* (Liverpool: University of Liverpool), 1924.

<sup>37</sup> Ellen Churchil Semple, "Pirate Coasts of the Mediterranean Sea," *Geographical Review*, 2, no. 2 (1916): 134, November 20, 2010, <http://www.jstor.org/stable/207388>.

<sup>38</sup> Semple, "Pirate Coasts," 134.

places of sea-robbers, while the huge Mediterranean Sea traffic of commerce constantly attracted pirates. Semple also argues that the piracy produced certain political effects that shaped Mediterranean history. Both authors raised fundamental insights for this paper, one, how the geographical setting of the Indian Ocean, Gulf of Aden, the Red Sea, and outlying coastlines informed Somali piracy. Two, to what extent did 'unstable' Somalia state fuel the piracy.

Nicholas W. Smith<sup>39</sup> examines the participation of the Sultans of the Marjerteen state in the Somali piracy of the nineteenth century. Their participation was more visible and significant during the last quarter of the nineteenth century, a period that was dominated by Sultan Uthman Mahmud Yusuf and his competitor Yusuf Ali. The two controlled the Somali coast of what is today the contemporary pseudo state of Puntland in the Federal Republic of Somalia. Successive Sultans used piracy as a manipulative instrument to control the Marjerteens socio-political and economic life and which in the process entrenched them as the pedestal benefactors of the state. With the increase of European maritime trade along the Puntland coast in late 19<sup>th</sup> century, the Sultans strategized to control the resultant commercial opportunities by signing treaties that underpinned their authority over the Marjerteen populace. Similarly, they employed piracy as a tool to manipulate intra-European rivalries to their own advantage. Smith's article was informative to this study as it gave new insights such reviewing the history of piracy along the Somali coast. Moreover, the article provided comparative dimensions to the use of piracy as a means of controlling politics and diplomatic relations to meet the interests of wilders of power to this study.

In his historical paper, Pierre Schneider details insights that provided contrasts and comparisons to the contemporary Somali piracy.<sup>40</sup> The paper highlights how ancient states such as Axum allowed and supported piratical activity against their political rivals such as the Romans. This development was contextualized to unravel the probability of states sponsoring Somali piracy to undercut each other's maritime commercial interests. At the same time, some states such as Ptolemaic Egypt and the Romans mobilized their navies to eradicate piracy along the Red Sea to

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<sup>39</sup> Nicholas W.S. Smith, "The Machinations of the Majerteen Sultans: Somali Pirates of the late Nineteenth Century?" *Journal of Eastern African Studies*, 9, no. 1 (2014): 24, October 31, 2014, <http://www.tandfonline>.

<sup>40</sup> Pierre Schneider, "Before the Somali Threat: Piracy in the Ancient Indian Ocean," *The Journal of the Hakluyt Society* (2014): September 10, 2015, [http://www.hakluyt.com/PDF/Schneider\\_piracy.pdf](http://www.hakluyt.com/PDF/Schneider_piracy.pdf).

ensure their traders enjoyed smooth commercial transactions. This fact was contrasted with the anti-piracy campaign against Somali pirates to determine whether participating countries were there to protect their commercial interests. During the same ancient period, political entities such as the Nabataean kingdom<sup>41</sup> and Ptolemaic Egypt used piracy as a lever to checkmate each other's commercial interests. Indeed Nabataeans, who were then controlling the overland trade organized piratical attacks on Egyptian vessels as they felt that the Egyptian maritime trade was diverting away the control of trade from their hands. This insight was also contrasted with Somali piracy to determine whether the piracy was an extension of some existing economic battle amongst states.

Thomas Baker's journal<sup>42</sup> that is centered on Tripoli, then a major base of the late 17<sup>th</sup> Century Barbary Corsairs (pirates) of the strategic Mediterranean Sea and its attendant diplomatic rivalries among the then leading European powers - England, France, Holland, Italian states of Genoa, Livorno and Venice, Malta and the Ottoman Empire examines the entanglement between piracy and diplomacy in seventeenth-century North Africa. Despite being a city state under the Ottoman Empire rule, the city's socio-political and economic realities and importance along the Mediterranean attracted European powers whose presence turned the city state into a melting port of many civilizations. Though a strategic city state, Tripoli's weak economic and political structures allowed the rise of piracy and subsequently became reliant on it. As a consul, Thomas Baker mostly captured the official state narrative particularly on the intra-European relations, a short coming that was complemented by C.R Pennell's exposition of European activities along the North African Coast. As an English Counsel, Thomas Baker was at a pedestal position of Tripoli's dynamics with an eye of ensuring English shipping safety from the city state's marauding pirates.

Despite being a personal diary, the journal contributed to this study's understanding of Tripoli's fluid local political structures and fragile economy that made it susceptible to piracy activity. Moreover, Baker's journal reviews how Tripoli's politics and economics as well its social

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<sup>41</sup> Nabataean Kingdom was a political entity which flourished in the region of modern-day Jordan between the 4th century BCE and c. 106 CE.

<sup>42</sup> C.R. Pennell (ed.), *Piracy and Diplomacy in Seventeenth-Century North Africa: The Journal of Thomas Baker, English Consul in Tripoli, 1677-1685* (Cranbury (New Jersey): Associated University Press, 1989).

circumstances fueled the piracy and in turn made the city state to be reliant on the piracy. Both Baker's diary and C.R Pennell's extensive introduction gave valuable insights on the larger Mediterranean piracy whose circumstances provided contrasts to Somali piracy.

Fragile states bring forth issues such as a convergence between terrorism and piracy and the piracy's attendant political economies. Gal Luft and Anne Korin argue that the scourges of piracy and terrorism are getting increasingly intertwined.<sup>43</sup> They further state that many of today's pirates are maritime terrorists with an ideological bent and a broad political agenda. They argue, for instance, that pirates and Islamist terrorist groups have long operated in the Arabian Sea, Indonesia's Strait of Malacca, South China Sea and in waters off the coast of western Africa. Because of international efforts to freeze terrorist groups' finances, the groups have come to view piracy as a potential source of funding. Generally, the strings of maritime attacks perpetrated in recent years demonstrate that terrorism has indeed gone to the seas. Moreover, terrorist attacks on oil targets are commonplace because terrorists are fully aware that supply disruptions can have a devastating impact on oil prices. For instance, in October 2001, Tamil Tiger separatists carried out a coordinated suicide attack by five boats on an oil tanker off northern Sri Lanka and in Colombia, leftist rebels blew so many holes in the 480-mile Cano'n-Coven'as pipeline that has become to be known as "the flute."<sup>44</sup> To counter the naval terrorist threats, Gal Luft and Anne Korin advocate for enhanced sea policing and establishment of alternative shipping routes. Besides introducing a new dimension to the intertwinement between terrorism and piracy to the intended study, Gal Luft and Anne Korin offered a critical dimension in the analysis of the Horn of Africa piracy.

David Rosenberg analyzes piracy through the political economy perspective. He concerns himself with piracy in the South China Sea. He emphasizes on the state and market stakeholders and on the economic, technological, and institutional factors affecting sea governance of piracy.<sup>45</sup> According to Rosenberg, higher volumes of shipping lead to increased attacks from pirates. Rosenberg also argues that piracy is largely driven by poor economic conditions which

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<sup>43</sup> Luft and Korin, "Terrorism Goes to Sea," 61-71,

<sup>44</sup> Ibid, 65.

<sup>45</sup> David Rosenberg, "The Political Economy of Piracy in the South China Sea," *Naval War College Review*, 62. no. 3 (2009): 43-58.

some sophisticated and organized criminal groups exploit to seek fortune. Rosenberg further argues that weak government institutions only encourage and exacerbate piracy. Thus, this study closely examined issues that went a long way in unravelling the political-economic nature of Somali piracy.

While focusing on politics and terrorism on the Horn of Africa, Peter Woodward Portrays Somali piracy as both a symptom and a consequence of Somali's political crisis.<sup>46</sup> He highlights the sources of the piracy but singles out Somalia's collapsed state as a major cause for the growth of the piracy which influenced him to depict it as a home-grown phenomenon. He also examines the piracy's organization and operational structures as well as the pirates' capability of adapting to new operational circumstances. Besides describing the economic dimensions of the ransom fueled piracy, he shows its regional and international tentacles. He also pinpoints the international anti-piracy initiatives to eradicate the menace.

Martin N. Murphy recognizes the rise of Somali piracy in the midst of the country's unique realms of cultural, historical, political and economic realities.<sup>47</sup> Imbued by the western world's fear of Islamic terrorism, Murphy aspires to bring out the supposed intertwinement between piracy and Islamic terrorism and whether Islamists exploited piracy to advance their agenda. Besides indicating that Somalia's state failure was a precursor to the growth of Somali piracy, Murphy also queries whether state failure fuelled impoverishment of the population had left people vulnerable to Islamic terrorism. He also describes Islamic terrorist operations in Somalia and contemplates whether they had capability of exploiting Somali maritime criminality to their own advantage. Reviewing Somalia piracy's growth, organization, and operations. Murphy juxtaposes it with Somalia's political developments characterized by the rise and fall of the country's political regimes and groupings. In particular, he shows how Puntland, an autonomous region in Somalia emerged as a sanctuary for Somali pirates. In exposing the beginnings of the piracy, Murphy reviews the intertwinement between fishing and piracy. He also engages in a diagnosis of Somali pirate groups and later shows how the rise of Islamic Courts Union (ICU)

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<sup>46</sup> Peter Woodward, *Crisis in the Horn of Africa: Politics, Piracy and the threat of Terror* (London: I.B. Tauris & Co. Ltd, 2013).

<sup>47</sup> Martin N. Murphy, *Somalia: The New Barbary? Piracy & Islam in the Horn of Africa* (New York: Columbia University Press, 2011).

simultaneously led to the decline of piracy. Murphy concluded by analyzing the benefits and beneficiaries of Somali piracy.

Murphy's book gave invaluable nuances and insights to this study in correctly contextualizing the subject of Somali piracy. From helping to shape this study's review of the causes of the piracy to examining the contribution of Somalia's political crises to the growth of piracy. Murphy's Somali piracy's organizational and operational insights were critical in developing this study's piracy portrait. His analysis of this piracy's benefits and beneficiaries gave invaluable information to this study's Markets of Piracy.

In his review of the causes of Somali piracy, Andrew Palmer<sup>48</sup> discusses Somalia's political transitions to its collapsed state status. Consequently, the near lack of a state has made Somalia to be replete with chaos which certain individuals have exploited to engage in criminal enterprises such as piracy. Palmer has also shown how piracy thrived in Somalia's ungoverned and criminalized state. He has also dissected the organizational anatomy of Somali piracy which among other issues details Puntland's role in the piracy and shows the synopsis of the piracy as a business model. Palmer also analyzed the piracy's key players while explaining the piracy's origins.

Further, Palmer shows how fishing gave rise to Somali piracy and how Yemen contributed to the piracy. He also details how geographical phenomena contributes to the rise of piracy around the world by creating choke points that are favourable to piratical activity. In an endeavor to reveal Somali pirate operations, Palmer provides details on pirate crafts, the 'adopted' motherships, technique, use of intelligence, ransom negotiations and the pirate business model. He also details the pirates changing strategies to counter newly adopted anti-piracy maritime mechanisms and the considered treatment of hostages to secure ransoms.

Palmer's book provided new insights on arms trade whose networks led to the flourishing of pirate attacks. His synopsis of the piracy's impact on the shipping industry went a long way to

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<sup>48</sup> Andrew Palmer, *The New Pirates: Modern Global Piracy from Somalia to the South China Sea* (London: I.B. Tauris & Co. Ltd., 2014).



explain how the piracy impacted on the shipping industry. The book was also critical in revealing how insurance players influenced and responded to the piracy menace which was coated by substantial ransom figures. The book also provided insights into the defense mechanisms adopted by maritime vessels to outwit the marauding Somali pirate gangs.

In his take on Somali piracy, Peter Eichstaedt exposes the identities of the pirates and the structure of their operations.<sup>49</sup> He also explains the circumstances that have contributed to the growth of the piracy while indicating that piracy was a by-product of Somali's collapsed state status and other crimes committed on Somali people such as waste dumping. As a consequence of the political lawlessness, pirates found opportunities and space to organize themselves and derive into the sea in search of money which had become elusive in Somalia's economy. And in parallels with Andrew Palmer, Eichstaedt provides details of the pirates hijack process, the holding of captured sailors in captivity, intrigues of ransom sharing and the anti-piracy operations. He also expounds on the piracy's financing aspect, the arrest, trial and imprisonment of Somali pirate suspects. He avers that the suspects viewed the court trial as an alien process. However, in a distinctive manner, Eichstaedt endeavours to expose the connection between Somali pirates and Somalia's terrorist groups such as Al Shabaab.

Eichstaedt depicts the pirates-Al Shabaab connection as a marriage of convenience. He claims that Al Shabaab was in need of weapons that the pirates imported. This claim is anchored on the assumption that pirates were indeed importing weapons into Somalia as they had the capability of dodging naval forces that were patrolling the waters off the Somali Coast. This assumption that pirates imported weapons into Somalia to necessitate the collaboration between them and Al Shabaab militants gave insights that this study delved into a deeper manner. Further Eichstaedt claims that payment of the two groups working relationship was paid in kind. Pirates are said to have paid Al Shabaab with weapons and cash while Al Shabaab paid the pirates by training them on the use of weapons. This study also set out to confirm Eichstaedt claims that pirates were helping Al Shabaab to establish a maritime force. Moreover, this study sought to substantiate Eichstaedt's take that those Somali pirates provided protection to drug smugglers and drug

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<sup>49</sup> Peter Eichstaedt, *Pirate State: Inside Somalia's Terrorism at Sea* (Chicago: Lawrence Hill books, 2010).

shipments. His other claims that Somali pirate money could be traced to Europe and Nairobi was also interrogated by this study.

The preceding discussion on state inadequacies and piracy demonstrates that certain government circumstances and political developments pushed states to promote and/or participate in sea piracy. This was the case with the practice of European states issuing Marque letters to their citizens to target vessels of enemy states to raise income. Similarly, the Sultans of the Marjerteen chose to exploit the state's geographical location by participating in piratical activity both directly and indirectly. Piracy was tolerated and promoted by ancient states, whereas other allowed and ancient trades that engaged in maritime trade created procedures to combat piracy in waterways they traversed. The review also highlighted the interface between diplomacy and piracy, where realities of state fragility permitted powerful states and other similarly powerful groups to take advantage of the fragility and turn the vulnerable states' coasts and ports into piratical havens. There has also been an interplay between piracy and terrorism, with fragile regimes allowing convergence between piracy and terrorism. How these various facets of piracy played out on the Somalia's coast was partly the subject of interest of this study.

### **1.6.3 Representations of Piracy**

Joseph Campo argues that existing circumstances make people have different interpretations of piracy.<sup>50</sup> He states that colonial definitions of piracy in Indonesia were influenced by changing legal concepts, political interests, administrative practices and local conditions. In Indonesia's postcolonial "Endocentric" or Indonesia-centered historiography, the piracy has been presented as one of the expressions of anti-colonial resistance. While examining the wide variety of views on the nature of piracy and how to tackle it, Campo concludes that the different views on the nature and causes of piracy have multiple explanations. Similarly, Campo states that the nineteenth-century definition of Indonesian piracy was a colonial construct. However, over the years, there have emerged two dominant interpretations of piracy. The first interpretation is more political while the other is more economic. To understand Somali piracy, it is important to

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<sup>50</sup> Joseph N. Campo, "Discourse without Discussion: Representations of Piracy in Colonial Indonesia 1816-25," *Journal of Southeast Asian Studies* 34, no. 2 (2003): 199-214, November 20, 2010, <http://www.jstor.org/stable/20072502>.

interrogate the definitions used in its description, analysis, and debates. Moreover, Somali pirates and citizens explanations on the phenomenon have been dug up and explained. Furthermore, and without giving prominence to Eurocentric interpretations, the input and arguments of the Somali pirates and citizens have been scoured to attain a complete and unbiased understanding of Somali piracy.

Godfrey Fisher explains the different interpretations of the Barbary Coast of the Mediterranean. He mentions that the piracy scourge had ravaged the Mediterranean for three centuries up to 1830 when the French conquered Algiers. Piracy was a daily occurrence on the major ports along the Mediterranean Barbary coast which he calls ‘pirate towns.’<sup>51</sup> He states that the piracy was done by peoples of the Barbary States such as Algiers, Tripoli, and Tunis. He mainly tries to unravel the uncertainties of what constituted ‘Barbary’ in the 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> centuries. Guided by Fisher’s geographic interpretations, this study exposed the contrasting descriptions of the Somali piracy amongst its various players and commentators.

Besides historicizing ancient piracy in the Indian Ocean waters, Pierre Schneider also depicts the piracy with the use of inscriptions.<sup>52</sup> Schneider shows the Indian Ocean has having been infested by pirates who plundered shipwrecks, a practice that was aided by numerous natural geographical features that favoured the ancient Indian Ocean piracy. Today’s northwest Somali waters are characterized by natural narrow straits that provided convenient hiding places for pirates who then easily waylaid the slow-moving maritime vessels. Although today’s identities were then loosely used, Schneider’s interpretation of the available documents and inscriptions help in unravelling the identities of the players and the organization of the ancient Indian Ocean piracy. After this interpretation and other definitions, the subsequent factual and realistic information provided this study with a rich historical background on which to anchor Somali piracy.

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<sup>51</sup> Godfrey Fisher, *Barbary Legend, War, Trade and Piracy in North Africa 1415-1830* (London: Oxford University Press, 1957), 2.

<sup>52</sup> Pierre Schneider, “Before the Somali Threat.”

Cawthorne<sup>53</sup> uses the seizure of vessels to paint a portrait of Somali piracy. In analyzing the capture, custody and release of the vessels, Cawthorne reveals the processes of capturing vessels and in the process exposes how pirate gangs organized and executed vessel hijackings. In explaining the custody of the hijacked vessels, Cawthorne was helpful in nuancing the character of the pirates as well as in portraying the challenges and dilemma that the captives faced. A further analysis of Cawthorne's vessel hijackings brings out the inner-pirate relations which went a long way to provide a truer picture for this paper's depiction of Somali pirates. Cawthorne's extensive list of captured vessels had details that benefitted this study in developing the causes and of operations of the piracy. Moreover, the details brought to the fore, the organization and weaponry of Somali pirates. Cawthorne's multiple insights were critical in solidifying multiple themes of this study.

In a diary-like presented book, sailors turned hostages Paul and Rachel Chandler narrate their capture, custody and release.<sup>54</sup> In a blow-by-blow account, the couple present their gut-wrenching custody in a hijacked vessel and subsequent inland confinement story. In the process, they became witnesses to many experiences which greatly enriched this study. In the initial stages the couple explained how their vessel was captured before delving into their year-long hostage experiences. The book reveals some of the anxieties and hopes that Somali pirate captives faced during their custody, information that went a long way to enrich this paper's narratives of captives' psychological torture, beatings, and separation. In contrast, close details of their captors went a long way to also highlight the pirate narratives, a scenario that was further augmented by their long custody which allowed them to pick the inner and unpretentious outlook of Somali pirates. Their experiences helped this study to enter the real-life world of the pirates when they were themselves. Nonetheless, the couple's 'diary' provided insights into the captors' security arrangements, intrigues and their fears on the Al Shabab which gave valuable themes to this paper. The 'diary' also helps to unravel the food web that characterized Somalia's pirate coastline. Even more critical to this study, was the 'diary's' detailed ransom process account whose complex web revealed its multiple international, regional, and local players.

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<sup>53</sup> Nigel Cawthorne, *Pirates of the 21<sup>st</sup> Century: How Modern-day Buccaneers are Terrorising the World's Oceans* (London: John Blake Publishing Ltd, 2010).

<sup>54</sup> Paul and Rachel Chandler (with Sarah Edworthy), *Hostage: A year at Gunpoint with Somali Gangsters* (Edinburgh: Mainstream Publishing Company, 2011).

George Kiourktsoglou and Alex Coutroubis examine the randomness of Somali piracy on the basis by the process of determining the flags and crews of captured vessels.<sup>55</sup> They sought to reveal whether sailors of certain nationalities were more vulnerable to Somali pirate attacks. They also highlighted the seasonal character of Somali piracy wherein piratical attacks peaked between September and April and declined between May and August due to the alternating nature of the Monsoon winds. The paper also captured the evolution of the implements, weapons and tactics of Somali pirates over the years. The paper found out that certain vessel flags were more regularly attacked by Somali pirates compared to others which contradicted the theory of randomness. Though the paper was unable to identify the cause of the pattern, it found out that Phillipino crews provided the highest number of casualties of Somali pirate attacks probably due to the fact that Phillipines is among the leading countries globally that provide the largest number of sea farers. This paper was useful in interrogating the identity of vessels captured by Somali pirates to unravel whether the pirates were guided by a particular objective.

An examination of books and academic papers on Somali piracy reveals a wide range of depictions and interpretations of the phenomenon. The review was essential in placing Somali piracy in its proper perspective and reducing its distortion. This effort to develop a more accurate description of the piracy was not only critical in developing a correct thesis on Somali piracy that included an evaluation of the policies that were implemented to combat the Somali piracy problem.

#### **1.6.4 Interventions against Piracy**

Bradley Nutting in *The Madagascar Connection: Parliament and Piracy, 1690-1701* discusses the response of the English parliament to the 17<sup>th</sup> century piracy. Nutting begins with a brief survey of English piracy and legal efforts against it from the medieval times to 1690. The efforts forced the pirates to flee to North America and the Caribbean.<sup>56</sup> By the 1690s, the focus of

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<sup>55</sup> George Kiourktsoglou & Alec D. Coutroubis, "Is Somali piracy a random Phenomenon?" *WMU Journal of Maritime Affairs*, The international Journal for professionals in maritime administration, industry and education, 10, no. 1 (2011): April 15, 2013, <https://www.cbrne-terrorism-newsletter.com/resources/GK%20-%20Somalia%20Piracy.pdf>.

<sup>56</sup> P. Bradley Nutting, "The Madagascar Connection: Parliament and Piracy, 1690-1701," *The American Journal of Legal History*, 22, no. 3 (1978): 204, November 20, 2010, <http://www.jstor.org/stable/845181>.

piratical activity had shifted to the Indian Ocean. Nutting further argues that the Governor of New York's random issuance of Marque letters increased piracy along the coasts of Madagascar.<sup>57</sup> Marque letters were British patents which allowed private men of war (subsequently called privateers) to seize enemy shipping in reprisal for alleged depredations. By international practice, the patent holders were not considered pirates though the holders frequently breached the patents to the detriment of English and neutral shipping.<sup>58</sup> Thus, the closing years of the 17<sup>th</sup> century witnessed the growth of a global network of piracy which linked British North America with the Indian Ocean.<sup>59</sup> The expansion jeopardized England's lucrative India trade thus necessitating parliament to enact various Acts to curb the illegal activity. Besides the Acts, there was a dispatch of a British Squadron to Madagascar to counter the pirates. The study was useful as it provided a 17<sup>th</sup> century survey of English piracy and the efforts to stop it. Though it did not address the 21<sup>st</sup> Horn of Africa piracy, the study provided valuable comparisons to the intended study.

In analyzing Captain Kidd's trial, Graham Brooks argues that right up to the Napoleonic period, piracy was a worldwide problem owing to the inability to police the seas.<sup>60</sup> Moreover, the last years of the 17<sup>th</sup> century witnessed a violent recrudescence of piracy following a sequence of wars involving the then three naval powers; England, France and Holland.<sup>61</sup> The book also states that pirates thrive when there is a convenient market for the disposal of their ill-gotten goods and a lack of a judicial mechanism to try them. According to Graham Brooks, Captain Kidd was commissioned to tackle piracy in January 26<sup>th</sup> 1696 by the New England governor. However, Kidd and his crew ended up engaging in acts of piracy. In July 1697, Kidd was arrested and tried for piracy according to the English municipal law about piracy.

The book was important for the research as it highlighted the fact that piracy was not a new phenomenon as a myriad of factors and circumstances keep influencing people to engage in it. Similarly, the pirates' exploits caused pain and anguish to their victims, forcing the British to develop a municipal law about piracy. Therefore, the book was a good background study to the

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<sup>57</sup> Ibid, 205.

<sup>58</sup> Ibid, 203.

<sup>59</sup> Ibid, 215.

<sup>60</sup> Graham Brooks (ed.), *Trial of Captain Kidd* (London: William Hodge and Company Ltd, 1930), 4.

<sup>61</sup> Ibid.

study as it sought to reveal the factors that promoted piracy off the Somalia's coast and the legal instruments that were put into place to suppress or combat piracy in Somalia.

Barry H. Dubner discusses the history and development of the law relating to international sea piracy. He argues that piracy as a term has been applied to acts of murder, robbery, plunder, rape and other villainous deeds which have transpired in the seas over centuries<sup>62</sup> with his book capturing the Red Sea and the coast of Madagascar as the most notorious piratical waters. Nonetheless, by the 17<sup>th</sup> century, pirates were standing trial for their criminal acts in European courts. However, it was not until the 20<sup>th</sup> century that certain 'traditional' notions of piracy were framed within an international convention on the law of the sea.<sup>63</sup> The 1958 United Nations conference on the law of the sea produced the Convention on the High Seas which incorporated eight articles relating to piracy.<sup>64</sup> Nevertheless, Barry H. Dubner discusses significant issues which have not been resolved by the 1958 convention articles as the law of the sea is not a static subject. He has also proposed amendments to the 1958 convention articles in order to make the law of piracy applicable to incidents occurring in the 20<sup>th</sup> century.

The book was valuable to the study as it provided general knowledge of the law of the sea, associated terminologies and unresolved significant issues. Further, the book further raised issues that were dealt with in this study. First, why did piracy thrive in the waters off the Somali coast despite existence of the law of sea? Secondly, how have Dubner's unresolved issues been incorporated into the law of the sea to suppress piracy in the 20<sup>th</sup> and 21<sup>st</sup> centuries?

Maritime piracy is a universal crime under international law as it places the lives of seafarers in jeopardy and affects the shared economic interest of all nations. This is according to the United States National Security Council study of December, 2008. The study suggested lines of action that can improve counter-piracy operations.<sup>65</sup> The study also provided a judicial framework for detention and prosecution of pirates. As much as the study provided useful measures that were

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<sup>62</sup> Barry H. Dubner, *The Law of the International Sea Piracy: Developments in International Law*, 2, (Hague: Martins Nijhoff Publishers, 1980), 1.

<sup>63</sup> Ibid, 2.

<sup>64</sup> Ibid.

<sup>65</sup> United States National Security Council, *Countering Piracy off the Horn of Africa: Partnership and Action Plan* (2008): May 24, 2010, <http://www.cdfai.org/pdf/contemporary%20piracy%20off%20the%20Horn%off%20Africa.pdf>.

undertaken to suppress Somali piracy, the attacks were not entirely quieted. This study examined the continuation of the piracy despite the multiple counter-piracy measures that were put in place to end the piracy.

Roger Villar, while discussing piracy in various regions of the world also listed over 400 armed attacks between 1980 and 1984. He queried whether incidents occurring in territorial waters and harbors constitute piracy as pirate attacks occurred within international territorial waters.<sup>66</sup> Accepted international law states that piracy is an act which occurs on the high seas. The book details the causes, organization, and execution of the piracy in various regions. Similarly, the book explains the experiences of piracy victims and steps taken to combat it.<sup>67</sup> In addition to providing legal definitions of piracy that are enshrined in the General Convention on the High Seas of 1958, the book states that the concept of piracy as an international crime is ancient dating back several centuries.<sup>68</sup>

The book was important as it provided details about piracy in different regions of the world. Although the book did not mention Somali piracy, the information therein provided comparative analysis to this study. For instance, what were the causes of Somali piracy? Who were the participants in the Somali piracy? How was the piracy off the Somali waters organized and executed? What were the experiences of Somali piracy victims? This study has attempted to address the above questions as a way of contributing to a better understanding of Somali piracy.

In her examination of maritime and environmental law, Ramee Kooshie Lal Panjabi<sup>69</sup> situates Somali piracy on a skewed pendulum of Justice and globalization. She argues that the world needed to adhere to maritime and environmental law to ensure the eradication of Somali piracy. She defined the international law on piracy and highlights Somalia's socio-political and economic setting that gave rise to its multiple ills such as lawlessness, state collapse, poverty, environmental degradation, and piracy. Panjabi discusses how the United Nations tried and failed

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<sup>66</sup> Roger Villar, *Piracy Today: Robbery and Violence at Sea since 1980* (London: Conway Maritime Press, 1985), 10.

<sup>67</sup> Ibid, 22-59.

<sup>68</sup> Ibid, 59.

<sup>69</sup> Ramee Kooshie Lal Panjabi, "The Pirates of Somalia: Opportunistic Predators or Environmental Prey?" *William & Mary Environmental Law and Policy Review*, 34, Issue 2, Article 3, (2010): 432-446, May, 30, 2013, <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1011&context=wmelpr>.



to provide solutions to the turmoil in Somalia—a failure that allowed Somalia to degenerate into an environmental and piratical disaster. She also analyzes Somalia’s induced environmental pollution and abuse that was a precursor to the outbreak of Somali piracy. Panjabi has also given a portrait of Somali piracy and the Somali and international reactions to it. The paper’s analysis of piracy from different perspectives broadened the purview of this study. Her contextualization of the role of foreign navies provided new insights that were incorporated to enrich this paper.

Peter T. Leeson investigates the internal governance institutions of violent criminal enterprise by examining the law, economics, and organization of pirates.<sup>70</sup> Leeson argues that pirates developed mechanisms to prevent internal predation, minimize crew conflict and maximize piratical profit. While Leeson analyzes the piratical checks and balances to limit internal predation, he also highlights how pirates use democratic constitutions to minimize conflict and create piratical law and order. To Leeson, the maintenance of law and order ensured the success of the Somalia centred piratical enterprise. Leeson’s paper provided insights and dynamics into Somali pirate gangs’ internal rules, political economy and the structure of Somali piracy.

According to Bruce Apgar, our contemporary Somali piracy bore no resemblance to the romantic notions of 18<sup>th</sup> century swashbucklers.<sup>71</sup> The piracy’s resurgence aroused several responses by the international community including the establishment of an international maritime coalition (known as Combined Task Force 151), made up of the European Union (EU), and the North Atlantic Treaty Organization (NATO).<sup>72</sup> Similarly, Lauren Ploch et al, have analyzed the international policy responses to Somali piracy.<sup>73</sup> This study has contextualized and interrogated these responses despite the then continuation of Somali piracy.

In an assessment of transnational organized crime in Eastern Africa, the United Nations Office on Drugs and Crime discusses the reasons that contributed to the decline of the piracy since

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<sup>70</sup> Peter T. Leeson, *An-arrgh-chy: “The Law and Economics of Pirate Organization,”* *Journal of Political Economy*, 115, no. 6 (2007): 1049-1094.

<sup>71</sup> Apgar Jr., *Countering 21<sup>st</sup> Century Piracy*, 1-24.

<sup>72</sup> *Ibid*, 5-6.

<sup>73</sup> Lauren Ploch, Christopher M. Blanchard, Ronald O'Rourke, R. Chuck Mason, Rawle O. King, “Piracy,” 16-21.

2011.<sup>74</sup> The factors went a long way to shape this study's chapter on ending piracy. The assessment's multiple graphs on vessel hijackings, ransom payments between 2005 and 2012 gave information on the pattern of pirate attacks that was critical in determining the periodization of Somali piracy. In analyzing the conduct of Somali piracy, the assessment captured hitherto unseen facts that helped to broaden this study. In a portrait to reveal the identity and participation of the piracy's players, the assessment highlighted new insights that amplified this study.

In their article, Abdi Ismail Samatar et al,<sup>75</sup> argue that the international anti-piracy strategies against Somali piracy never worked as the subject was not well understood. The article endeavors to draw concerned parties to a better understanding of the phenomenon by developing two approaches - 'condition approach' and 'predations-resistance approach' for a better analysis of Somali piracy. So as to understand piracy within the larger context of Somalia, the article interrogates the role of elites in independent Somalia in illegitimizing the state to serve their interests which by default provided enabling circumstances for the growth of piracy since 1980s. The article also explores the entrenchment of piracy into the Somalia's economy in general and that of coastal communities in particular. Samatar et al. also highlights the ineffectiveness of international strategies to counter the piracy. This article provided valuable indicators and dimensions that this study pursued so as to be comprehensive.

According to the foregoing review, numerous interventions to abolish sea piracy around the world because of political realizations about the negative impacts of the practice, particularly on trade. The prevalence of convenient markets for piratical goods contributed to the growing piracy over the centuries. Similarly, absence of anti-piracy legal measures aided the persistence of piracy. An outcry over impunity for piratical activities forced governments to launch anti-piracy initiatives. This review on anti-piracy interventions against piracy highlights the development of the law of the sea, which defines crimes that qualify certain acts as piratical activity. It provides us the framework with which to evaluate the trials of those captured for acts of piracy and Kenya's involvement in these trials. The same analysis identifies loopholes in the law of the sea

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<sup>74</sup> United Nations Office on Drugs and Crime, *Transnational Organized Crime in Eastern Africa: A Threat Assessment*, Vienna: United Nations Office on Drugs and Crime (2013).

<sup>75</sup> Abdi Ismail Samatar, Mark Lindberg & Basil Mahayni, "The Dialects of Piracy in Somalia: The Rich versus the Poor," *Third World Quarterly*, 31, no. 8 (2011): 1377-1394, September 01, 2012, <https://doi.org/10.1080/01436597.2010.538238>.

that demand the establishment of additional conventions. However, inability to craft a comprehensive legislation that criminalizes all potential acts of piracy has allowed guilty individuals involved in piratical activities to escape. In addition, the assessment emphasizes the link between global environmental challenges and piracy. Omissions in enforcement of environmental law have the potential to promote global environmental injustices, which can lead to piratical activities. Gaps and limitations of anti-piracy efforts against Somali piracy may impede the practice's abolition.

### **1.7 Theoretical Framework**

This study is conceptualized primarily within the systems theory which views the world as a complex system of interconnected integrands. Systems theory, as postulated by writers such as Morton Kaplan amongst others argues that complex entities in the world are organized along systemic lines with structures which can be revealed through research.<sup>76</sup> An interrogation of the systemic nature of entities exposes not only their particular identities but also their attendant links to a larger whole. The varied nature of systems approach allows it for instance to explicate scholarly phenomena in politics, international relations and studies that conflagrate state and non-state actors such as piracy.

A system is a set of interrelated elements sufficiently distinguished from their environment by certain regularities which can serve as a focus of inquiry. The elements of a system may be concrete in the sense that they are physically distinguishable, or they may be abstract in the sense that they are conceptually distinguishable.<sup>77</sup> The study of systems involves the study of relationships between elements and it is necessary to specify explicitly the elements employed in any particular study.<sup>78</sup> The choice of a system is, in effect, a choice of a subject matter.<sup>79</sup> Being the study's subject matter, the Somali piracy was viewed as a system. Subsequently, Somali piracy had interrelated elements. Guided by the study of systems, the elements can be analyzed

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<sup>76</sup> Makumi Mwangi, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publishers, 2000), 72-73.

<sup>77</sup> Ibid.

<sup>78</sup> Morton A. Kaplan, *System and Process in International Politics* (New York: John Wiley and Sons Inc., 1957), 9.

<sup>79</sup> Morton A. Kaplan, *Towards Professionalism in International Theory: Macro system Analysis*, (New York: The Free Press, 1979), 96.

as actors. The importance of an actor is its utility in the formulation of significant generalizations.<sup>80</sup> Somali piracy had multiple actors.

Somali piracy's multiple and interrelated actors included the pirates, the sailors, the anti-piracy forces, the coastal communities, and the waters off the Somalia coast. Besides the above concrete actors, abstract actors included the pirate gangs' masters, shipping companies and their schedules, owners of the captured vessels, banks, insurance companies and lawyers amongst others. Both the concrete and abstract actors interrelated to make the piracy system complete and functional such that whilst the pirates captured sea vessels, the waters facilitated the capture of the ships. Similarly, shipping companies continued paying ransoms to secure their vessels whilst anti-piracy forces patrolled the Indian Ocean waters.

When an input leads to a radical change in the relationship of the actors of a system-or even in the identity of the actors-it is said to transform the characteristic behavior of the system.<sup>81</sup> In analyzing Somali piracy as a system, we examined the "forces" that changed the conduct and organization of the piracy. The "forces" that transformed Somali piracy included the Al Shabaab militant group, declarations of 'Independence' of Somalia regions of Somali land, Punt land and Juba land. Other 'forces' included the Transitional Federal Government of Somalia and anti-piracy navies that patrolled the Indian Ocean and surrounding waters. These forces came from within and without the Somali piracy system. Sometimes, these forces came out as outputs within the piracy system.

In analyzing Somali piracy as a system, it was necessary and important to describe it at its various epochs, that is, describe its successive and distinctive periods. Thus, for informed analysis of the piracy, it was critical that the piracy was examined in the pre-colonial times, the colonial times and post-colonial times. It was also crucial to locate the changing actors that gave rise to the piracy's successive epochs.<sup>82</sup> This analysis was critical in understanding the transformation of Somali piracy over time.

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<sup>80</sup> Kaplan, *System*, 9.

<sup>81</sup> *Ibid*, 5.

<sup>82</sup> *Ibid*, 4.

Systems can be said to be coupled when the output of one system affects an input of the other system. While systems are ordinarily known to be coupled as elements in a larger system,<sup>83</sup> it was convenient to interrogate coupled systems separately in the case of Somali piracy. Thus, the capture of vessels and the pirates demand for ransom was an input to Somali piracy system whose output ended up becoming an input to the international shipping industry system. When systems, whether on the same or different levels, are coupled in two directions, feedback takes place.<sup>84</sup> Somali piracy affected shipping companies whose responses in turn affected or influenced Somali piracy.

As a system, Somali piracy had equilibrium and was always dynamically changing. Though a stable equilibrium fluctuates within given limits, Somali piracy was dynamic in the sense that its system kept changing its internal arrangements to maintain its stability. Thus, we were intrigued on how Somali piracy continued to thrive despite the presence of the Transitional government authorities and the anti-piracy naval forces. Apparently, the piracy was part of a monstrous and multifaceted international organized crime system. One of the theory's strengths was that it provided a framework that explained both Somali piracy and the abstract international organized crime as systems.

Exponents to the system approach include Kenneth Boulding, David Easton as well as J. David Singer who argues that one may choose to focus upon the parts or upon the whole, upon the components or upon the system of a phenomenon in any area of scholarly inquiry.<sup>85</sup> Critics to the theory include Kenneth Waltz whose issues include Kaplan's concept of feedback and contradiction in political systems which is not applicable in a phenomenon such as piracy. Further, Waltz avers that linking of distant, remote, and independent actors in a system such as the Somali piracy is difficult. Alexander Laszlo and Stanley Krippner have indicated the difficulty in designating an aspect as part of a system and not an independent reality within the

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<sup>83</sup> Kaplan, *System*, 5.

<sup>84</sup> *Ibid*, 6.

<sup>85</sup> J. David Singer, "The Level-of-Analysis Problem in International Relations," *World Politics*, 14, no. 1, *The International System: Theoretical Essays* (1961): 77-92, July 22, 2011, <http://www.jstor.org/stable/2009557>.

same environment.<sup>86</sup> Moreover, Laszlo and Krippner have highlighted the dilemma caused by the changing nature of a system's aspects as well as their multiple and overlapping purposes.

The above difficulties of systems theory in the analysis of Somali piracy necessitated the adoption of the political economy approach as a complementary framework deployed at the point at which the study interrogates the actors in the piracy. The political economy approach is a sub theory within the war economies theory. Indeed, while systems theory identifies Somali piracy as a system made of different actors, the political economy approach pinpoints the actors' individual role to the system's (Somali piracy) functionality. Further, the political economy approach unlike the systems theory broke down the actors' presence into their specific socio-political and economic realities. After all, it was this socio-political and economic interests that captures criminal activities in a war economy such as Somali piracy. The criminality was a result of the breakdown of Somali society's norms and institutions as espoused by criminological theorists.<sup>87</sup> Throughout history, wars have always been considerably shaped by economic factors. This centrality of economic considerations is at the heart of armed criminal enterprises such maritime piracy,<sup>88</sup> a scenario that does not arise in the application of a systems theory. While Somali piracy is not a war between two belligerents whose conflict can be gleaned through a political economy perspective, the centrality of economic factors within its processes qualifies it to be analyzed by use of the approach. The approach helped in revealing the piracy's 'war economy' which led to an understanding of its implications within Somalia and beyond.

Despite Somali piracy being a war economy, the use of a political economy approach allowed this thesis to go beyond the war economy's centrality of violence and other underhand tactics in shaping Somalia's economy. A political economy approach has showed how the piracy eroded Somalia's formal economy by substituting it with informal and criminal activities. The political

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<sup>86</sup> Alexander Laszlo and Stanley Krippner, *Systems Theories: Their Origins, Foundations, and Development*, J.S. Jordan (ed.), *Systems Theories and A Priori Aspects of Perception* (Amsterdam: Elsevier Science, Ch. 3, 1998), 47-74, accessed January 12, 2020, <https://www.researchgate.net/publication/251455580>.

<sup>87</sup> Jon M. Shane and Charles A. Lieberman, "Criminological Theories and the Problems of Modern Piracy," in M. R. Haberfeld and Agostino von Hassell, *Maritime Piracy and Maritime Terrorism: The Challenge of Piracy for the 21<sup>st</sup> Century* (Dubuque, IA: Kendall Hunt Publishing Company, 2009), 1.

<sup>88</sup> Karen Ballentine and Heiko Nitzschke, *The Political Economy of Civil War and Conflict Transformation*, Berghof Research Centre for Constructive Conflict Management, (2005), 3-10, accessed January 12, 2018 [https://www.berghof-foundation.org/fileadmin/redaktion/Publications/Handbook/Dialogue\\_Chapters/dialogue3\\_ballentine\\_nitzschke.pdf](https://www.berghof-foundation.org/fileadmin/redaktion/Publications/Handbook/Dialogue_Chapters/dialogue3_ballentine_nitzschke.pdf).

economy approach took advantage of the individualized and localized nature of a war economies theory to show the piracy's various economic implications, both favourable and detrimental. This complementary war economies theory and political economy approach reciprocity is detailed in chapter seven with further insights from its proponents such as Jonathan Goodhand,<sup>89</sup> Karen Ballentine,<sup>90</sup> Heiko Nitzschke<sup>91</sup> and Paul Courier.<sup>92</sup> In addition to the two theories, the research has used Friedrich Von Hayek's theory of complexity, rational choice theory and a war economy approach to anchor chapters two, three and four respectively.

### **1.8 Hypothesis of the Study**

The study was based on the following hypotheses;

1. Multiple factors and realities occasioned the rise of Somali piracy.
2. The collapse of government authority in Somalia accelerated piratical activities along and off her coast.
3. Somali piracy generated a varied representation without consideration of the views of its perpetrators and victims.
4. Somali piracy grew into a complex economy that entangled various players.
5. Multiple deterrence initiatives were set up to suppress Somali piracy.

### **1.9 Research Methodology**

This study employed qualitative research method. This approach permitted the researcher to analyze and explain Somali piracy from various angles and sources to gather the required data for analysis. Consequently, the holistic nature of qualitative research produced a systematic and comprehensive thesis on Somali piracy. In the first phase of the research, I conducted library research that involved the reading of books, journal articles, periodicals and other published material in various libraries that included the University of Nairobi's Jomo Kenyatta Memorial Library and United Nations Library at Gigiri, Nairobi. Other library sources were consulted, including numerous reports prepared by both Governmental and Non-Governmental

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<sup>89</sup> Ballentine and Nitzschke, *Political Economy*, 3-10.

<sup>90</sup> Karen Ballentine and Jake Sherman (eds.), *The Political Economy of Armed Conflict: Beyond Greed and Grievance* (Boulder: Lynne Rienner Publishers, 2003), 2-3.

<sup>91</sup> Ballentine and Nitzschke, *Political Economy*, 3-10.

<sup>92</sup> Paul Collier, "Doing Well out of War," in: Berdal, M. and D. M. Malone (eds.), *Greedy and Grievance: Economic Agendas in Civil Wars* (Boulder: Lynne Rienner Publishers), 91-111.

organizations that were involved with Somali piracy. Moreover, newspapers and magazines, both in Kenya and Somalia were scoured for more data. This library research exposed the researcher to varied interpretations and portrayal of the subject at hand as understood and explained by various writers. Gaps found in the explored literature necessitated field research to complement the information gathered during library research.

Field research is a source of primary data that captures accounts and/or recollections of the subject, thus allowing secondary and primary data to complement each other. The researcher's envisaged visit to autonomous Puntland region of Somalia for field work was abandoned over fears of the researcher's personal security. Puntland was one of the key epicentres of Somali piracy. While the cancellation was informed by continued reporting of either taking hostage of foreigners or attacks on them, the choice for Puntland was due the region's acknowledged security vis-à-vis the largely insecure central Somalia. Besides, my Kenyan citizenry did not help either due to Kenya's 2011 military incursion into Somalia and subsequent hostility directed at Kenyans.

The researcher's inability to travel to Puntland for fieldwork was ameliorated by the presence of a substantial number of Somalia citizens in the city of Nairobi and in particular, Nairobi's Somali dominated Eastleigh estate. My access to the initial potential knowledgeable persons from Somalia was facilitated by Bashir Isse, a former senior Somalia government official who was then pursuing his M.A studies in the department of History and Archaeology at the University of Nairobi. The researcher also got access to more potential Somalia Somali respondents from Abdiwahab Sheikh Abdiswamad, a Somali Affairs enthusiast who was also pursuing his M.A degree on conflict and peace in the University of Nairobi.

Respondents were purposively selected based on their age, expertise, knowledge and whether they had lived through the episode or interacted with it. Identified respondents in turn informed the researcher of other knowledgeable respondents. Accessibility of informed respondents was crucial in constructing a complete picture of Somali piracy. A research permit was obtained from the ministry of Higher Education, Science and Technology and a complementary introductory letter was also obtained from the University of Nairobi to ensure a smooth conduct of the



interviews. A hired bilingual research assistant facilitated translation to overcome the language barrier when the researcher interviewed only Somali speaking respondents. Due to the sensitivity and relative secrecy attached to the subject of investigation, the study minimized the use of structured questionnaires as they had the potential of hindering participation of the respondents. Thus, the researcher focused on informal discussions using interview guides where necessary. The respondents' responses were recorded either by writing of notes or tape recording where the respondent's approval had been sought and given.

The researcher also made an effort to interview jailed or detained piracy suspects from Somalia in Kenya's coastal Shimo La Tewa Prison. To be able to interview these people, I obtained clearance letters from the headquarters of Kenya Prisons Service. Since I do not speak Somali, I contracted a bilingual research assistant to ease this language challenge. More respondents for the research were accessed after the researcher's introduction to the Mombasa-based Kenya Seafarers Assistance Programme officials who in turn contacted and assembled formerly captured and released Kenyan sailors. Both the jailed or detained piracy suspects and former captured and released sailors warmly but reflectively narrated their stories from their points of view.

All responses were examined, sorted, and organized on a similarity criterion determined by the sub-themes and themes of the study. Any identified gaps were filled by seeking out more knowledgeable respondents. The multiple sources of data were cross-checked to ensure clarity, good corroboration, and elaboration. The interpretation of data and subsequent thesis writing was guided by logical reasoning. Presentation of data took narrative and tabular forms.

## Chapter Two

### Typologies and Determinants of Piracy in the Somalia Coast to 2005

#### 2.0 Introduction

Records on maritime piracy show it as one of the earliest recorded human crimes. References to pirates date back to the onset of trade and travel with individuals seeing profit in intercepting goods and travellers.<sup>93</sup> Individuals who engaged in piratical activity off the Somali coast and other world waters were driven by divergent considerations whose scholarly pursuit has been feeble and general. However, an examination of available material on Somali piracy show an amalgamation of long drawn coastal practices as an inducement for the growth of the 21<sup>st</sup> century Somali piracy. Other motivating factors responsible for the rise of Somali piracy were rooted in cultural aspects such as clan and religious identities which found a supportive base in geographical realities. Similarly, political and economic interests at individual and national levels served as catalysts for the rise and escalation of the piracy.<sup>94</sup> This portrait of determinants that occasioned the rise of Somali piracy is a modest attempt at illuminating a difficult assignment whose success acts as a comprehensive foundation to understanding Somali piracy. This difficulty is further deepened by the conflating manner in which different scholars have underlined various motivations as the reasons for the piracy's emergence. A general observation by various scholars is that the piracy grew as a consequence of the confluence of diverse outlines and motivations on her shore and hinterland. Moreover, visible and shadowy players, taking advantage of Somalia's circumstances, engaged in activities that either openly or subtly supported piracy.

An attempt to pinpoint exact profiles and motivations for the growth of the piracy is an intriguing undertaking which can be clarified by Friedrich Von Hayek's theory of complexity.<sup>95</sup> The theory highlights the importance of examining interrelationships of variables in models to comprehend their complexity. Though it is anchored in economics, Hayek's theory of complexity is also

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<sup>93</sup> Gosse, *History*, 1.

<sup>94</sup> James A. Wombwell, *The Long War Against Piracy: Historical Trends*, Occasional Paper 32, (Combat Studies Institute Press, 2010), 10.

<sup>95</sup> Stefano Fiori, "Hayek's Theory on Complexity and Knowledge: Dichotomies, Levels of Analysis, and Bounded Rationality," *Journal of Economic Methodology*, 16, no. 3 (2009), 265-285 July 9, 2020, <https://doi.org/10.1080/13501780903128548>.

applicable in the social sciences when dealing with a situation of collocated intricacy. As such, the theory allows one not only to focus on the various parameters that fueled Somali piracy but also how the individual causative variables connected to each other. Further, the theory helps this chapter to weave a narrative that transcended time but which over time was bolstered by conducive geo-politics and cultural identity. Thus, this chapter has borrowed Hayek's theory of complexity to illuminate a phenomenon whose typologies and determinants were embedded in long drawn practices, cultural identity, geographical actualities as well as political and economic interests.

## 2.1 Long Drawn Coastal Practices

Available records indicate that sea piracy had made a mark in the Mediterranean Sea by the 14<sup>th</sup> century BC as stated by Angus Konstam.<sup>96</sup> Other sources also show similar piratical activity either spread from the Mediterranean Sea or emerged independently in surrounding and further waters. Deciphered Egyptian inscriptions indicate the spread of ancient piracy into their coastal waters as the historical records mention of 'sea peoples' who originated from Mediterranean's northern coastal areas of today's Italian islands and regions of Sardinia and Sicily, mainland Italian coast as well as Greek and Turkish coasts.<sup>97</sup> Having turned themselves into aggressive sea migrating tribes they battled Egyptians at around 1180's BC. After losing to the Egyptians, they settled in Palestine where they morphed into different peoples over time, some of whom simultaneously engaged in maritime trade and piracy.<sup>98</sup> Attempts by then powerful political entities such as the Greek city states, Carthaginians and Romans<sup>99</sup> to carry out campaigns against Mediterranean piracy and other piracies were largely unsuccessful.<sup>100</sup> For instance, the Mediterranean piracy spread to the Persian Gulf by the 7<sup>th</sup> century BC<sup>101</sup> and the Aegean waters by the 6<sup>th</sup> century BC.<sup>102</sup> Seemingly, the waters off the Somalia coast were also affected by this ancient piracy.

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<sup>96</sup> Angus Konstam, *The History of Pirates* (London: Mercury Books, 2005), 18.

<sup>97</sup> Ibid, 22.

<sup>98</sup> Ibid, 22-23.

<sup>99</sup> Ibid, 19.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Gosse, *History*, 305.

Indeed, piracy off the Somalia coast is not a new phenomenon as it goes back several centuries. Maritime history indicates that contemporary pirate attacks off the Somalia's coast may be a continuation of these old traditions which Philip Gosse identified as phase one of a piracy's three cyclic phases.<sup>103</sup> In his analytical framework, Philip Gosse classified piracy into three phases. In phase one, individuals from poor coastal communities come together to form ill-equipped pirate gangs with capabilities of only attacking very weak sailors probably within their immediate coastal waters.<sup>104</sup> In phase two, greater organization saw the emergence of strong pirate groups with ammunition of attacking and hijacking big and substantially armed vessels within and beyond the coastal waters.<sup>105</sup> In phase three, a pirate group achieved both territorial waters and land power, a status similar to that of an independent state with power to form an alliance with a friendly state to counter her enemies.<sup>106</sup> Centuries-old information alluding to the presence of maritime trade along the Somalia coast can be found both in the coastal people's oral narratives<sup>107</sup> and written documents.<sup>108</sup> Both sources are indicative of a maritime trade that was characterized by piratical attacks within coastal waters due to their limited defense capabilities.

The earliest known maritime trade activities along what is today the Somali coast and sprawling Western Indian Ocean waters date back to 200BC when Egypt's Pharaoh Ptolemy II (283-246 BC) and Pharaoh Ptolemy III (246-222BC) sponsored expeditions and founded hunting elephant bases on the coast of today's Sudan and Eritrea for military purposes.<sup>109</sup> Unable to prove existence of any earlier Indian Ocean trade and therefore any piracy, we can aver that these Ptolemaic elephant expeditions opened the way to the Indian Ocean sea trade with sections of today's Somalia's coast being critical ports of call.<sup>110</sup> Initial traders are thought to have been Arabs, Egyptians, Greeks, Indians and Romans.<sup>111</sup> They sailed with the help of Southwest and Northeast Monsoon winds. As the trade flourished, it is believed, so did piratical attacks though there is no direct evidence of the same. However, some written articles, do exist with recordings

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<sup>103</sup> Gosse, *History*, 1-2.

<sup>104</sup> *Ibid*, 1.

<sup>105</sup> *Ibid*.

<sup>106</sup> *Ibid*.

<sup>107</sup> Oral Interview, Bashir Isse, former senior Somalia government official and current Interim Governor of Somalia Central Bank, Nairobi, August 23, 2013.

<sup>108</sup> Schneider, "Before the Somali Threat."

<sup>109</sup> *Ibid*.

<sup>110</sup> *Ibid*.

<sup>111</sup> *Ibid*.

of piratical incidences on waters off the Somalia coast. Among these articles is that of historian Diodorus of Sicily who narrates how a certain merchant, Iambulos was taken captive in the Babel-Mandeb area of the Red sea by Ethiopian robbers at about 200BC.<sup>112</sup> Existence of such early writings indicate how far back the practice of piracy can be dated. Moreover, there exists some yet to be collaborated oral narratives about some foreign vessels docking in the East African Coast, a spot that is today Mombasa in the 7<sup>th</sup> Century B.C.<sup>113</sup> Though the vessel was not attacked or threatened on its voyage, it in turn carried out raids.<sup>114</sup>

Another early source that describes activities somewhat close to piratical engagements is the Periplus of the Erythrean Sea. This document, written in approximately 70AD by an anonymous merchant as a travel guide, records existence of a maritime trade that was hampered by piratical tendencies by some not well-equipped and organized infinitesimal coastal groups.<sup>115</sup> While dominated by personal experiences and secondary information, the document pictures the trade routes along the Red sea and Indian Ocean. The author warns sailors to be wary of rocky stretches and some coastal community along the Eastern Red sea that plunders wrecked ships and enslaves its sailors.<sup>116</sup> Moreover, the author narrates about attacks on moving ships on the African side of the Red sea.<sup>117</sup> Another travel guide of the time, Geographia, identifies the Horn region south of Cape Guardafui as “the Gulf of Barbaria” adding that “men of the greatest stature, who are pirates, inhabit the whole coast and have set up chiefdoms at some places.”<sup>118</sup>

The foregoing sentiments are also supported by Edward A. Alpers’ article that indicates archery level weaponry adopted and used to deter pirate attacks across the northwestern Indian Ocean.<sup>119</sup> Alpers’ article also records Arab Muslims attacking a port on the African side of the Red Sea in

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<sup>112</sup> Schneider, “Before the Somali Threat.” 5-6.

<sup>113</sup> Oral Interview, Andrew Mwangura, Secretary General, East Africa Seafarers Association, Mombasa, 29<sup>th</sup> December, 2013.

<sup>114</sup> Ibid.

<sup>115</sup> Andrew Carlson, *Pirates of Puntland, Somalia*, 2, Issue 9 (2009), May 20, 2013, <http://origins.osu.edu/article/pirates-puntland-somalia>.

<sup>116</sup> Schneider, “*Before the Somali Threat*,” 8.

<sup>117</sup> Ibid, 9.

<sup>118</sup> Ibid.

<sup>119</sup> Edward A. Alpers, “Piracy and Indian Ocean” in Edward Kutsoti (ed.), *Journal of African Development*, 13, no. 1, Special Issue 2 (2011), 19.

640 AD on accusations of it being a pirate base.<sup>120</sup> Similarly, the article goes on to state that there exist writings from the Fatimid Caliphate's (909-1171 AD) reign that show the initiatives that the caliphate took to protect its maritime merchants who were exposed to pirates along the coast of today's Sudan.<sup>121</sup>

As much as it appears difficult for this study to provide the catalysts for this early piratical activity off the Somalia coast, however, considerations for profiteering seem to be paramount. A development in the 15<sup>th</sup> century AD may be an indication of the cause for the growth of the piracy. In this century, there was a sacking attack on Aydhab, an important trading Island on today's Sudanese coast that saw the cutting off of the island from the coastal trade which in turn pushed the island people to resort to coastal piracy.<sup>122</sup> Even of greater relevance to this study and a partial ingredient to the piracy, were the cordial relations between some coastal communities and pirates along the Western Indian Ocean waters.<sup>123</sup> The relations were underlined by the communities' prominent desire for and use of pirate goods. It was the pirates who sold the pirate products as they sojourned amongst the coastal communities, a development that turned the coastal areas into pirate havens.

In an endeavour to historicize Somali piracy, David Anderson observes that the coast of Somalia and the Gulf of Aden had been a maritime community for centuries.<sup>124</sup> Anderson posits that while exploiting the sea-saw waves of the Monsoon winds, the eastern Puntland sailors crafted trading dhows and ships that transversed the region's trading centres of Aden, Berbera, Djibouti and Massawa in the 16<sup>th</sup> and 17<sup>th</sup> centuries.<sup>125</sup> Consequently, as the coastal trade thrived so were pirates in pillaging from its vessels, a practice that was characterized by interception and running down of dhows and ships to seize their cargoes within coastal waters.

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<sup>120</sup> Ibid, 20.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

<sup>124</sup> David Anderson, "Somali Piracy: Historical Context and Political Contingency," in David Anderson, Rob De Wijk, Steven Haines & Jonathan Stevenson, *Somalia and the Pirates*, ESF Working Paper, no. 33 (2009), May 20, 2013 <http://aei.pitt.edu/144471/1/ESF-WP33-ANDERSON-EDIT-SOMALIA-and-the-pirates-e-erson.pdf>.

<sup>125</sup> Ibid.

We can also infer that due to piracy's persistence and complexity, this study believes that the foregoing attacks on vessels transiting along the East African coast continued in the succeeding centuries. This is best exemplified by political and economic reverberations that were occasioned by the domination of the Portuguese along the East African coast. Individuals who ran out of favour with the Portuguese resorted to waylaying maritime vessels along the East African coast to capture treasure and loot for their own survival, a tactic that the Portuguese adopted and perfected on vessels that plied the East African Coast.<sup>126</sup> Indeed, the Portuguese acquired an ignominious reputation at the time<sup>127</sup> as the masters of plunder of coastal towns as they ransacked rebellious and defeated coastal communities.<sup>128</sup> Moreover, the Portuguese routinely robbed coastal communities as they docked and set sail from the coastal towns even during peace times.<sup>129</sup> This type of robberies were difficult to situate in contemporary maritime legal instruments prompting the necessity to amplify definitions of what sea piracy entails.<sup>130</sup> After the 16<sup>th</sup> and 17<sup>th</sup> centuries' Portuguese dominance of the East African Coast, writings by visiting early European explorers and missionaries to the larger Eastern African Coast have recordings of piratical attacks. In one of the records, a British exploratory party is shown as being fearful of attacks on ships in the Gulf of Aden.<sup>131</sup> Confirmation of piratical attacks fears happened in April, 1885 when a horde of European missionaries was attacked as they attempted to enter the port of Harar.<sup>132</sup>

Besides outright piratical attacks, the art of ransom, a major feature of Somalia's contemporary piracy has roots in the earlier centuries. David Anderson avers that the practice of holding captives for ransom purposes was a long-standing piracy strategy of investment that necessitated

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<sup>126</sup> Oral Interview, Mzee Hassan Mohammed Hassan, Fort Jesus, December 30, 2013.

<sup>127</sup> This is generally between the 16<sup>th</sup> and 17<sup>th</sup> centuries.

<sup>128</sup> Eric Allina, 'The Zimba, the Portuguese, and Other Cannibals in Late Sixteenth-century Southeast Africa,' *Journal of Southern African Studies*, 37, no. 2 (2011): 211-227, January 14, 2021, <https://www.jstor.org/stable/41345600>.

<sup>129</sup> Oral Interview, Mzee Hassan Mohammed Hassan.

<sup>130</sup> This was undertaken by the International Maritime Organization (IMO), who defined other armed maritime armed robberies so as to broaden and tie loose ends of the UN Convention on the Law of the Sea so as to ensure all piratical acts were captured in the definition.

<sup>131</sup> Carlson, "Pirates of Puntland."

<sup>132</sup> A major walled port city in Eastern Ethiopia which has been a strategic commercial hub for centuries in the trade between the Horn of Africa, the Arabian Peninsula and the outside world, May 20, 2013 <https://en.wikipedia.org/wiki/Harar>.

patience as returns were slow.<sup>133</sup> Ransom opportunities were initially occasioned by the occurrence of shipwrecks which left sailors exposed to ‘captivity.’ Captives who desired their freedom were required to part with ‘ransom’ to influence the pirates’ decision to release the captives. Thus, holding of captured or vulnerable sailors as captives emerged in these early times and has survived through the Somali coastal generations. Pirates who hoped to benefit from ransom needed patience as it took several months for a ransom to be agreed upon and delivered. This lengthy period was as a result of a painstakingly slow man-driven communication system that existed between the pirates and employers or kin of the captives.

As it was in the Caribbean or Mediterranean seas, piracy, off Somalia coast’s short-term gains included looting of goods from captured vessels as ransoming was a slow and a relatively speculative process with no guarantees of profit.<sup>134</sup> The looting was characterized by seizure of maritime cargoes most of whose products were in high demand amongst both the pirates and coastal communities.<sup>135</sup> The patience-demanding ransoming mode of piracy taught Somali pirates the importance of treating the hostages well and ensuring that they remained in sound health. Similar practices have been exhibited by contemporary Somali pirates who took considerable periods to negotiate for ransom while carefully safeguarding the welfare of the captives as they believed that well maintained captives were a strong bait for the delivery of the negotiated and agreed ransom.<sup>136</sup>

The early trade along the Western Indian Ocean waters was facilitated by the construction and use of dhows that sailed the coastal trans-continental waters. The sailing traders stuck to the coastlines as they sailed so as to escape the rough winds that could have derailed their movements in deep sea waters. Being small vessels, the dhows were regularly intercepted and looted of their precious cargoes. The dhows that normally sailed close to the land were slow besides being manned by only a few people. These circumstances provided an enabling environment for the Somali and other pirates to target, attack and loot the vessels. Since the dhows were commonly seen as a vessel of choice for the Indian Ocean coastal traders, they

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<sup>133</sup> Anderson, “Somali Piracy,” 3.

<sup>134</sup> Ibid.

<sup>135</sup> Oral Interview, Bashir Isse, August 23, 2013.

<sup>136</sup> Ibid.



became obvious targets for attack and looting because of their coveted goods. As told in Somali coastal tales, this dhow-centred Somali piracy tradition was passed from one generation to the next and could be a precursor to contemporary Somali-based piracy.<sup>137</sup>

The origins of piracy in this region have also been associated with the mastery of the centuries-old Indian Ocean changing weather patterns. Carlson, while elaborating on this phenomenon posits that the coast of Somalia has for thousands of years had pirates whose activities thrived on changing Indian Ocean weather patterns and currents.<sup>138</sup> The alternating winds have transported maritime vessels along and across the Indian Ocean waters. These alternating weather patterns were such that when the winds were fair and the coastal currents calm, the Somalia's coastal people routinely engaged in fishing and coastal trading. However, in the rough winds and high currents monsoon season, the people turned to onshore pursuits that included harvesting of coastline floating ships.<sup>139</sup>

As much as the Monsoon winds brought sailors and traders to Somalia's coastal waters, the same winds turned them into vulnerable and marooned individuals along the Monsoon-stricken coastal stretches.<sup>140</sup> In tandem with the saying that "every cloud has a silver lining," the coastal people took advantage of the vulnerabilities to cultivate piratical habits. The Monsoon's rough winds and currents visited catastrophe on the traders' vessels, leaving them at the mercies of the local pirates and communities.<sup>141</sup> The winds left the traders reeling from shipwrecks which promoted pillaging activity along Somalia's coastlines. In hindsight, the shipwrecks may have provided the pirates an opportunity to understand the workings of the traders' vessels. Subsequent attained experience was used to build an informed tradition of piracy along Somalia coastal waters. Profits that accrued from the looted shipwrecks cultivated and inculcated a desire for more. Eventually, the subsequent practice of attacking sailing, stationary or even marooned vessels contributed to build a pirating culture that has lived for centuries to date among the Somalia's coastal communities.

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<sup>137</sup> Ibid.

<sup>138</sup> Carlson, "Pirates of Puntland."

<sup>139</sup> Ibid.

<sup>140</sup> Gwyn Campbell, "Piracy in the Indian Ocean World, Interventions," *International Journal of Postcolonial Studies*, 16, no. 6 (2014): 783-784, January 20, 2016, doi: 10.1080/1369801X.2014.936958.

<sup>141</sup> Carlson, "Pirates of Puntland."

In addition, the seasonal aspects have influenced piracy along the waters off the Somalia coast from antiquity to modern times. Both maritime merchants and pirates have always found the northwest Monsoon from December to March and southwest Monsoon from June to September hazardous and perilous to maritime travel.<sup>142</sup> The resultant rough seas and strong winds slowed down both the traders and the pirates. Though piratical activity was minimal at such seasons, unlucky shipwrecked sailors were captured, ransomed and even enslaved.<sup>143</sup> It seems the shipwreck piracy opportunities provided appetite for piratical goodies that was realized with a calmer Indian Ocean that allowed the people to engage in piracy in the midst of fishing and coastal trading.<sup>144</sup>

Thus, multiple written and narrative sources point to existence of centuries-old piratical habits along the Somalia's coastal and larger Western Indian Ocean waters. Though unable to pinpoint specific drivers of this old piracy, it appears that economic motives were central to these activities. Aided by knowledge of the seasonal Monsoon winds, piratical tendencies got inculcated on some Somalia coastal communities. Internalized and passed through successive generations, these old piratical habits could still be reverberating in the 21<sup>st</sup> Century. This reverberation is not random as it has been institutionalized through Somalia's clan-based cultural identities.

## **2.2 Cultural Identity**

Scholars writing on Somalia and Somalis have dominantly espoused the cultural centrality of Somalia's complex clan system. To many, clan affiliation is critical in determining Somali life in its social, economic and political spheres. Martin N. Murphy for instance writes that clan affiliation has been the organizing principle in Somali life since the pre-colonial times.<sup>145</sup> In a report, Ingvild Magneas Gjelsvik and Tore Bjorgo argue that Somalis have traditionally had a

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<sup>142</sup> Stig Jarle Hansen, *Piracy in the Greater Gulf of Aden: Myths, Misconception and Remedies* (Oslo: Norwegian Institute for Urban and Regional Research, October, 2009), 22.

<sup>143</sup> Schneider, "Before the Somali Threat," 2.

<sup>144</sup> Hansen, *Piracy in the Greater Gulf of Aden*, 22.

<sup>145</sup> Martin N. Murphy, *Somalia: The New Barbary? Piracy and Islam in the term of Africa*, (New York: Columbia University Press, 2011), 39.

strong clan and family system which shapes their actions and resource rights<sup>146</sup> while Stephen Musau affirms this centrality of clan affiliation in Somali life but points out that this centrality has become a bane in Somalia which was exacerbated by the colonialists' chess game of clan divide and rule.

The dominant clan system amongst the Somali is characterized by a mixture of Islamic Sharia law and customary *Xeer* law,<sup>147</sup> a pre-Islamic oral, informal and male controlled code. *Xeer* law principles include amongst others maintenance of inter-clan harmony and resource-utilization rules.<sup>148</sup> Amongst the regulated economic resources is coastal fishing whose rules of engagement spilled into piracy undertakings. Structured to harmonize inter-group relations, *Xeer* law seamlessly found resonance in the dealings of different pirate groups.<sup>149</sup> Though not a regulator for recruitment and operations of pirates, it is safe to aver that it regulated the intra and inter-clan relations of Somali pirates, if only to ensure harmony and order in the business. This law was applied in resolving inter-clan pirate disputes, which further eased piratical activities.<sup>150</sup> The Somali clan system is mythologized by Sab and Samaale as first parents followed by the great Somali clan families of Digil, Dir, Rahanweyn, Darood, Hawiye and Isaaq.<sup>151</sup> The clan families are further divided into many smaller units.

In contrast, finding a direct weave between Somali piracy and clan affiliation has been loose and inexplicit as exemplified by Martin N. Murphy attempted exposition of the importance of clan cultural identities amongst the Somalia people.<sup>152</sup> While acknowledging that recognition of clan lineages is critical in understanding Somali socio-political and economic phenomena such as politics and piracy, he only highlights the territorial location, status and dynamics of clans in Somalia without telling how clannism fueled piracy along the Somalia coastal waters. However,

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<sup>146</sup> Ingvild Magnaes Gjelsvik and Tore Bjorgo, *Ex-pirates in Somalia: Disengagement processes and Reintegration Programming*, Centre for Peace Studies - University of Tromsø-uit no/peace, accessed September 10, 2015, [https://uit.no/Content/307290/Somali\\_Report\\_Final.pdf](https://uit.no/Content/307290/Somali_Report_Final.pdf).

<sup>147</sup> *Importance of Customary law-Xeer in Somalia*, accessed September 14, 2015, <http://www.idaratmaritime.com.wordpress?P=334>.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> Oral Interview, Bashir Isse.,.

<sup>151</sup> Daniel A. Jean-Jacques, *Somali Piracy and the Introduction of Somalia to the Western World*, M.A. Thesis, (University of Central Florida, 2011).

<sup>152</sup> Murphy, *Somalia*, 39.

though the link between piracy and clan affiliation is weak, new information confirms the nexus between the two.

Recent research on the subject of piracy-clan links suggest that there are some clans that can mainly be placed within Gosse's phase one piratical activities along Somalia's coastal waters.<sup>153</sup> For example, Wayne Durrill has found out that Somalis from the Marjerteen clan and Hobyo's multiple clans were at the heart of piratical activities along the coast of Puntland, a practice informed by their age-old tradition of being sea-faring people.<sup>154</sup> While Marjerteen is a sub-clan within the Darood clan, Hobyo's sub-clans of Ayr, Sa'ad and Suileman belong to the Hawiye clan.<sup>155</sup> Though data indicating the date of Marjerteen's settlement along the coast of Puntland is lacking, popular Somali narratives identify them as a people accustomed to maritime mannerisms that include vast knowledge and heritage in the exploitation of the coastal waters for their economic and political wellbeing.<sup>156</sup> Indeed, some Somali clans allegedly looked down upon the Marjerteen and Hobyo's clans as fish eaters—a frowned upon delicacy vis-à-vis the meat and milk used by the majority Somali pastoralist clans.<sup>157</sup> Their settlement and subsequent surroundings exposed them to designs of conquering, exploiting and enriching themselves from the waters. Thus, from simple fishing mechanisms, the coastal Marjerteen and Hobyo's clans progressed to opportunistic coastal pillaging and ransom taking to outright piratical attacks in later centuries.

The Marjerteen and Hobyo's clans had also internalized the seafaring tradition over the centuries and it is thus safe to argue that the skills and knowledge accrued from their seafaring traditions were gradually transferred to piratical activities. Such argument finds resonance in ancient and medieval writings on maritime attacks in the Indian Ocean and Red Sea waters.<sup>158</sup> The writings indicate existence of maritime attacks in some specific points and ports raising the possibility

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<sup>153</sup> Gosse, *History*, 1-2.

<sup>154</sup> Wayne K. Durrill, "Atrocities Misery: The African Origins of Famine in Northern Somalia, 1839-1884," *The American Historical Review*, 91, no. 2 (1986): 287-306, September 14, 2015, <http://www.academicroom.com/article/atrocious-misery-african-origins-famine-northern-somalia-1839-1884>.

<sup>155</sup> Murphy, *Somalia*, 92.

<sup>156</sup> Oral Interview, Bashir Isse.

<sup>157</sup> Ibid.

<sup>158</sup> Schneider, "*Before the Somali Threat*," 12-15.

that the Marjerteen and Hobyo's clans are the people being talked about. A direct link between the two that could crystallize the possibility is yet to be available.

Having acquired a sea-faring culture over the centuries, Marjerteen and Hobyo's clans had by the late eighteenth and early nineteenth centuries explicitly fused their piratical activities with local economic and political systems.<sup>159</sup> Economically, Marjerteen and Hobyo's clans' dominance on maritime activities including piratical attacks had gotten co-opted into the local Puntland economy by the 20<sup>th</sup> century.<sup>160</sup> In retrospect, the Marjerteen and Hobyo's clans' peoples gradually accepted piratical activities as part of their resource appropriation and livelihood. Politically, the local Marjerteen and Hobyo's clans' political class similarly got sacked and compartmentalized into the piratical activities as the political elites routinely received tribute from piratical expeditions.<sup>161</sup> In sum, while there is no indication of the percentage of the piratical gain in the whole sum of the Marjerteen and Hobyo culture, economies and politics, it is safe to argue that the contribution to the economy was substantial and that it can be assumed that piratical activity reverberated through the clans' socio-political and economic structures.

Somali oral narratives have always also referred to the Marjerteen and Hobyo's clans' presence and settlement along the coast and other clan lineages as "people of the sea."<sup>162</sup> According to Bashir, the Marjerteen are mostly found along Somalia's coastline with concentration along the eastern coast of Puntland and their presence is sprinkled along the coast with a fair presence in Kismayu and its environs.<sup>163</sup> Their coastal presence and trade entanglement had by the 19<sup>th</sup> and 20<sup>th</sup> centuries made the Marjerteen masters of the sea, making them experts in fishing and preparing fish for export to Zanzibar and other towns along the East African Coast.<sup>164</sup> They also brought into Somalia, products that were in demand but found in lands across the seas, a development that slowly but gradually prepositioned them as masters of the sea.

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<sup>159</sup> Durrill, "Atrocities Misery," 287-306.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> Oral Interview, Bashir Isse.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

The Marjerteen's long-held seafaring culture along the Western Indian Ocean coast was aided by geographical considerations to occasion their love for shipwrecked goods. By the turn of the nineteenth century, they had grown accustomed to about three vessels getting wrecked by the Monsoon's strong winds along the shore every season.<sup>165</sup> Proceeds from the goods led to the accumulation of wealth and political power that led to a scramble for the control of shipwrecked goods amongst the Marjerteen lineages in which the Ismaan Mohammed lineage emerged victorious.<sup>166</sup> This scramble of mid-nineteenth century saw the successful Ismaan Mohammed lineage alienate the Lise Muhamuud and Umar Muhamuud lineages.<sup>167</sup> Ismaan Mohammed's subsequently took full control of the subsequent wind falls which in turn enabled them to politically dominate the other lineages and finally unite the Marjerteen under one rule.<sup>168</sup> After taking control of the Marjerteen political leadership, the lineage re-emphasized their stranglehold of shipwreck looting and its attendant trading opportunities. This Marjerteen's Sultan-led "state" piracy consolidation and expropriation is expounded upon in chapter three.

Accrued profits from shipwreck engagements enriched the Marjerteen and they used this wealth to spread their trading tentacles to the Red Sea port of Aden and maritime route to Arabia.<sup>169</sup> Anxious to protect their new maritime dominance, the coastal Marjerteen leadership penetrated into the interior to create one huge economic bloc controlled by the sea fairing Ismaan Mohamuud lineage whose strength was derived from the looting of shipwrecks.<sup>170</sup>

Having exploited their clan and sub-clan identities to initially entrench their grip on the surrounding Somali coastal waters, the Marjerteen dominance was extended to the much vast Western Indian Ocean and surrounding waters, a development that turned the clan into a regional maritime trading powerhouse. The consequent maritime experience positioned them to internalize the workings of the 'endless' sea waters. With time, this deep maritime knowledge was applied in targeting foreign maritime vessels in Somalia's coastal and territorial waters for economic gain before and after 2005 respectively, a complex development within the second

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<sup>165</sup> Durrill, "*Atrocities Misery*," 289.

<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid, 293-295.

phase of Philip Gosse's piracy cycles. The attacks drew in a large segment of the clan membership thus turning the attacks into an acceptable economic undertaking. This is what fed into the late 20<sup>th</sup> and early 21<sup>st</sup> century piracy along the Somalia coast and beyond.

Drawing from "people of the sea" practices and small but strong 'universes' of the Somali clan and family system,<sup>171</sup> the Marjerteen restricted recruitment of pirates within themselves after the 2005 upsurge of piracy off Somalia coastal and territorial waters. This recruitment was an attempt by the Marjerteen clan to control and shield the early 21<sup>st</sup> century piracy along the Somalia coast. To protect their monopoly of the piracy, the Marjerteen emphasized on the need of the clan being the major qualification of recruitment into piracy in coastal areas that were under their control. The Marjerteen people's stance is affirmed by Francesco Ceccarelli's observance that clans continue to be very central in the lives of modern Somalis,<sup>172</sup> a fact that has seen the clan card being employed by the Marjerteen to shield the 'profession' within the clan as piracy was viewed as a lucrative economic undertaking.

Marjerteen's monopolization of the piracy and its famed worthwhile nature aroused the interest of other clans who equally desired to share in its appropriation. As a result, while the Marjerteen, a sub-clan of the Darod clan family was active in Puntland's ports of Eyl and Garad, the Ayr, Sa'ad, Sarur and Suleiman sub-clans of the Hawiye clan family emerged to dominate central Somalia's ports of Hobyo and Harardhere.<sup>173</sup> Warsangali, another of the Darod sub-clans dominated the port of Laas Qoray which is contested between the semi-autonomous region of Puntland and the breakaway region of Somaliland though the sub-clan's Darod identity has made the Warsangali loyalty to lie with Puntland. An apparent vastly settled Marjerteen also appropriated in southern Somalia's ports of Marka and Kismayo.<sup>174</sup> To comprehend this clan pirate mobilization, it is important to situate the rise and expansion of pirate gangs in specific coastal ports and areas that they dominated. Naturally, due to Somali society's clan orientation, pirate gangs emerged and grew in the midst of particular clans subsequently turning an attempt

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<sup>171</sup> Gjelsvik and Bjorgo, "Ex-pirates in Somalia."

<sup>172</sup> Francesco Ceccarelli (ed.), *The ITPCM International Commentary, Somalia Clan and State Politics*, IX, no. 34, ISSN. 2239-7949 (2013): 14.

<sup>173</sup> Murphy, *Somalia*, 29-35, 92 and Bahudur, *Pirates*, 77-87.

<sup>174</sup> Murphy, *Somalia*, 29-35 and 92.

to distinguish pirate gangs and clan identities to be blurred.<sup>175</sup> Indeed, even the presence of extra-clan pirate gang membership is on the basis of the special skills that such a member brings to the singularly one-clan dominated pirate gang.<sup>176</sup>

Political intrigues and subsequent changes further illuminated the clan and piracy nexus as political contests between two clans for the control of a coastal region or port forced the outwitted clan to take up piracy as an alternative to the lost politico-economic opportunities.<sup>177</sup> After taking power, the victorious clan in control forcibly laid claim to the port's resources and gradually dominated the socio-economic and political opportunities therein. In most cases, the beaten rival clan congregated in an alternative port town from where they immersed themselves in piratical activities probably for survival instincts after being elbowed out from the centre by the rival clan. This development may explain the escalation of piracy attacks off pirate port towns at various times.<sup>178</sup> Indeed, in south-central Somalia, political and economic contestations of rival clans in port towns saw outmaneuvered clans resort to piracy as a compensatory exercise.<sup>179</sup>

Somalia's deep rooted clan system established a cultural identity whose interweaving with geographical circumstances to made the Marjerteen clan to take up piracy for economic and political considerations and dominance. Marjerteen's visible and perceived gains from the piracy attracted other clans into the practice which in turn made large sections of the Somali coast a pirate haven. Indeed, it is interesting to note that Somali piracy, a global news item drew from the subordinate clan and sub-clan identities. This preceding meshed Somali piracy clan-based cultural identity found resonance in Somalia's strategic and maritime rich coastal waters.

### **2.3 Geographical Location**

Opportunities created by Somalia's strategic coastal positioning and abundant maritime resources added new dimensions into the rise and escalation of Somali piracy. Somalia's

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<sup>175</sup> Ibid, 20.

<sup>176</sup> Ibid.

<sup>177</sup> The World Bank, *The Pirates of Somalia: Ending the Threat, Rebuilding a Nation* (Washington: The World Bank, 2013).

<sup>178</sup> This especially happened in Puntland region where ports such as Ely and Garad emerged as key pirate towns.

<sup>179</sup> Fatuma Ahmed, *Unraveling the Puzzle of Piracy: A Somali Perspective*, Working Paper No. 6, (Hamburg: Institute of Peace Research and Security Policy, University of Hamburg, 2013), 17.



maritime zone known as the Somali Current Marine Ecosystem is not only the largest in the western Indian Ocean but one of the most important large marine ecosystems whose seasonality and subsequent biological productivity makes her coastal and territorial waters rich fishing grounds.<sup>180</sup> Somalia's clan and state dominance on her coastal and fish-rich territorial waters came under attack from foreign fishermen once President Said Barre's regime collapsed in 1991. President Barre's ouster from power and its attendant anarchy and lawlessness saw the Somalia state and coastal clans' grip of the coast increasingly challenged by foreigners whose intrusions elicited anger.<sup>181</sup> Though the anger was initially restricted amongst the coastal communities and state officials, it later exploded and engulfed all Somalis within and without Somalia. The exploitative fishing activities and tactics of the foreign fishermen made the Somali to develop negative views on them. As a consequence, Somalis dubbed the foreigner's activities "fishing piracy," a term they spun to show the convoluted realities of Somali piracy which in turn make an attempt to identify the growth and escalation of the Somali piracy a complex issue.<sup>182</sup> They may have been partly informed by the 1982 United Nations Convention on the Law of the Sea (UNCLOS).<sup>183</sup>

Articles 2 to 32 of the UNCLOS state the rights and limits of coastal states on their territorial waters.<sup>184</sup> UNCLOS limits a coastal state's territorial waters not to exceed 12 nautical miles from determined baselines. Moreover, Somalia has a right to control its Contiguous zone in protection of its territorial waters. Article 33 of UNCLOS states the Contiguous zone of states to be at 24 nautical miles from the official measuring of a country's territorial waters.<sup>185</sup> Articles 55 to 75 of UNCLOS prescribe the rights, obligations and delimitations of coastal states within their Exclusive Economic Zones (EEZ). Taking advantage of President Siad Barre's 1991 ouster from power and subsequent civil war, illegal fishing vessels moved into Somalia's territorial waters to

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<sup>180</sup> United Nations Environment Programme, *The State of the Environment in Somalia: A Desk Study*, Nairobi, United Nations Environment Programme (2005), accessed July 11, 2020, [https://reliefweb.int/sites/reliefweb.int/files/resources/dmb\\_somalia\\_report.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/dmb_somalia_report.pdf).

<sup>181</sup> Rane Kooshie Lal Panjabi, "The pirates of Somalia: Opportunistic predators or Environmental Prey," *William and Mary Environmental Law and Policy Review*, 34, Issue 2 (2010): 432-446, May 30, 2013, <https://scholarship.Law.wm.edu/wmepr/vol34/1552/3>.

<sup>182</sup> Oral Interview, Abdiwahab Sheikh Abdiswamad, a Somali Affairs Expert, Nairobi, June 24, 2013.

<sup>183</sup> Accessed July 28, 2018, [www.un.org/depts/los/convention\\_agreements/texts/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreements/texts/unclos_e.pdf).

<sup>184</sup> *Ibid.*

<sup>185</sup> *Ibid.*

exploit her abundant fish resources and thereof blatantly violated the above legal provisions.<sup>186</sup> Their actions directly disenfranchised local Somali fishermen.

The illegal foreign fishing was not a new problem to Somalia as worldwide concerns about it had prompted the Food and Agriculture Organization of the United Nations (FAO) to organize a deliberative meeting that concluded with a Code of Conduct for Responsible Fisheries in 1995.<sup>187</sup> Continued disrespect of the code and other provisions saw the fishing prohibitions termed as Illegal, Unreported and Unregulated (IUU) fishing. In 2001, FAO membership congregated again and adopted a voluntary International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU).<sup>188</sup> Member states were expected to use the guidelines to end the IUU fishing menace which seems to be fuelled by a big world fish market. In Somalia's case, the 1991 collapse of government and ensuing civil war gave IUU's an opportunity to storm and trespass on her territorial waters as reported by Mohammed Abshir Waldo.<sup>189</sup>

IUU fishing activities on Somalia's territorial waters led to the rise of popular Somali narratives that spoke of deep running anger against foreign fishermen.<sup>190</sup> According to the High Seas Task Force findings,<sup>191</sup> IUU is a global problem with developing countries suffering the most as losses from the waters of Sub-Saharan Africa amount to US \$ 1 Billion a year. Fish such as tuna, shrimp, lobster amongst others worth about US \$ 300M was taken out of the Somali coast every year<sup>192</sup> while the world focused on the maritime piracy. The worth of the "stolen" fish was seemingly contradictory as High Seas Task Force findings placed it at US \$ 94 million a year while Waldo placed the figure at US \$ 450 year. The huge difference of the numbers may be indicative of the emotions and interests of the people behind the reports. Irrespective of the differences in numbers, Somali narratives questioned the wisdom of the attention paid by the

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<sup>186</sup> Mohammed Abshir Waldo, *The Two Piracies in Somalia: Why the World Ignores the Other?* (2009), 1-8, accessed May 28, 2013, <http://wardheernews.com/articles-09/Jan/Waldo/08-The-two-piracies-in-Somalia.html>.

<sup>187</sup> Accessed from <http://www.fao.org/docrep/005/y3554e/y3554e01.htm> on July 28, 2018.

<sup>188</sup> Ibid.

<sup>189</sup> Waldo, *Two Piracies in Somalia*, 1-8.

<sup>190</sup> Panjabi, *Pirates of Somalia*, 432-446.

<sup>191</sup> High Seas Task Force was a United Kingdom ministerial-led Task Force on IUU fishing on the high seas, 3. Other participants were fisheries ministers from Australia, Canada, Chile, Namibia and New Zealand. The findings were released on March, 2006.

<sup>192</sup> Johan Hari, "You are being lied to about pirates," *Independent*, January, 2, 2009. [www.independent.co.uk/voices/commentetor/johann-hari/johann-hari-you-are-being-lied-to-about-pirates-1225817.html](http://www.independent.co.uk/voices/commentetor/johann-hari/johann-hari-you-are-being-lied-to-about-pirates-1225817.html).

international community to countering piracy at the expense of fish pillaging that came to be known as “fishing piracy.” It is this partisan response to the Somali piracy issue by the international community that ignited feelings of betrayal by Somalis in and out of Somalia.

Like other coastal communities around the world, Somalis who live along the Somalia’s coast survive on fish. So, the arrival of foreign fishermen irked these communities because it interfered with their core livelihood. But even more pointed was the increase of the coastal population in 1974 and 1986 following the relocation of nomadic communities from the interior to Somalia’s extensive coast to escape vagaries of drought in those years.<sup>193</sup> The newcomers took up fishing as their new mode of survival, abandoning their traditional disdain with which many nomad Somali clans had on the Somali coastal fishing Marjerteen and Hobyo’s clans. Majority nomadic Somali saw consumption of fish as demeaning and lowly.<sup>194</sup> Having successfully settled in their new mode of economic survival, new coastal settlers’ adopted life was jolted by the post-Siad Barre civil war which witnessed the rude intrusion of foreign fishing trawlers in their fishing waters. Outmaneuvered and forced out by the powerful foreign fishing trawlers, the Somali fishermen responded by taking up arms in a miniature and poorly organized defense of their coastal fishing rights. Quickly taking its own life, the resistance expanded as from 2005 into a substantially organized indiscriminate hostage taking and ransom seeking in an expansive high seas piracy that attracted international attention.<sup>195</sup>

Taking advantage of Somalia’s political instability, the experienced foreign fishing trawlers indiscriminately contravened international maritime treaties<sup>196</sup> to fish within Somali territorial waters to the disadvantage of the Somali fishermen as well the Somalia state. To scare the Somali fishermen out of the rich fish waters, the better armed, equipped and organized foreign fishermen splashed boiled water on them besides cutting and destroying their nets. Moreover, the foreigners crushed the local fishermen’s boats which caused deaths of some of the local

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<sup>193</sup> Catrina Stewart, “Pirates could make a Comeback as Illegal Fishing Returns to Somalia’s Coast,” *Crime and Drugs*, October 31, 2015. <https://news.vice.com/article/pirates-could-make-a-comeback-as-illegal-fishing-returns-to-somalias-coast>.

<sup>194</sup> Oral Interview, Bashir Isse, August 23, 2013.

<sup>195</sup> Waldo, *Two Piracies in Somalia*, 1-8.

<sup>196</sup> See the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Accessed from [www.un.org/depts/los/convention\\_agreements/texts/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreements/texts/unclos_e.pdf) on July 28, 2018.

fishermen.<sup>197</sup> Sometimes, the “marauding” foreigners forcibly stopped Somali fishermen and then stole their catch, an act that put the inferior locals’ lives in grave danger. In addition and in contravention of maritime laws, the foreigners stripped shark fins and discarded their carcasses into the sea which later ended being washed up to Somali beaches.<sup>198</sup> Foreign fishermen also dynamited coral reefs, used fine mesh nets as well as huge bottom trawls that ploughed and scrapped the ocean floor disrupting the marine food chain.<sup>199</sup> The foreigners also used harmful fishing methods like dynamites and breakage of the fragile coral reefs. They also targeted and destroyed endangered species such as orca, sharks, baby whales, and sea turtles. Moreover, they used steel nets with long metal spikes that dug deep into Somali coast’s living corals to reach lobsters and fish.<sup>200</sup> These foregoing fishing atrocities negatively impacted on Somali fishermen. Among the countries whose fishermen illegally fished in Somalia’s territorial waters included Italy, France, Spain, Greece, Russia, Britain, Ukraine, China, Japan, South Korea, Taiwan, India, Yemen, Egypt, Kenya, Germany, UK, Portugal, Saudi Arabia, Sri Lanka, Taiwan, Thailand, Pakistan.<sup>201</sup> Almost all of the illegal foreign fishing trawlers were using flags of convenience<sup>202</sup> so as to conceal their true national identities.<sup>203</sup>

As illuminated in the preceding paragraph, IUU fishing had a harmful impact on Somali coastal communities. Exploited and muscled out of their traditional fishing grounds, Somali fishermen regrouped to strategize on how to protect their interests. As a result, they took up arms and sought to expel the foreign fishermen from their waters. This haphazard and shore-limited initial (generally between 1991 and 2005) anti-foreign vessels campaign grew into a Philip Gosse’s phase two like complex and expansive regional and international maritime piracy (from 2005) characterized by hostage taking and ransom seeking. The well-organized piracy morphed into a fully-ledged, two-pronged illegal fishing and maritime piracy conflict<sup>204</sup> some of whose catalysts were foreign policies.

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<sup>197</sup> Waldo, *Two Piracies in Somalia*, 2.

<sup>198</sup> Murphy, *Somalia*, 21.

<sup>199</sup> Ibid.

<sup>200</sup> Panjabi, *Pirates of Somalia*, 433.

<sup>201</sup> Ibid.

<sup>202</sup> A practice in which ship owners register their vessels in other countries to avoid stringent conditions in their own countries.

<sup>203</sup> Panjabi, *Pirates of Somalia*, 433.

<sup>204</sup> Waldo, *Two Piracies in Somalia*, 1-8.

As a probable consequence of Mohammed Abshir Waldo's allegation of the closure of fishing grounds in European waters by the European Union in late 20<sup>th</sup> and early 21<sup>st</sup> centuries, Somalia's "free and open" territorial waters became alternative fishing grounds resulting in the intensification of foreign fishing.<sup>205</sup> This intensification was fueled by substantial profits accrued from a huge global demand that resulted in IUU fishing that was globally approximated to be worth anything between 4 and 9 B US \$ a year while Somalia's waters IUU fishing may have been worth US \$ 450 Million a year.<sup>206</sup> As such, there ensued extensive investments in the fishing business by the IUU foreign vessels which gave way to a complete fish laundering syndicate along Somalia's territorial waters.<sup>207</sup> The syndicate was aided by IUU vessels capability to remain at sea for months while routinely being refueled and re-supplied as their crews were rotated.<sup>208</sup> IUU fishing vessels capacity to transfer their catch onto transport ships while in the high seas emboldened the IUU fishing business in Somalia and elsewhere.<sup>209</sup>

It is this IUU fishing menace that Somalis and some commentators and writers see as a cause of the rise of maritime vessel hijacking piracy. Observers question the rationale of the powerful world navies' decision to come to Somalia's coastal waters to counter maritime shipping piracy while ignoring the IUU "pirates" whom Waldo claims that the navies instead discreetly protected.<sup>210</sup> Worse still, the constant focus on Somalia coastal vessel hijackings over IUU fishing menace by the United Nations, the leading world powers, regional agencies and international media outlets drew the ire of Somali nationals and like-minded writers such as Waldo. In addition, Leigh Phillips' and Johann Hari's argument that European illegal activities along the Somali coastal waters should be publicized and discussed as part of finding the solution to Somali piracy resonated with those of the Somali nationals.<sup>211</sup> These writers and commentators' views are seemingly drawn from interviews with former pirates who had self-interest in the issue and were keen to look good in the eyes of the international community.<sup>212</sup>

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<sup>205</sup> Ibid.

<sup>206</sup> High Seas Task Force, *Closing the Net*, 3 and Waldo, *Two Piracies in Somalia*, 3.

<sup>207</sup> Waldo, *Two Piracies in Somalia*, 1-8.

<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

<sup>210</sup> Ibid.

<sup>211</sup> Leigh Phillips, "The European Roots of Somali Piracy," *Euobserver*, April 21, 2009.

<https://euobserver.com/social/27966> and Hari, "You are being lied to about pirates."

<sup>212</sup> Stig Jarle Hansen, "Debunking the Piracy Myth: How Illegal Fishing Really Interacts with Piracy in East Africa," *The RUSI Journal*, 156, no. 6 (2011): 26-30, May 20, 2014, <https://doi.org/10.1080/03071847.2011.642682>.

The foregoing IUU fishing explanation for the rise of piracy in Somalia's coastal waters based adds the complexity of an attempt to comprehend the typologies and determinants of Somali piracy as a counter argument reveals that Somali pirates routinely targeted non-fishing vessels and not the IUU fishing, a confirmation that dispels the notion that their activities were a counter to the illegal foreign fishing<sup>213</sup> and makes the pirate attacks appear as profit(ransom) driven than an endeavor to safeguard their fishing rights.<sup>214</sup> While it is clear that the nexus between IUU and the Somali fishermen greed, clash and response fueled Somali piracy, a desire to correctly measure and apportion the two determinants exact contributions is a complex issue which however prepositions fishing a core issue in the rise of Somali piracy.

A further illumination of fishing to the rise of piracy was occasioned by the issuance of fishing licenses by various actors in Somalia. While it was concretized during the post Said Barre regime, the practice of issuing of fishing licenses can be traced back to 1983. This is when the Somalia government established a joint venture with an Italian firm to form the Somali High Seas Fishing Company (SHIFCO).<sup>215</sup> The firm supplied fish to Italy and the EU.<sup>216</sup> The license allowed SHIFCO to enjoy a legal monopoly over commercial fishing in Somalia's Exclusive Economic Zone (EEZ). Upon the collapse of the Siad Barre government, SHIFCO shifted its operations to Yemen from where it continued enjoying its fishing monopoly of Somalia's Exclusive Economic Zone.<sup>217</sup> Now exposed with the demise of Siad Barre's government, new emerging political factions quickly challenged SHIFCO's monopoly as they saw control of the country's fishing rights as an avenue of raising revenue for their politico-military campaigns.<sup>218</sup>

The post-Siad Barre seemingly 'free' and ready to exploited Somalia coast emboldened local fishermen's resolve to claim and dominate their coastal fisheries wealth. However, their interests directly clashed with those of foreign trawlers that had already 'invaded' the coast fishing grounds. In a gesture of magnanimity and harmonious business co-existence, SHIFCO allowed

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<sup>213</sup> Hansen, "Debunking the Piracy Myth," 28-29.

<sup>214</sup> Ibid.

<sup>215</sup> Murphy, *Somalia*, 19-20.

<sup>216</sup> David M. Anderson, "The New Piracy: The Local Context," in Rob de Wijk, David M. Anderson & Steven Haines, *Forum: The New Piracy: Three Contexts, Survival: Global Politics and Strategy* (London, Routledge, 2010) 46-47.

<sup>217</sup> Ibid.

<sup>218</sup> Ibid.

local communities to fish along the coast with orders to capture other foreign trawlers that were “illegally” fishing in the Somali EEZ. The reward to the local fishermen courtesy of SHIFCO was in form of a fine or ransom that was paid to the local fishermen for the release of the seized vessels. The process to earn the ransoms entailed “arresting” the “illegal” foreign fishing trawlers and bargaining with the owners or agents for an attractive release package, a practice that slowly contributed to the emergence of outright piratical activities.<sup>219</sup>

In addition to SHIFCO’s activities<sup>220</sup> and “unholy” alliance with local fishermen, excluded and envious foreign fishing trawlers observed the arrangement’s weaknesses and the attendant government lacuna to similarly plunge into Somalia’s EEZ to grab a share of the abundant fishery resources. This convergence of multiple players in their pursuit for profits along the Somali coast precipitated an overlapping raw competition which resulted in a deadly multipronged clash. In a short while, different players turned on each other in their vicious competition to exploit the lucrative Somali fisheries resources. In a desire to outdo each other in the now blurred, congested and deadly waters, the different players began to seek improvement of their weaponry and other attendant maritime implements so as to sway advantage to their side.

The complex configuration of players along the Somali waters got even murkier with the entry and participation of illegal fishing vessels from Kenya. These Kenyan “registered” vessels opportunistically took note of the lacuna created by the collapse of government in Somalia and also set out to plunder the Somalia’s fishery resources. On realization of the lucrative proceeds of illegal fishing in Somalia’s territorial waters, more individuals and firms manipulated Kenyan government officials to be granted bogus licenses that “allowed” them to fish in the Somalia waters.<sup>221</sup> This predatory nature of Kenyan registered fishing vessels added another layer of complexity as many other entities were already bitterly vying for the control of Somalia’s territorial waters. Thus, the entry of Kenya’s “licensed” fishing vessels worsened an already fragile situation. The fragility took the shape of Somali fishermen taking arms to capture the

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<sup>219</sup> Murphy, *Somalia*, 21.

<sup>220</sup> This included the company’s understanding with Somali warlords to get a percentage of the proceeds from ‘licensed’ fishing along the coast.

<sup>221</sup> Oral Interview, Andrew Mwangura.

multiple foreign fishing vessels. Consequently, piratical practices began to emerge and gradually got entrenched along the Somalia's coastal waters and surrounding high seas.

Among the multiple players who were jostling for dominance of Somalia's territorial waters were the post-1991 Somalia warlords. Having taken cue from SHIFCO'S activities, the warlords used proxies to form joint fishing companies with their business allies in Europe and Arabia.<sup>222</sup> The warlords then self-awarded the companies bogus fishing licenses to fish in Somalia's territorial waters. This development led to the flooding of fishing vessels on Somalia's territorial waters leading to a heightened plunder of the coast's fishery resources. These companies such as UK and Italy based African and Middle East Trading Company (AFMET) went ahead to sub-let fishing licenses to individual people and vessels in attempts to increase their proceeds.<sup>223</sup> Sub-let licenses went for as much as US \$ 30,000 and were issued on a seasonal 4-month period.<sup>224</sup> Entry of more licensing companies resulted in the season-long license being issued for far much less fees which allowed the entry on more parties whose activities were pirate-like.

In a further attempt to illustrate the beginnings of the Somali piracy in the 1990's, it is important to highlight the support that Somali Salvation Democratic Front (SSDF),<sup>225</sup> the then Marjerteen and by extension Puntland's major politico-military organization gave to the enraged Somali fishermen and nationals against the foreign trawlers' violations.<sup>226</sup> So as to deal with the foreign vessels fishing menace, the party mobilized former coastguards with a brief to join up with the aggrieved local fishermen to defend their coastline.<sup>227</sup> After putting their operational merchandize in place and agreeing on the right strategies, they swung into action and thereafter, about six foreign fishing vessels were captured as they fished close to Somalia coast.<sup>228</sup> To

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<sup>222</sup> Panjabi, *Pirates of Somalia*, 449-459.

<sup>223</sup> Ibid.

<sup>224</sup> Ibid.

<sup>225</sup> It was a political and paramilitary organization in Somalia. It was founded in 1978 by several army officers. It was the first of several opposition groups that were dedicated to ousting the authoritarian regime of Siad Barre. Its power base was in the Majerteen clan and was instrumental in the establishment in 1998 of the autonomous Puntland region in northeastern Somalia.

<sup>226</sup> Awet T. Weidemichael, "Maritime Corporate Terrorism and its consequences in the Western Indian Ocean: Illegal Fishing, Waste Dumping and Piracy in Twenty-first Century Somalia," *Journal of the Indian Ocean Region*, 8, no. 2 (2012): 110-126, April 24, 2016, <https://doi.org/10.1080/19480881.2012.730747>.

<sup>227</sup> Ibid.

<sup>228</sup> Ibid.



ensure their release, ransom negotiations took place contributing to the growth and entrenchment of the ransom informed piracy off the Somalia coast.

Furthermore, the creation of the autonomous state of Puntland in 1998 due to a desire to break away from the Somalia' intricate civil war and bring its people stability and prosperity exacerbated Somali piracy. Positioned in northeastern Somalia, the region was in the 19<sup>th</sup> and 20<sup>th</sup> centuries dominated by the Sultanates of Marjerteen and Hobyo. During colonialism, the region was under Italian rule before the Darod clan family emerged as the dominant player in post-colonial Somalia. Eager to disassociate itself from with war weary southern Somalia, the young 'state' focused on its not too many natural resources for self-sustenance and development. Puntland's expansive coastline of 1600 Kilometres with its abundant fish and marine wealth resources became a source of interest Abdullahi Yusuf Ahmed, the state's first president.

President Ahmed was desperate to raise revenue to run the state. The President contracted a Hart, a British-registered company in October, 1999 to establish a maritime security force to police Puntland's coast<sup>229</sup> and enable his authority to collect revenue from the coast. Soon Hart recognized Puntland's lucrative returns, and began to influence Puntland to issue a declaration that only licensed vessels should operate along the coast. To ensure observance of the declaration, Hart contracted expatriate security consultants to train about seventy "Puntlanders" as the new Puntland's coastguards.<sup>230</sup> They were trained in the use of GPS, maritime tracking and security methods as well as techniques of apprehending, boarding and securing suspect shipping in hostile waters.<sup>231</sup> Hart's group coastguards' functions came to an abrupt end in the 2001/2002 period when a sub-clan feud amongst the Marjerteen split Hart's locally trained coast guards.<sup>232</sup> This split was followed by the closure of Hart's operations and a subsequent court case

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<sup>229</sup> The true identity of the hired company still remains contradictory as Mohammed Abshir Waldo states that Puntland's authorities hired an Oman based mafia group known as PIDC which in turn hired the UK based Hart Group. On his part, Manson N. Murphy argues that the authorities contracted a Bermuda-registered company, Hart Nimrod to establish a maritime security force to police Puntland's EEZ. He further says that Hant Nimod was a subsidiary of a British company known as Hart Security.

<sup>230</sup> Murphy, *Somalia*, 22 and Stig Jarle Hansen, "Private Security and Local Politics in Somalia," *Review of African Political Economy*, no. 118 (2008): 587, April 24, 2016, [www.tandonline.com/doi/pdf/10.1080/03056240802569268](http://www.tandonline.com/doi/pdf/10.1080/03056240802569268).

<sup>231</sup> Murphy, *Somalia*, 47.

<sup>232</sup> Hansen, "Private Security," 588.

which made the company to lose favour with President Abdullahi Yusuf Ahmed. In its place, a new security company, Somcan,<sup>233</sup> was contracted in 2002.<sup>234</sup>

As agreed with Puntland's authorities, foreign trawlers continued to fish deep into Somalia territorial waters. In order to shield their licensed foreign trawlers, the two security companies (Hart and their successor Somcan) targeted and destroyed the local fishermen's fishing gear.<sup>235</sup> On their part and as a measure to maximize profits, the numerous foreign fishing trawlers forced local Somali fishermen to hand over their catch at extremely low prices.<sup>236</sup> Feeling exploited, local fishermen communities established vigilantes which faced off with Hart and Somcan coastguards as well as the foreign trawlers crews. In truth, the local fishermen felt forsaken by their own government which in essence was aiding and protecting illegal foreign trawlers.<sup>237</sup> Moreover, some already established clan-based pirate groups got Puntland's authority's protection further angering her coastal fishermen.<sup>238</sup> Marginalized and condemned to hunger and poverty, local fishermen passionately but unsuccessfully fought off their tormentors. In due course, individuals with an eye on the enormous proceeds of hijacking vessels dangled their attractive option to the dissatisfied fishermen and shortly a high stakes high sea piracy was well underway.<sup>239</sup>

On losing their licenses, Hart in 2001 and Somcan in 2007, the companies' employees, now without work and pay, sought alternative means of survival. Having a reputation of good military-like training and discipline, pirate masters and groups jostled to recruit them.<sup>240</sup> Separately, the now unattached coastguard members alongside their maritime operational skills and probable access to some of their former facilities gladly took up the targeting of foreign vessels to raise revenue for their survival. Such coastguard members then began to recruit

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<sup>233</sup> A Somali-Canadian Coast Guard. A company formed by Canadian based Abdiweli Al Taar and fronted in Puntland by his brother, fishing entrepreneur and former navy officer Xiif Ali Taar. The brothers were ardent supporters of President Abdullahi Yusuf besides also belonging to President Yusuf's Omar Mahamoud Majerteen sub-clan.

<sup>234</sup> Murphy, *Somalia*, 23.

<sup>235</sup> Weidemichael, "*Maritime Corporate Terrorism*," 119.

<sup>236</sup> Murphy, *Somalia*, 23.

<sup>237</sup> Weidemichael, "*Maritime Corporate Terrorism*," 119.

<sup>238</sup> Hansen, "Private Security," 588.

<sup>239</sup> Weidemichael, "*Maritime Corporate Terrorism*," 120.

<sup>240</sup> Anderson, "The New Piracy," 47.

disenfranchised members of fishing communities of Puntland. This, in equal measure contributed to the birth of the Somali piracy gangs that operated off the Somali waters like a colossus.

In a scenario that turned maritime resource rich Somalia coast into a theatre of an international conflict fueled by the scramble to control the waters, local Somali fishermen militarily mobilized their communities and faced off with foreign fishing trawlers. Local fishing communities argue that their primary desire was to capture, sink or burn the foreign vessels, acts which were supposed to send a strong message that foreign vessels were unwelcome in Somalia's territorial waters.<sup>241</sup> Unwilling to engage in a damaging outright armed conflict, the experienced foreign trawlers hatched a soft-power like survivalist plot to win over the local fishermen in an endeavor to continue with their plundering practices.<sup>242</sup> The foreign trawlers clandestinely began to offer "fines" to local fishermen to expedite the release of the captured vessels. The foreign trawlers rightly knew that poor trawler hijackers and protectors could not turn down decent offers in exchange for the trawlers freedom. A simple bribery act to the poor Somali foreign trawler hijackers and protectors behind the back of Somali commercial fishermen and communal leaders quickly grew into a symbiotic relationship whose subsequent ransom centred and profiteering attracted many would be pirates. As such, intricacies around fishing considerably informed Somalia coastal maritime activities.

This piracy fueling foreign trawlers-local fishermen symbiotic relationship had a centuries-old resonance amongst the Marjerteen's three key lineages - 'Ismaan Muhamud, 'Lise Mahamuud and 'Umar Mahamuud and their two remotely associated lineages of Siwakron and 'Ali Suleymaan occupied three distinct ecological zones.<sup>243</sup> Inhabitants within the different ecological zones created a symbiotic relationship that was characterized by each zone's different resources and demands.<sup>244</sup> While the first and second zones inhabitants exchanged their livestock with the gum and frankincense respectively, the third ecological zone which is the coastal region provided fish to the two ecological zones peoples.<sup>245</sup> Furthermore, the third zone's people's participation in the Indian Ocean maritime trade availed them dates and rice, items they still bartered with the

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<sup>241</sup> Weidemichael, "*Maritime Corporate Terrorism*," 119.

<sup>242</sup> Ibid.

<sup>243</sup> Durrill, "*Atrocities Misery*," 287-306.

<sup>244</sup> Ibid.

<sup>245</sup> Ibid, 291.

other ecological zones peoples. Over time, these trade ties generated a dependency which made people in the inland's two ecologies to develop a responsibility of protecting coastal inhabitants' maritime activities that were also beneficial to them. This protection was in form of mobilizing sizable numbers from all the three zones to expel competitors and distractive elements as well as attack prized targets along the expansive coastline.

Somalia's expansive coastline and the country's attendant state collapse turned the coast vulnerable to hazardous waste dumping whose reverberations fueled the piracy as argued by some researchers. Though most writers and commentators place the beginning of the dumping of hazardous waste material with the fall of President Siad Barre's government in 1991, a UNEP environmental assessment reveals that the hazardous waste dumping along Somalia's coast began as early as the 1980's when the country began to allow dumping of illegal nuclear and toxic waste along in her coastal waters.<sup>246</sup> The toxic waste material included uranium radioactive waste, lead, industrial waste, chemical waste, leather waste and heavy metals such as cadmium and mercury.<sup>247</sup> 'Cursed' by a blessing of a long coastline with non-existent institutions and pervasive warlords, the dumping of toxic waste granted pirates justifiable grounds not only to execute but also explain piratical attacks.<sup>248</sup>

As countries engage in manufacturing and processing, they generate huge tonnage of hazardous waste which needs careful disposal. Dumping of waste material is a sensitive issue which is highly regulated in developed countries to ensure non-exposure to their citizens. The tough regulations have in turn made waste disposal a lucrative business especially when waste is brought to Africa which does not only have weak laws and regulations on waste disposal but also is scarred by corruption and weak institutions. Seizing the business opportunities presented by the need to dump the waste materials, a number of individuals have established firms to pick and dump the waste materials with their preferred destination being Africa as it costs US\$ 250 per tonne to lawfully dump hazardous waste in Europe while it costs as little as US\$ 2.50 per tonne

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<sup>246</sup> Panjabi, *Pirates of Somalia*, 416-432.

<sup>247</sup> Najad Abdullahi, "Toxic Waste behind Somali Piracy," *Al Jazeera*, April 13, 2009, <http://axisoflogic.com/artman/publish/Article-55437.shtml>.

<sup>248</sup> Bob Ewing, "Is Toxic Waste Behind Somali Piracy?" Issue 352, *Somaliland Times*, October 14, 2008, <http://somalilandtimes.net/sl/2008/352/26.shtml>.

to dump the same waste in Africa.<sup>249</sup> These waste dumping firms are believed to have clandestinely sought the help of a shadowy Italian mafia gang to cheaply dispose the waste material along the coast of Somalia. Though the allegations have not been fully proved, the Italian government opened investigations into the Ndrangheta mafia on allegations of making illegal shipments of radioactive waste to Somalia.<sup>250</sup> Exploiting the absence of a functional government and buoyed by the free dumping of toxic waste, the Italian mafia group and probably other European firms headed to Somalia's coastal waters to dump their illicit luggage. It is believed that this dumping gave rise to an unholy alliance between the mafia group and predator Somali business people. Later, it is believed, the alliance or some of its members using its maritime experience and wherewithal metamorphosed to engage in high seas piratical activities that sounded more lucrative.

Elsewhere and having observed the dumping of industrial waste on their coastal waters, some Somali businessmen with covert links with Somali warlords approached the mafia group with a piracy business idea.<sup>251</sup> Feigning annoyance over the dumping of toxic waste on their waters as though they were a voice of the collapsed government institutions, the coterie of Somali businessmen proposed that the Italian mafia group protects their coastal waters from the menacing foreign trawlers and in return collect revenue (ransom) from vessels that plied the route.<sup>252</sup> This turned out to be the beginning of a lucrative business deal for the two groups. The Italian mafia group probably continued to dump the waste material as the Somalis, without the backing of government institutions had no capability of monitoring or even stopping them. For the Italian mafia, a new business opportunity had just opened up while for the Somali business group, they gladly became local allies to the mafia group in a new lucrative business arrangement. Originally centered in the port town of Eyl, the business spread to several other Somali port towns and quickly took its own life.

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<sup>249</sup> United Nations Environmental Programme, *After the Tsunami: Rapid Environmental Assessment*, February 16, 2016, [www.unep.org/tsunami/reports/TSUNAMI-report-complete.pdf](http://www.unep.org/tsunami/reports/TSUNAMI-report-complete.pdf).

<sup>250</sup> Tom Kington, "From Cocaine to Plutonium: Mafia Clan accused of Trafficking Nuclear Waste," *The Guardian World News*, October 9, 2007, [www.theguardian.com/world/2007/oct/09/italy.nuclear.power](http://www.theguardian.com/world/2007/oct/09/italy.nuclear.power).

<sup>251</sup> Into the Woods, "Pirates of Somalia: Curse of the Mafia Nuclear Waste Dumps and Thanks for All the Fish," *Dailykos News*, January 7, 2009, [www.dailykos/story/2009/1/7/681250/](http://www.dailykos/story/2009/1/7/681250/).

<sup>252</sup> *Ibid.*

Besides this unholy alliance that fuelled piracy in Somalia's coastal waters, the dumping of toxic waste material environmentally damaged Somali coastal waters, a development which led to piratical ramifications. Before long, the dumped containers were smashed open by ocean waves thus exposing coastal Somali people and marine life to their content's harmful elements. As a consequence, people fell ill, suffering from strange rashes, nausea etc.<sup>253</sup> Indeed, the gigantic waves of the 2004 Tsunami washed ashore leaking containers that caused sicknesses and deaths.<sup>254</sup> Other than killing the Somali population along the coast and infecting them with strange diseases, the exposed waste similarly killed and destroyed marine life along the Somali coast which denied the coastal communities their fishing livelihoods. This destruction of marine life aroused further feelings of anger and desires of revenge against foreign vessels amongst Somalia's coastal fishermen. Feeling aggrieved by the foreign atrocities on their coastal waters, Somali fishermen readily embraced the opportunity to hijack vessels for monetary gain.

In addition to acting as an ingredient to the rise of piratical activities, foreign dumping companies paid bribes to Somali warlords to be allowed to dump their waste along Somalia's coastal waters.<sup>255</sup> Indeed, some Somali warlords are alleged to have been complicit in accepting money to allow the illegal toxic dumping to occur without any obstruction.<sup>256</sup> The business of illegal dumping of toxic waste proved to be a highly lucrative business as it allowed a waste shipping company to dump waste for approximately US\$ 2.50 per tonne (as opposed to US\$ 250 to dispose of the waste in Europe).<sup>257</sup> This transaction ended up earning waste shipping companies around US\$ 2-3 million in profit in a year.<sup>258</sup> These generous bribe payments awakened the Somali warlords' antenna into sourcing their long and resource-rich coastal waters for more opportunities of making money. The practice of hijacking and detaining maritime vessels that was taking shape along the coast became the visible if not only choice.

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<sup>253</sup> Ibid.

<sup>254</sup> United Nations Environmental Programme, *After the Tsunami*.

<sup>255</sup> Carrie Byrne, "The Two Sides of the Somali Piracy Coin: An Examination of the Rise and Perpetuation of Piracy in Somalia," *Consultancy Africa intelligence CAI*, May 24, 2011, <http://www.Polity.org.za/article/the-two-sides-of-the-somali-piracy-coin-an-examination-of-the-rise-and-perpetuation-piracy-in-somalia-2011-05-24>.

<sup>256</sup> Ibid.

<sup>257</sup> Panjabi, *Pirates of Somalia*, 416-432.

<sup>258</sup> Byrne, "Two Sides of the Somali Piracy Coin," 2.

A new dimension that gave rise to the growth and entrenchment of Somali piracy emerged after Somali warlords plotted for a complete stranglehold of violence when they opened new negotiations with the Italian Ndrangheta mafia and other waste dumpers with a demand that the waste dumpers pay for their activities with a supply of guns and ammunition.<sup>259</sup> Although there are no authoritative and tangible records on this agreement between the warlords and the firms that were dumping the waste materials, a one-time warlord, Boqor Musa has been quoted as having confirmed the existence of the arrangement.<sup>260</sup> In new arrangement, the waste dumping vessels delivered weapons to the various Somali warlords and clan factions, some of whom used the weapons for piratical operations.

As much as the weapons were sought to strengthen militia groups and clans, the weapons gradually found new platforms of engagement. Some of the warlords with an eye for the piracy's lucrative returns deployed the weapons into maritime hijacking endeavours. In the long run, the supply of weapons by the waste dumping companies was critical in fueling and amplifying the Somali piracy. The weapons provided the right arsenal for young Somali men to delve into the Somalia coastal waters and surrounding high seas as they sought vessels to capture and detain to earn ransom. This dumping helped in the proliferation of weapons into Somalia, a tool that underlies Somali young men willingness to plunge into the sea. In all, the aftermath of the collapse of government in 1991 made Somalia's extensive, important and naturally endowed coastal waters to degenerate into a contest of resources that pitted aggrieved local fishing communities and aggressive foreign fishing trawlers. This clash turned the waters into an unacknowledged theatre of international conflict. The resultant entanglement created opportunities that different entities capitalized on to pursue the apparently lucrative piratical operations which the local communities began to contextualize in political and economic perspectives.

## **2.4 Politico-Economic Expressions**

Somalia's populace political and economic interpretations on issues of concern also birthed piracy. Like the rest of humanity, Somalia peoples' love for their nation-state is driven by a

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<sup>259</sup>Christ Milton, "Somalia Used as Toxic Dumping Ground," *Ecologist*, March 1, 2009, [www.theecologist.org/News/news-analysis/268581/Somalia-used-as-toxic-dumping-ground.html](http://www.theecologist.org/News/news-analysis/268581/Somalia-used-as-toxic-dumping-ground.html).

<sup>260</sup>Ibid.

shared culture, geography, history, language, politics, race, religion, territory, tradition as well as love for their kin and resources as well as suspicion of foreigners. It was this nationalist sentiment that both opportunistic pirates and a susceptible Somali population adopted to explain the Somali driven sea piracy as a form of resistance against foreign interference of their coastal resources and territory. Thus, these feelings birthed Peter Pham's 'defensive' narrative to explain Somali piracy.<sup>261</sup> Though the narrative was popular amongst Somalis in and out of Somalia, it was deftly and selfishly spun by pirate commanders and financials to strategically seek sympathy from the Somali population as they engaged in their extortionist pirate activities. In this sense, this nationalist-cum-defensive feelings and desires provided a conducive socio-political climate in which the actions of the pirates were largely accepted by the populace and acquiesced to by local political authorities as legitimate reaction to protect the discretion of the Somali coast.<sup>262</sup>

In a design to cement the defensive narrative and 'right' the piratical attacks, the pirates and their masters constantly reiterated the nationalist-cum-defensive perspective to dilute the narratives of people with divergent or unsupportive opinion. The regular reiteration succeeded in realigning the coastal communities' opinion with that of the pirate masters one.<sup>263</sup> After winning over the communities, pirate masters and other interested parties conveniently exploited the defensive narrative to seek support from coastal communities' which made their activities acceptable and legitimate. This acceptance and legitimacy in real effect, earned pirate masters a chance to harness Somali people's notion of nationalism to propel forth their piratical enterprise.

In essence, the 'anatomy' of Somali nationalism was dissected and its aspects used to fuel and entrench piracy. From the onset, pirate commanders preyed on the Somalia peoples' love for their nation-state to convince potential pirates into joining their pirate gangs without difficulty as views of most Somalis had already been clouded by defensive feelings that were packaged as self-determination against foreigners who were stealing their resources. Moreover, the Somali common culture, history, language and religion provided a reservoir upon which pirate

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<sup>261</sup> J. Peter Pham, "Putting Somali Piracy in Context," *Journal Contemporary African Studies* (London: Routledge, 2010), 325-341.

<sup>262</sup> Ibid.

<sup>263</sup> Ibid.



commanders established gangs whose members had similar identities that in turn smoothed gang operations. As a group of people with many commonalities, Somali pirate gangs easily gelled together in pursuit of their aspirations despite the presence of inconsequential intra-gang rivalries and criminal tendencies of some gang members.

Similarly, strategic pirate commanders recruited pirates from amongst the coastal Somali communities' so as to make use of their vast knowledge of the expansive coastal waters in the pursuit, attack and hijacking of vessels. Arbitrary and directionless odyssey-like sojourn into the sea in search of vessels to capture was calamitous. This resourceful individuals' maritime knowledge was also helpful in navigating the captured vessels from the high sea to the shore. In the midst of the navigation, the recruits also contributed in making choices on routes that took the captured vessels to selected ports or areas where they were anchored. Such areas were in most cases expected to be conveniently secure to the pirates, a situation which then allowed them to effortlessly care for their captives while focusing on ransom deliberations at the same time. In making the foregoing choice, the pirates understanding of the coastal clan and sub-clan dynamics as well political situation were relied upon.

Disintegration of civil authority in Somalia and the subsequent collapse of maritime authorities left the Somali coastal waters unguarded to illicit and unpleasant activities.<sup>264</sup> The subsequent opportunistic invasion of the fish-rich waters by aggressive and disguised foreign trawlers at the expense of local coastal fishing communities elicited condemnation. Unable to match the maritime capability and power of the more established foreigners, angry fishermen rallied and mobilized around their Somali identity to organize an armed response against the foreign intruders. A further spread of the anti-foreign message within the then largely politically conscious Somali community caught the attention of more people who accepted to join in the 'resistance' against foreign exploitation.

Atrocities committed by foreign trawlers on Somali fishermen sharpened not only united them but also sharpened their nationalistic grievances against foreigners. Besides destroying Somali

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<sup>264</sup> Ken Menkhaus, "Dangerous Waters," *Survival*, 51, no. 1 (2009): 22, <https://doi.org/10.1080/00396330902749640>.

fishermen fishing boats, the foreigners' invasion reduced the amount of fish they captured, a development that the locals contextualized and viewed through their Somali national identity.<sup>265</sup> Moreover, the foreign fishermen abuses on Somalis that included beatings and killings cemented strong Somali nationalistic sentiment.<sup>266</sup> Infused by desires to curb the losses and abuses, the fishermen quickly found synergy and rationale in their national (Somali) identity to rally together. The togetherness was fed by a common thread of a desire to exclusively preserve their coastal wealth for themselves. This thinking crystallized into a firm perception amongst Somalis that the Somali pirates were repulsing exploitative western imperialists.

Some accounts report of the former navy officers also questioning the foreign exploitation of their coastal fisheries resources.<sup>267</sup> Their concerns alongside the local communities' anti-foreign sentiment prompted the ill-equipped former officers to decide to challenge and expel the foreign predators. The former officers' decision prompted distressed Somali fishermen to join the officers' offensive engagement. As a consequence to their desire to protect their marine resources, they undertook feeble offensive acts against foreign vessels within Somalia's coastal waters. This narrative was supported by the fact that one of the vessels they apprehended was a fishing ship from which they emptied its valuables before releasing it.<sup>268</sup> They interestingly did not demand for ransom.

The Somali fishermen's anger towards foreign trawlers and the growth of nationalistic sentiments combined as unifying factors in launching retaliatory attacks that grew into a piratical enterprise of international concern. Soon, this nationalistic perspective was picked up and appropriated by the entire Somali citizenry. Piratical retaliatory attacks found resonance throughout the Somali citizenry and were celebrated as acts of sovereignty. Thus, citizens praised the pirates as defenders of Somali waters and land.<sup>269</sup> This nationalist fervor was also

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<sup>265</sup> Panjabi, *Pirates of Somalia*, 449-459.

<sup>266</sup> Ibid.

<sup>267</sup> Abdi Ismail Samatar, Mark Lindberg & Basil Mahayni, "The Dialects of Piracy in Somalia: The Rich versus the Poor," *Third World Quarterly*, 31, no.8 (2001): 1377-1394, <https://vcdsomalialia.wikispaces.com/file/view/Samatar.pdf>.

<sup>268</sup> Ibid.

<sup>269</sup> Muna Ali and Zahra Munad, "Unraveling Narratives of Piracy: Discourses of Somali Pirates," *Darkmatter, In the Ruins of Imperial Culture, An International Peer-Reviewed Journal, ISSN*, (2009): 2041-3254, [http://www.darkmatter101.org/site/wp-content/uploads/pdf/5\\_Ali\\_Murad\\_Pirates\\_and\\_Piracy.pdf](http://www.darkmatter101.org/site/wp-content/uploads/pdf/5_Ali_Murad_Pirates_and_Piracy.pdf).

directed against skewed and partisan western reporting on the issue. The western media's description of Somali sea attacks as piracy was interpreted as a conspiracy of western countries to malign and taint the good and nationalistic deeds of Somali fishermen. Thus, the general nationalistic thread revealed a contestation of the term "pirate."<sup>270</sup> To the world, attacks off the coast of Somalia were criminal and repugnant whereas to the Somali people, the sea attackers were new Somalia coast guards and not pirates.<sup>271</sup>

Though sounding solid and plausible, this defensive argument is not factual. A systematic examination of figures on Somali piracy reveals a contradictory reality. The figures indicate that Somali pirates were not keen in capturing the illegal foreign fishing vessels whose mere vulnerability made them cheap targets.<sup>272</sup> The figures continue to show that majority of targeted vessels by Somali pirates were various types of tankers and slow-moving bulk carriers.<sup>273</sup> Such vessels had potential lucrative returns out of ransom negotiations as they carried expectedly precious loads worth millions of dollars. Nevertheless, the records also show that some fishing vessels were equally targeted but for a different reason. Such fishing vessels were transformed into supporting aids during piratical attacks as mother ships.<sup>274</sup> Revealingly, the figures show that since 1980's, slow-moving cargo ships with high ransom potential have been targeted despite their non-involvement in illegal fishing or even dumping along the Somalia coast.<sup>275</sup>

From the foregoing, one can infer that one of the reasons for the beginning of Somali piracy had roots in Somali nationalistic arguments before metamorphosing into a complex piratical industry. Emerging as a nationalistic protest, the protest morphed into an enterprise dominated by military, political and business leaders. The argument that the Somali pirates began their attacks as a defensive tactic is not supported by the statistics of hijacked vessels along the Somalia coast. The supposedly genuine nationalistic agitation was hijacked midcourse and turned into a ransom

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<sup>270</sup> For a detailed analysis of the varied representation of Somali pirates see chapter five - Media Configuration and Representation of Somali Piracy.

<sup>271</sup> "Somalis Speak Out: Why We Don't Condemn Our Pirates," *Huffington Post*, April 13, 2009, [http://www.huffingtonpost.com/michael-vazquez/on-pirates\\_b\\_186015.html](http://www.huffingtonpost.com/michael-vazquez/on-pirates_b_186015.html).

<sup>272</sup> Stig Jarle Hansen, "Debunking the Piracy Myth: How Illegal fishing really interacts with piracy in East Africa," *Rusi Journal*, 156, no. 6 (2012): 27.

<sup>273</sup> *Ibid.*

<sup>274</sup> *Ibid.*

<sup>275</sup> *Ibid.*

minting racket. In a shrewd move, the piracy entrepreneurs continued to claim their Somali nationalistic agenda as a cover to their selfish predatory economic desires.<sup>276</sup> As such, the piracy entrepreneurs took on a dual identity of being Somali coastguards and economic predators at the same time.<sup>277</sup> This development allows us to conclude that the notions of anti-foreign defensive attacks prompted the rise of piratical attacks before selfish economic considerations took the attacks to a higher level.

A growing scholarship has explained Somali off the Somalia coast as an opportunity of commodification. In this sense, Somali piracy was a profit driven endeavor that involved targeting of cargo vessels for their loot or ransom and not the exploitative foreign fishing boats.<sup>278</sup> Unlike other postulations which emphasized Somali piracy's expedient unity of purpose as a consequence of a nationalist sentiment meant to safeguard the country's fishing territorial waters, profiteering considerations made Somali pirates to mainly target high sea slow-moving bulk carriers and cargo ships ferrying valuable cargo for profit.<sup>279</sup> These valuable cargoes included products such as oil or military weapons. In the well-planned and extensively surveyed pirate attacks, the flags of the vessels were critical as priority of attacking was given to vessels flying flags from wealthy states due to the probable high returns from such vessels.<sup>280</sup>

In some instances, Somali pirates behaved like rational maximizers wherein their primary motivation for the maritime pirates was material gain.<sup>281</sup> We can assume that Somali pirates put individual consideration into play before taking a decision on whether or not to indulge in a piratical raid. This consideration was in most cases weighed against risks of participation. As a consequence of general economic hopelessness amongst Somali people, benefits accrued from participating in piracy overrode the risks involved.

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<sup>276</sup> Murphy, *Somalia*. 17.

<sup>277</sup> Menkhaus, *Dangerous Waters*, 22 and Pham, *Putting Somali Piracy in Context*, 325- 341.

<sup>278</sup> Stig Jarle Hansen, "The Dynamics of Somali Piracy, *Studies in Conflict & Terrorism*," 35, Issue 7-8, (2012): 523-530, March 18, 2014, doi: 10.1080/1057610X.2012.684650.

<sup>279</sup> The capture of *Sirius Star*, A Saudi supertanker and a weapon bearing Ukrainian MV *Faina* being good references

<sup>280</sup> Oral interview, Abdiwahab Sheikh Abdiswamad.

<sup>281</sup> P Hallwood & TJ Miceli, "The Economics of International Cooperation in the Apprehension and Prosecution of Maritime Pirates," *Ocean Development & International Law*, 43, no. 2 (2012): 194, March, 18, 2014, doi: 10.1080/00908320.2012.672294 and Christian Bueger, "Practice, Pirates and Coast Guards: The Grand Narrative of Somali Piracy," *Third World Quarterly*, 34, Issue 10 (2013) 1814, March, 18, 2014, doi: 10.1080/01436597.2013.851896.

Primarily and principally, the piracy's benefits were the high ransom money that afforded the pirates considerable purchasing power. Seemingly, the ransom windfall was able to afford the pirates expensive four-wheel drive cars and large well-built houses.<sup>282</sup> In addition, the ransom money afforded the pirates sustained access to good food products, new guns and clothes as well other personal items.<sup>283</sup> Upon their permeation into Somali community's social fabric, moneyed pirates become petty bourgeoisie and key actors in primitive accumulation and personal aggrandizement. This achievements then allowed the pirates to enjoy societal privileges such getting married to attractive and beautiful girls<sup>284</sup> besides becoming opinion shapers. Indeed, instead of being viewed as outlaws who were to be shunned, the pirates financial muscle brought them fame, acceptance and desire of emulation.

Somalia's general and widespread poverty underlined the rise and spread of piracy off the Somalia coast.<sup>285</sup> General impoverishment in Somalia provided a pool of former navy officers and maritime officials as well as a reservoir of young men who were readily available to plunge into the high seas. These desperate young Somali men felt they had nothing to lose and as such accepted to risk their lives and go into the sea to seek and hijack vessels. Denied of alternatives of economic survival, teeming numbers of young Somali men found piratical attacks a worthwhile undertaking. In their views, the costs and benefits of piracy far outweighed other sources of income. Thus, to them, piracy was a good considered option within the economic circumstances of Somalia. However, coated and insulated in the poverty-driven motive as a reason for participation in piracy was a streak of greed characterized by desire for financial gain.

However, this foregoing notion of poverty only partly explains the piracy problem. Though assumed that the poverty phenomenon is general to Somalia, the truth is that the piracy is only embedded in specific parts of Somalia's coastline and attacks are launched from less than 1/3 of the Somalia Coast.<sup>286</sup> From the foregoing, the notion of poverty driving the piracy is challenged

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<sup>282</sup> Jeff Geels, "Raiding the State: Piracy and State-Building in Somalia," *PLSC 480: One Semester Senior Essay*, April 27, 2009.

<sup>283</sup> Pioneer Press, "In Somalia, pirates get money, prestige, women," *Twincities.com*, December 20, 2008, <https://www.twincities.com/2008/12/20/in-somalia-pirates-get-money-prestige-women/>.

<sup>284</sup> *Ibid.*

<sup>285</sup> Aly Elmaghawry, "Overview of Somali Piracy Impacts on Maritime Industry and International Response," *Maritime Safety Programs*, Alexandria, October, 2009, 1.

<sup>286</sup> Hansen, "The Dynamics of Somali Piracy," 523.

by the fact that poverty is general across Somalia but only few areas are engaged in piratical activities. Moreover, the piracy is anchored in sections of Somalia which happen to be comparatively richer vis-à-vis other parts of Somalia as per United Nations and World Bank statistics.<sup>287</sup> This unclear correlation only but amplifies financial considerations as a cause of piracy off the Somalia coast. This commodification of piracy debate is revisited in chapter seven as Markets of Piracy: Profiteers and Losers.

The commodification debate also unearthed the piracy's indeliberate complicity that made it a real international industry between willing and unwilling actors as young Somali men were motivated to go into the sea due to the increased willingness of maritime companies and insurers to pay ransoms.<sup>288</sup> These huge ransoms become too attractive to be resisted by the young men who tried their luck in the seas for financial gain.<sup>289</sup> This ended up becoming a powerful incentive for engaging in piratical attacks. To many coastal young Somali men, the prospect of an almost assured profit from the paid ransoms far outweighed any other attendant risks of engaging in piracy.<sup>290</sup> Thus, the more the owners of hijacked vessels paid ransom, the more young men willing to risk onto the sea went up turned up at the coast. The amount of ransom that was paid to Somalia's pirates is unknown but some estimates put the figure at about \$30 million for 2008 alone.<sup>291</sup> Though \$30 million was insignificant to shipping companies and their insurance partners, the amount had significant financial significance to the pirates and coastal communities.

In addition to the above financial seeds for the rise and escalation of Somali piracy, the hijacking and subsequent ransom successes turned young Somali pirates into an attractive wealthy and powerful group.<sup>292</sup> Oozing wealth and its attendant power, the young men turned themselves into

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<sup>287</sup> Ibid, 523-525.

<sup>288</sup> Rob de Wijk, "The New Piracy: The Global Context," in Rob de Wijk, David M. Anderson & Steven Haines, *Forum: The New Piracy: Three Contexts, Survival: Global Politics and Strategy*, 52, no. 1 (2010): 42-43, March 18, 2014, doi: 10.1080/00396331003612463.

<sup>289</sup> Peter Chalk, *Maritime Piracy: Reasons, Dangers and Solutions*, Santa Monica, CA: Rand Corporation (2009), 3.

<sup>290</sup> Ibid.

<sup>291</sup> Karl Sorenson, *State Failure on the High Seas - Reviewing the Somali Piracy*, FOI (Swedish Defence Research Agency) Somalia Papers: Report 3 (2008), March 18, 2014, file:///C:/Documents%20and%20Settings/user/My%20Documents/Downloads/foir\_2610%20(2).

<sup>292</sup> Sohail Choudhury, *Mysterious World of Somali Pirates*, Somali Think Tank.org, *Somali Think Tank*, August 27, 2011, <http://somalithinktank.org/mysterious-world-of-somali-pirates/>.

new local social and economic elites, an attractive position that induced more young men to join piracy. Their new found financial muscle elevated the young men's status through all spheres of coastal communities' life, a reality that led to the communities' gradual incorporation into the pirate economy.<sup>293</sup> The pirates' new-found influence accompanied by their appealing lifestyles drove eager young men from across Somalia to coastal areas in search of piratical opportunities leading to an expansion of piratical activities off the Somalia coast.<sup>294</sup>

There were benefits that accrued from going the sea which brought businessmen on board after concluding that the business had lucrative returns.<sup>295</sup> As a consequence, businessmen from within Somalia's coastal areas and beyond began to fund pirate gangs for a share of the eventual ransom. It is believed that businessmen in such places as Dubai, Nairobi and other cities around the world established intricate piracy enterprise networks.<sup>296</sup> This often spoken about ransom induced expansion of Somali presence and upsurge of their commercial activities in East Africa has been discussed in chapter seven. These networks purchased appropriate maritime tools and weapons as well as navigational support implements for their pirate gangs. The resultant professionalization and advanced organization of pirate gangs necessitated the networks to contract lawyers, bankers and transport companies to ensure efficiency. In the long run, piracy off the Somalia coast grew and become a worthwhile economic investment for multiple Somali businessmen and their associated partners. Indeed, this economic dimension debate here is revisited in chapter seven as the political economy of piracy.

Notwithstanding this commodification of piracy, a multiplicity of minor drivers also contributed to the rise of the piracy. This included, firstly, the proliferation of small arms into Somalia. The ease of accessing weapons such as pistols, light/heavy calibre machine guns, assault rifles, anti-ship mines, mortars and rocket propelled grenades enhanced operational capabilities of the pirates.<sup>297</sup> Secondly, considerations of cost implications occasioned by maritime advances

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<sup>293</sup> Oral Interview, Ahmed Bashir, Eastleigh Estate, Nairobi, July 12, 2015.

<sup>294</sup> Ibid.

<sup>295</sup> Geels, *Raiding the State*, 13.

<sup>296</sup> Oral Interview, Umar Mohammed, Eastleigh Estate, Nairobi, July 12, 2015.

<sup>297</sup> Chalk, *Maritime Piracy*, 3.

deployment of skeleton crews on sea-faring vessels<sup>298</sup> inadvertently eased attacks and seizure of maritime vessels around the world including the waters off the Somalia coast. Thirdly, seaborne traffic uses few narrow and congested maritime checkpoints such Malacca straits in East Asia, the Suez Canal, Panama Canal, the Hormuz straits between Iran and the United Arab Emirates and Somalia's strait of Bab el-Mandab.<sup>299</sup> These checkpoints slowed down the flow of maritime traffic which in turn made vessels susceptible to pirate attacks. Similarly, there was increasingly, an explosion of volume of cargo transported on sea, a fact that attracted maritime gangs to target sea-faring vessels.

Condemned to war and anarchy, Somalia provided a theatre where terrorists were reigning supreme as they ruled, recruited and trained new terrorists and launched attacks across the borders. Following Ethiopia's ousting of Islamic Courts Union's in 2006, Al Shabaab-formerly Islamic Court's Union *Youth League* grew to have a solid base in much of Somalia. Only semi-autonomous regions such as Somaliland and Puntland seemed to be out of Al Shabaab's grip. In public, Al Shabaab always fought piracy and pirates on the argument that piracy went against Islamic religious practices and was thus 'unholy' and non-Islamic. Moreover, terrorists may have fought pirates so as to subdue them and later recruit them into their ranks due to high expertise in arms use.<sup>300</sup>

However, a close examination of Al Shabaab's activities indicates collaboration between Al Shabaab and pirate crews. For a start, both of them denounce western exploitation of their land and resources. Moreover, both pirates and Al Shabab have hatred on western decadence on Somali people. Thus rationally, both groups see westerners as common enemies who should be fought by all Muslims and Somalis. Indeed, Patrick Lennox indicates how Al Shabaab and pirates closed ranks at some point.<sup>301</sup> This collaboration was to enable pirates' train Al Shabab

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<sup>298</sup> Peter Chalk and Stig Jarle Hansen, "Present Day Piracy: Scope, Dimensions, Dangers and Causes," *Studies in Conflict & Terrorism*, 35, Issue 7-8 (2012): 506, September 1, 2012, doi: 10.1080/1057610X.2012.684647.

<sup>299</sup> Geels, *Raiding the State*, 10.

<sup>300</sup> Spencer Hugh Brooks, *Somalia: Illicit Economies, Criminal Networks and the Downfall of the Somali State*, M.A Thesis (Georgetown University, 2010), April, 24, 2016, <https://repository.library.georgetown.edu/bitstream/handle/10822/553456/brooksSpencer.pdf?sequence=1>.

<sup>301</sup> Patrick Lennox, "Contemporary Piracy off the Horn of Africa," *Canadian Defence & Foreign Affairs Institute*, (2008): 10-11, May 24, 2010, <http://cdfai.org.previewmysite.com/PDF/Contemporary%20Piracy%20off%20the%20Horn%20of%20Africa.pdf>.



members on maritime skills as Al Shabaab was envisaging the establishment of a naval unit for maritime attacks against their enemies. Moreover, Al Shabaab aspired to use the pirates' sea knowledge and regional networks to facilitate smuggling of arms and people into Somalia across the waters to serve their terrorist interests. However, Lennox's revelations were not tangibly confirmed by other sources, a scenario which demands that the issue should not neither be overemphasized nor overstretched as a formal reflection of the two groups.

## **2.5 Conclusion**

This chapter attempted to unravel the determinants of piracy off the Somalia coast. As much as piracy off the Somalia coast is a 21<sup>st</sup> century phenomenon fueled by multiple factors, the drivers of the piracy date back to centuries-old traditions. It was these age-old traditions that partly built the foundations and circumstances for an interplay of the diverse determinants that ignited the rise and escalation of piracy off the Somalia coast. The interplay involved cultural, geographical as well as political and economic considerations. As such, the rise of Somali piracy can be attributed to a motley of interweaved reasons that can be contextualized and illuminated by Friedrich Von Hayek's theory of complexity. While the theory allowed us to pinpoint the various parameters that fueled Somali piracy, it has also showed the parameters' complementarity and connectivity. Both major and minor drivers responsible for the growth of Somali piracy and their intricate and complex interplay found illumination in Somalia's political processes. Drivers of Somali piracy are better elucidated when contextualized in the larger portrait of the collapse of the state in Somalia and the attendant governance challenges. The interplay of piracy and Somalia's governance challenges is tackled in the succeeding chapter.

## Chapter Three

### The Somali State and Piracy

#### 3.0 Introduction

Primarily informed by and debated within Somalia's weak, failed and collapsed state structures, this chapter attempts to appraise the interplay between a faltering state and the growth and escalation of piracy. At the onset, the chapter provides a brief discussion on the origins of the state. This is then followed by an interrogation of the rise of the Marjerteen state whose dalliance with imperial Britain entrenched piracy along the coast of northern Somalia. Marjerteen, a coastal Somali clan had knitted a state in the first quarter of 1800's. The benefits of Marjerteen and British relations may have prompted the scramble for and partition of the rest of the Somali territory that sucked in the French and Italians. In addition to Somali territory, all African territories fell into colonialism with the exception of Liberia and Ethiopia. However, Ethiopia did, albeit briefly and partially fall into colonial domination. Eritrea, then part of the Ethiopian Empire was occupied by Italians for about five years but Ethiopians defeated them at the battle of Adowa.<sup>302</sup> The chapter examines atrocities of Africa's colonialism with particular interest to muted piracy in Somalia. Next, the chapter retraces the transition of African colonies to weak independent African states and subsequently analyses Somalia's inherent state deficiencies that provided the stimulus for the growth and escalation of piracy.

This correlation between Somalia's state deficiencies and upsurge of piracy is anchored on rational choice theory. Through time, humanity has always been driven by selfish motives shaped by rational considerations.<sup>303</sup> These considerations influence individuals to weigh and rate their options before choosing the most rewarding option in their circumstances. This then implies that some Somalis made rational choices in becoming pirates in the midst of independent Somalia's declining state system by seizing opportunities created by the decline. Although its roots are in the discipline of economics, the theory has been domesticated into this conflict and peace study. This chapter shows Somalia as a depiction of Fredrick Cooper crisis laden post-

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<sup>302</sup> Records indicate that only a 1/3 of Italian forces survived.

<sup>303</sup> Michael I. Ogu, *Rational Choice Theory: Assumptions, Strengths, and Greatest Weaknesses in Application Outside the Western Milieu Context*, Department of Political Science and Public Administration, Babcock University, March, 17 2017, [https://www.arabianjbmr.com/pdfs/NG\\_VOL\\_1\\_3/9.pdf](https://www.arabianjbmr.com/pdfs/NG_VOL_1_3/9.pdf)

colonial African gatekeeper state<sup>304</sup> that Achille Mbembe describes as a personalized expropriation entity.<sup>305</sup> Further, post-colonial Somalia was a fledgling state bleeding from the exploitative and suffocating nature of global capitalism<sup>306</sup> that was nuanced by entrenched western dominance of other countries as highlighted in Samuel P. Huntington's *The Clash of Civilizations*.<sup>307</sup> As a consequence, Somalia unearthed an ungoverned space which allowed piracy to thrive therein.

### 3.1 The Idea of the State

As a critical and enduring political issue and institution in history, the state and its origin has been widely debated and continues to ignite debate in the 21<sup>st</sup> century. While each theory advanced to explain the phenomena has been critiqued<sup>308</sup> new formulations continue to emerge to further elucidate the phenomenon. For example, Robert Carneiro adds the circumscription theory which he argues anchors the debate well to the central ideas of the state due to its multifaceted and multi-circumstantial nature which includes and connects attributes such as culture, population, politics and environment. The interplay of these attributes create circumstances that lead to the emergence and rise of states.<sup>309</sup>

However, it is Max Weber's definition of the state that is widely used by political scientists.<sup>310</sup> Weber's conceptualizes the state as a corporate group that has compulsory jurisdiction, exercises continuous organization, and claims a monopoly of force over a territory and its population, including "all action taking place in the area of its jurisdiction."<sup>311</sup> This definition elevates monopoly of violence as a key reality of states over their legalistic realities. The legal essence of states is mostly propounded by international legal scholars who acknowledge Ian Brownlie's

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<sup>304</sup> Frederick Cooper, *Africa since 1940: The Past of the Present* (Cambridge: Cambridge University Press, 2002).

<sup>305</sup> Achille Mbembe, *On the Postcolony* (Los Angeles: University of California Press, 2001).

<sup>306</sup> Noah Tsika, "How Africa shaped Immanuel Wallerstein," November 9, 2019, <https://africasacountry.com/2019/09/immanuel-wallerstein-and-african-studies>.

<sup>307</sup> Samuel P. Huntington, "The Clash of Civilizations," *Foreign Affairs*, 72, no. 3 (1993): 39-45, July 30, 2018, <https://www.jstor.org/stable/20045621>.

<sup>308</sup> Robert L. Carneiro, "A Theory of the Origin of the State," *American Association for the Advancement of Science*, 169, No. 3947 (1970): 733, July 15, 2016, <http://www.jstor.org/stable/1729765>.

<sup>309</sup> *Ibid*, 734-738.

<sup>310</sup> Tom G. Palmer, "The Origins of State and Government, Cato's Letter," *A Quarterly Message on Liberty*, (2012): 2, 10, no. 4.

<sup>311</sup> Robert H. Jackson and Carl G. Rosberg (eds.), "Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood," *World Politics*, 35, no. 1 (1982): 3, August 16, 2010, <http://www.jstor.org/stable/2010277>.

definition of the state as a law-backed international legal person whose characteristics include a defined territory and population as well as an effective government with the right to enter into inter-state agreements<sup>312</sup> However, the above characterization of the state is largely absent in post-colonial Africa as African states are shadowy replicas of the oppressive colonial state and an instrument of appropriation for the ruling elites.<sup>313</sup>

The modern state grew from Europe's peace of Westphalia of 1648, which had ended the thirty years war. The war was initially fought between the Holy Roman Empire's protestant and Catholic states before sucking in the great powers who turned the war into a European conflict. Out of the treaty, the modern state, a distinctly territory-based sovereign unit emerged. Over the centuries, the state evolved into a sole violence wielding and strong institutionalized entity particularly in Europe and other parts of the world.<sup>314</sup> Slowly, Europe began to desire the strong, organized and effective state systems. Seeing its usefulness, other parts of the world replicated Europe's state conceptualization with varying modifications and successes. However, some regions such as Africa without attachment to Europe's political developments retained their political formations that were anything between decentralized societies and centralized states. This variation changed with the advent of colonialism as European powers structured their African colonial territories on images of European states.<sup>315</sup> As such, introduction of definite boundaries, instruments of coercion, government bureaucracies and inter-European recognition began to transform African colonial territories into western European state-like entities that later grew into sovereign African states at independence.

Expectedly, the African states were supposed to imitate the strong western European Weberian states whose key characteristics include security guarantees, acceptable dispute arbitration systems, citizen participation in political processes, provision of credible social services and a desirous economic infrastructure.<sup>316</sup> However, the African state was unable to outgrow the

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<sup>312</sup> Ibid, 3.

<sup>313</sup> Mbembe, *On the Postcolony*.

<sup>314</sup> Patrick Chabal and Jean-Pascal Daloz, *Disorder as Political Instrument, Africa Works, African Issues*, (Oxford: James Currey, 1999), 3-4.

<sup>315</sup> Ibid.

<sup>316</sup> Robert I. Rotberg, "Failed States, Collapsed States, Weak States: Causes and Indicators," in Robert I. Rotberg (ed.), *State Failure and State Weakness in Time of Terror*, (Washington D.C.: Brookings Institution Press, 2003), 1-3.

imposed and violence-anchored colonial state which had turned Africans into mere subjects.<sup>317</sup> As a consequence, colonialism denied African states an opportunity for the proper institutionalization of the state after independence.<sup>318</sup> As such, after independence, the African state was just but an empty shell whose arbitrariness the new African elites maintained for personalized profiteering.<sup>319</sup> It is this examination of state dysfunctionality that Rotberg placed on a continuum and varied it as either weak, failed or collapsed.<sup>320</sup>

As argued by Rotberg, weak states' manifestations include inability to provide socio-economic and political goods. This incapability is exacerbated by antagonisms, mismanagement, corruption, dictatorship, communal divisions, high crime levels and unavailability of social services.<sup>321</sup> Weak statehood operates in a wide spectrum with states falling into different levels of weakness.

States are described as failed when they are characterized by heightened tensions, entrenched and long violent conflicts, presence of feuding groups, inter-communal and civil unrest, considerable loss of state authority, uncontrolled borders, exploitation of masses by a few elites, rise and normalization of criminality, limited or near collapse of the provision of a state's economic and political duties, broken state institutions and infrastructure, heightened corruption and loss of legitimacy.<sup>322</sup> However, it was Achille Mbembe's who succinctly captured the concept of state failure in the 'On the Postcolony' by portraying African states as ignominiously individualized entities characteristic of eternal impairment, tensions and conflict.<sup>323</sup>

State collapse is an extreme level of state failure whose features include personalization of state functions, criminal privatization of security and total collapse of state authority.<sup>324</sup> A collapsed state has no capability to accomplish its expectations, a phenomena described by Marina

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<sup>317</sup> Mbembe, *On the Postcolony* and Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, (Princeton: Princeton University Press, 1996).

<sup>318</sup> Chabal and Daloz, *Disorder as Political Instrument*, 11-12.

<sup>319</sup> *Ibid*, 14.

<sup>320</sup> Rotberg, "Failed States, Collapsed States, Weak States, 9.

<sup>321</sup> *Ibid*, 1-3.

<sup>322</sup> *Ibid*, 5-9.

<sup>323</sup> Mbembe, *On the Postcolony*.

<sup>324</sup> *Ibid*, 9.

Ottawayas as incapability to undertake routine functions.<sup>325</sup> Similarly, William Zartman likens state collapse to the disintegration of public structures such as governance and law which become non-existent. The fall of President Siad Barre's regime in 1991 ushered Somalia into intricate, vicious and entrenched conflicts that were symptomatic of state collapse in Somalia.

Thomas Hobbe's regards the social contract as critical to the state wherein, laws must be enforced by the sovereign state authority as man is at self-interested being.<sup>326</sup> This self-interest is characterized by individual considerations backed by rational thinking on how to achieve the selfish objectives. In a collapsed state, authority and order are replaced by the law of the jungle where the strongest individuals or groups have their way occasioning the emergence a lawless vacuum that is filled by self-seeking local, national, regional and international players. In Somalia, individuals took advantage of her varying state illfunctionalism to indulge in piratical activity, a practice that had begun before Somalia became a state. About one and a half centuries before the emergence of the Somali state, the Marjerteen, a coastal clan along Somalia's northern waters had transformed itself into a state which was exploited as an instrument to propagate practical tendencies.

### **3.2 Prelude to the Somalia Colonial State: The Case of the Marjerteen State and Piracy**

Even before the British, French, Italians and Ethiopians scrambled to shape the Somalia colonial state, the Marjerteen clan had walked the path of statehood. Somalia has been regaled as a mythological home to proto-Somali peoples<sup>327</sup> and a 7<sup>th</sup> and 8<sup>th</sup> century destination of post-Mohammed Islamic power contestation movements.<sup>328</sup> It is in this period that patriarchs of some of the Somali clans fled Arabia for the Somali coast from where they gradually moved into Somalia's hinterland<sup>329</sup> with Dir and Darod clans reportedly arriving first while Isaac clan was the last to arrive.<sup>330</sup> The subsequent fusion between the immigrant clan patriarchs and indigenous

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<sup>325</sup> Marina Ottaway, "Rebuilding State Institutions in Collapsed States," *Development and Change*, 33, Issue 5, 1001-1023, March 10, 2015, <http://onlinelibrary.wiley.com/doi/10.1111/1467-7660.t01-1-00258/epdf>.

<sup>326</sup> Manzoor Elahi, "Social Contract Theory by Hobbes, Locke and Rousseau," *A Review*, August 30, 2015, <http://www.academia.edu/3138759/social-contract-theory-by-hobbes-locke-and-Rousseau>.

<sup>327</sup> Mohammed Haji Mukhtar, *Historical Dictionary of Somalia*, New Edition, African Historical Dictionary Series, 87, (Lanham (Maryland): Scarecrow Press Inc., 2003), xxv.

<sup>328</sup> Hussein Ali Dualeh, *Search for a New Somali Identity* (Nairobi: H.A. Dualeh, 2002), 9.

<sup>329</sup> Ibid.

<sup>330</sup> Ibid.

people contributed to the growth of a confederacy of un-related Somali clans<sup>331</sup> which shaped the identity of the Somali people. As a consequence, the fusion is responsible for the presence of a common language, a dominant Islamic faith and a dominant pastoralist economy in Somalia which is however punctuated by pockets of cultivation and fishing.<sup>332</sup>

It is this fishing which has historical links with piracy along the Somalia coast that reveal state and piracy ties amongst the coastal-based Marjerteen clan. After establishing the Marjerteen sultanate in early 1800's for socio-political and economic dominance of the region, the Sultans turned piracy into a state sanctioned policy whose deft undertakings elicited support from visiting European travelers.<sup>333</sup> The reality was that the sultans had successfully outmaneuvered other maritime players and masked their piratical activities as state orchestrated policies for the benefit of smooth coastal trade and travel.<sup>334</sup> As shown by Smith, the Sultans had deftly presented their Marjerteen state as the protector of the coast when in reality the Sultans had monopolized all coastal activities.<sup>335</sup> While the piratical proceeds brought wealth to the Sultans, they also distributed it sparingly to their subjects as a means of entrenching their positions.<sup>336</sup>

As the Sultans tightened their grip on coastal trade, the arrival of the British gave their piratical hold new significance as piracy became a sought of 'carrot and stick' pendulum that was swung for and against the British to serve different interests. Eager to ensure smooth passage of their vessels in the Marjerteen coastal waters, the British sought out the sultanate to protect and rescue her transiting vessels. On its part, the sultanate accepted to protect British shipping interests but with designs of entrenching the sultanate state and their positions. Out of this arrangement, the British recognized the Marjerteen Sultanate as a state with requisite enjoyment of sovereignty particularly along the coast.<sup>337</sup>

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<sup>331</sup> Ibid, 10.

<sup>332</sup> Ahmed I. Samatar, *Socialist Somalia, Rhetoric and Reality*, Institute for African Alternatives (London: Zed books Ltd., 1988), 12-13.

<sup>333</sup> Smith, "The Machinations of the Majerteen Sultans," 23-29.

<sup>334</sup> Ibid.

<sup>335</sup> Ibid.

<sup>336</sup> Ibid.

<sup>337</sup> Ibid.

Expansion of the coastal trade and the succession of a minor, Uthman Mahmud to the Marjerteen's sultanate throne in late 19<sup>th</sup> century provided enabling circumstances<sup>338</sup> for intra-Marjerteen power contestations. Ambitious individuals angled for a share of the expanding coastal trade as they took advantage the underage's regent-led administration sultanate. While critics and conservatives queried the regent administrators' authority and legitimacy to govern the sultanate in the name of a child, minor chiefs eyeing profit from the trade seized the moment to establish rival centres of power to that of the regent-led Sultanate.<sup>339</sup>

In the last quarter of the 19<sup>th</sup> century, the British presence and influence on Somalia's northern coastal waters ignited further rivalry between Marjerteen's warring leaders who jostled for the attention of the new militarily superior 'master' that the former were. Such was the case for the ambitious Yussuf Ali, governor of the port of Alula who ignited a revolt against Sultan Uthman Mahmud's grip on power in the 1870's.<sup>340</sup> In an attempt to find a firm anchor to his campaign, Ali began to court the British by engaging in symbolic acts such giving a warm welcome to Egypt's Khedive Ishmael, a close regional ally of the British as he passed through the port of Alula. Ali's overtures impressed the local British official who began to consider him as a replacement to Sultan Mahmud as the new Marjerteen political kingpin. As before, these feuding power contestations immersed themselves in acts of piracy as a catapult to accessing revenue and political recognition.<sup>341</sup> The piracy attacks were more critical to Yussuf Ali, a political green horn who needed to wrestle the British attention and recognition to himself from Sultan Uthman Mahmud. Consequently, Yussuf Ali connived to "steal" the British to his side. Besides painting Sultan Uthman Mahmud as a reluctant protector of British interests, Ali subversively targeted British vessels in his piratical attacks along the Marjerteen coast so as to undermine British support and recognition to Sultan Uthman Mahmud.<sup>342</sup> Ali's careful calculations saw him orchestrate pirate attacks such as the attack of a British patrol ship leading to its looting and murder of the crew in 1872 as well as an attack and looting of Voltigern, a British arms-carrying naval ship in 1879.<sup>343</sup>

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<sup>338</sup> Ibid, 26.

<sup>339</sup> Ibid.

<sup>340</sup> Ibid.

<sup>341</sup> Ibid.

<sup>342</sup> Ibid, 26-27.

<sup>343</sup> Ibid, 27.



In response and as expected from his treaties with the British, Sultan Uthman Mahmud went out of his way to ensure safety of British vessels and travelers along the Marjerteen coast. Mahmud rallied his men to counter the heightened piracy attacks on British vessels so as protect their treaty agreements. Moreover, Mahmud mobilized his men to swiftly react to rescue vessels that were under attack or had been attacked.<sup>344</sup> In engaging in such defensive initiatives, Sultan Mahmud was re-endearing himself to the British to checkmate and dilute Ali's attempts of cutting off the British from sultanate

Seemingly, Sultan Mahmud's fight back was noted by the British officials despite Ali's spirited campaign to eclipse the sultan. This was particularly true in British India from where the Marjerteen coast was administered though Ali had won the hearts of local British officials. After a critical analysis of developments along the Marjerteen coast, the British colonial government in India suspected Ali of dishonesty and expediency. Alongside the officials' dim view of Ali's maneuvers, they also foresaw a damaging fight backed by Sultan Mahmud to protect his position and sultanate's stranglehold on the Marjerteen.<sup>345</sup> Escalation of poisoned Sultan Mahmud-British relations had the potential of forcing Mahmud to decline renewing the treaty with the British whose consequences were undesirable to the British. Informed by these pragmatic observations, the top colonial officials made a conscious decision to continue working with Sultan Mahmud despite the increased pirate attacks along the Marjerteen coast.

As the two parties renewed their treaty in 1883, piracy remained top in the agenda as Sultan Mahmud agreed to a personal annual stipend of US\$ 360.<sup>346</sup> The stipend was to partly compensate him for accepting to salvage all wrecked British vessels and their goods along the Marjerteen coast. In the arrangement, he was also to transport the salvaged goods and vessels to the port of Aden, the regional British base.<sup>347</sup> The renewed treaty was a win for Sultan Mahmud as the personal stipend was in addition to the stipend that was paid to Marjerteen government for accepting to work with the British. And in the issue of piracy, the renewed treaty secured Sultan Mahmud a new stream of revenue. As was the case in the first treaty, the Sultan continued to

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<sup>344</sup> Ibid.

<sup>345</sup> Ibid.

<sup>346</sup> Ibid, 28.

<sup>347</sup> Ibid.

gain from his delicate balancing act of protecting British vessels and orchestrating pirate attacks along his coast in the new treaty. However, the new treaty sanctioned the sultan to salvage, secure and submit to the British wrecked British vessels for an annual stipend. This was a second stream of revenue from piratical activity and in essence an arrangement that was bound to continue fueling piracy along the Marjerteen coast.

In a new decision, informed by the Sultan Mahmud and Yussuf Ali experience, the British decided to sign treaties with all the main local political leaders both at the coast and in the interior of northern Somalia by 1886.<sup>348</sup> While the treaties secured British interests along the coast, they inadvertently promoted piracy at the same time. The paid and promised stipends prompted other coastal rulers beyond Sultan Mahmud and Yussuf Ali to orchestrate subversive pirate attacks for personal gain. They plotted attacks on British vessels and blamed it on their local rivals. They also repulsed pirate attacks on British vessels to secure further British support in form of recognition and further stipends.

However, the scramble for Africa at the end of the 19<sup>th</sup> century brought a stuttering end to the piracy-centred relations in Somalia's Northern coast.<sup>349</sup> First, the Red Sea was made open for use to all European powers in an 1889 Brussels Conference.<sup>350</sup> Secondly, in the same Brussels Conference, European powers agreed to arrest and charge pirates in and around the Red Sea. These changing dynamics in Northern Somali coastal waters disenfranchised Sultan Mahmud's grip on power as piracy which had hitherto gleaned his palms with important revenue and at the same time glued the powerful British to him had come to a halt. As piracy ceased being the fulcrum of African-European relations in Northern Somalia waters, so was the decline of Sultan's rulership and collapse of the Marjerteen state. Mahmud and his Marjerteen state decline to oblivion was hastened by Italy's decision to choose his rival, Yussuf Ali as their point man in the region as they (Italians) jostled with other European powers for colonies in the region and elsewhere in Africa.<sup>351</sup> Ali with the aid of Italians, aggressively undermined Sultan Mahmud

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<sup>348</sup> Ibid.

<sup>349</sup> In then unravelling scramble for Northern Somalia, Italy emerged as the chief rival to British designs for the region as much the French also made a claim for a part of the region.

<sup>350</sup> Smith, *The Machinations of the Marjerteen Sultans*, 28-29.

<sup>351</sup> Ibid.

position and by 1909, Sultan Mahmud was a subject of both Ali and the Italians.<sup>352</sup> In the end, the advent of colonialism and the decline of piracy stimulated the collapse of the Marjerteen state.

### **3.3 Muffled Piracy in Somalia's Colonial Tragedy**

Prompted by Somalia's strategic location, the British, French and Italians jostled to sign treaties that were dictated by Somalia's clan based political realities and rivalries.<sup>353</sup> This 'scramble for Somali' resulted in a series of treaties that were signed by cajoled warlords whose capitulation made Somali people to live under British, French and Italian colonial administrations whose exploitative policies were unfavourable to piracy. The first of such treaties was between a lineage of Issaq clan and the British who were keen to ensure safety of their vessels plying the Red Sea and surrounding waters.<sup>354</sup> The last treaty was between the Italians and Hobyo and Cadale sultanates of Somalia's north-eastern coast in 1889.<sup>355</sup> In addition, European powers also signed a series of inter-European treaties to conclude their sharing of Somali territory with the 1891 treaty between Britain and Italy being a major one and the last treaty being between the two leading to Britain relinquishing their Jubaland territory to Italian Somalia.<sup>356</sup> Centuries-old territorial feuds between Abyssinians (today's Ethiopians) and Somalis re-emerged as Emperor Menelik II, also on a territorial expansionist plan bargained and signed treaties with the east bound British, French and Italian colonialists. As a consequence, Ethiopia acquired Somali territory including the whole of the Somali Ogaden region.<sup>357</sup>

As elsewhere in Africa, colonialism in Somalia was characterized by instrumentalized atrocities that were highlighted by control and exploitation.<sup>358</sup> To ensure maximum appropriation of native resources and attendant opportunities, colonial authorities muted piratical activity along Somalia coastal waters. Similar considerations had initially influenced the 1889 Brussels Conference to

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<sup>352</sup> Ibid, 29.

<sup>353</sup> Mary Harper, *Getting Somalia Wrong? Faith, War and Hope in a Shattered State* (London: Zed books, 2012), 46-47.

<sup>354</sup> Samatar, *Socialist Somalia*, 16.

<sup>355</sup> Ibid, 19.

<sup>356</sup> Maria Brons, *Society, Security, Sovereignty and the State in Somalia: From Statelessness to Statelessness* (Utrecht: International Books, 2001), 133.

<sup>357</sup> Samatar, *Socialist Somalia*, 20.

<sup>358</sup> Chabal and Daloz, *Disorder as Political Instrument*, xviii.

slam brakes on pirate activity in the Red Sea. At the end of the partition of Somali territory, Italy had acquired the biggest portion of Somali territory thus necessitating an illumination of Italy's colonial policies to understand Somalia's colonial experiences and their impact on piracy. Italy made her colonial debut in Somalia by establishing the Royal Italian East African Company in 1893. The company was an official commercial enterprise but in reality it engaged in informal activities such as participating in the lucrative slave labour systems.<sup>359</sup> On the Italian public seizing the slavery issue, it forced the government to take over the affairs of the company to stamp out the immoral practice. However, Somalis resisted attempts of banishing the practice as it was a way of life for them that was supported by the Islamic teachings.<sup>360</sup> Italy responded by sending more military forces in 1905 to the colony to take up residence in inland colonial stations and along the coast to repress the practice.<sup>361</sup> The subsequent increase of Italian military personnel at the coast contributed in further discouraging pirate activity in the waters off the Somali coast. By 1908, both piracy and slavery had largely been suppressed though not totally vanquished in Italian Somaliland.<sup>362</sup>

In an endeavor to ensure maximum control of the Somali colony, Italian officials introduced "indirect" policies that co-opted Somalis into the administrative structure. Chiefs in the colony began to earn salaries which were pegged on their enthusiasm of implementing Italian colonial policies. As a plan of shielding chiefs, their traditional powers such as traditional Somali law and Sharia law were entrenched in the colonial laws and enthusiastically protected.<sup>363</sup> To further control the colony beyond the authority of the empowered chiefs, Italian colonial officials created native military and police forces that were dominated by Somali foot soldiers but commanded by Italians officers.<sup>364</sup> These developments ensured that Italians were the custodians of the instruments of violence in the colonial state as a means of preserving and securing their interests. After assembling this huge colonial administrative, civil and military juggernaut, the

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<sup>359</sup> Richard Benneth Furlow, *The Spectre of Colony: Colonialism, Islamism and State in Somalia*, PhD Dissertation, (Arizona State University, August, 2013), 50, August 20, 2018, [https://repository.asu.edu/attachments/114410/content/Furlow\\_asu\\_0010E\\_13140.pdf](https://repository.asu.edu/attachments/114410/content/Furlow_asu_0010E_13140.pdf).

<sup>360</sup> Ibid.

<sup>361</sup> Ibid, 51.

<sup>362</sup> Ibid.

<sup>363</sup> Ibid.

<sup>364</sup> Ibid, 51-52.

now extensive and powerful colonial security system consequently and by default silenced piracy along the coastal waters.

Colonial injustices undertaken by the European authorities across Somali territory elicited resistances. Like other colonial states, the Somali were coerced into submission by the colonialists. Outright use of force or threat of the same kept the subjects in line with colonial requirements.<sup>365</sup> Somalis were also irritated by division of their territory into four different colonial entities. The colonialists, particularly the Italians, connived to use the divide and rule tactic on their Somali subjects to weaken them.<sup>366</sup> This showed when Somali clan heads were tasked to appropriate land and labour for colonial settlers at the cost of Somali traditions and unity.<sup>367</sup> By telling lies and inciting one clan against another, the Italians effortlessly cemented clan suspicious and hostilities whose animosities further quieted piracy but whose legacy continues to reverberate amongst the Somalis to date. Moreover, the colonialists' alienation of their land and imposition of forced labour as well as Ethiopia's demands for tribute appalled the Somali people that an unidentified poet captured their pain as follows:

The British, the Ethiopians, and the Italians are squabbling,  
The country is snatched and divided by whosoever is stronger,  
The country is sold piece by piece without our knowledge,  
And for me, this is the Teeth of the Last Days.<sup>368</sup>

Appearing like an early Samuel Huntington's Clash of Civilizations in Africa, outraged and courageous individuals who felt aggrieved by the unfathomable colonial injustices rose to lead the Somali into resisting the colonial powers.<sup>369</sup> Attempts to westernize Somalis by colonial powers at the cost of strict Islam adherence and the French machinations to convert Somali children into Christianity made Ina Abdule Hassan (Seyyid) of Salihyya brotherhood to orchestrate a resistance (1899-1921) against the colonialists. His fighters later came to be called the Dervish Army. He began his resistance campaign in a region of his birthplace in the border

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<sup>365</sup> I.M. Lewis, "Visible and Invisible Differences: The Somali Paradox," *Journal of the International African Institute*, 74, no. 4 (2004), 490, September, 27, 2016, <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/S0001972000092585>.

<sup>366</sup> Samatar, *Socialist Somalia*, 49.

<sup>367</sup> *Ibid.*

<sup>368</sup> *Ibid.*, 21.

<sup>369</sup> Huntington, "The Clash of Civilizations," 22-49.

between British Somaliland and Ethiopia. He majorly fought against the British and Ethiopians. The British who had initially written him off branded him ‘Mad Mullah’ for his stubbornness and ‘poetic’ resistance.<sup>370</sup> Hassan wrote poems as a celebration of his actions and a propaganda tool against his enemies.<sup>371</sup> Among his popular poems was “The Death of Richard Corfield” in which he not only chastised Colonel Corfield whom he had killed in battle but showers praises on his fighters.<sup>372</sup> In the south, in Italian Somaliland, similar multiple resistances against Italian abuses arose.<sup>373</sup> These resistances included the Gosha Revolt (1890-1907), a struggle against slavery and forced labour and Banadir Rebellions (1888-1928) that was against Italian occupation of their sea ports.<sup>374</sup> Other abuses on Somalis by Italians as colonialism got entrenched included beatings and malnourishment of Somali labourers in Italian plantations, sexual violations on Somali girls, ever increasing taxes and continuous alienation of Somali land.<sup>375</sup> In all the resistances, colonial authorities asked for more troops and weapons from their governments. The subsequent reinforcements saw increased European military presence along the Somali coast and surrounding waters, a direct obstacle to piratical activity. Although the resistances were similarly suppressed, they were instrumental in arousing Somali consciousness and nationalism, an important ingredient to post-1991 Somali piracy.

This desire of the colonized Somalis found an unlikely boost when Italy created a greater Somalia after her conquest of Ethiopia in 1936.<sup>376</sup> Italy’s Ethiopian conquest had been ordered by Benito Mussolini, the then Italian fascist leader for many reasons including his desire to avenge Italy’s defeat by Ethiopia’s Emperor Menelik II in 1896 during the height of the scramble for and partition of Africa.<sup>377</sup> After successfully conquering Ethiopia, Italy crafted a Pan-Somali colonial entity that included today’s Eritrea (then part of Ethiopia), Ethiopia, Italian Somalia and briefly the British Somaliland.<sup>378</sup> Italy named the new colony Africa Orientale Italiana (Italian East Africa). British and Italian World War II battles in and around Somalia occasioned more

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<sup>370</sup> Mukhtar, *Historical Dictionary of Somalia*, 4.

<sup>371</sup> Furlow, *The Spectre of Colony*, 57-59.

<sup>372</sup> *Ibid.*, 57-58.

<sup>373</sup> Mukhtar, *Historical Dictionary of Somalia*, 4.

<sup>374</sup> *Ibid.*

<sup>375</sup> *Ibid.*

<sup>376</sup> *Ibid.*

<sup>377</sup> Harper, *Getting Somalia Wrong*, 50.

<sup>378</sup> *Ibid.*

European troop movement to the region further silencing pirate activity. Generally, throughout the colonial period, piratical attacks were non-existent or were all together suppressed. This is because Britain, France and Italy engaged in military activities that naturally discouraged unauthorized maritime activities along the Somali coast line and surrounding waters. As such, the colonialists' military and maritime superiority kept away potential pirates. However, this tranquility was shattered with the advent of Somali independence and withdrawal of the superior colonial maritime architecture.

As discussed in chapter 2, piracy off Somalia's coast dates back to ancient times and can also be said to be intermittent. The advent of colonialism quieted piratical attacks along the Somali coast as the colonial flowered maritime interests and infrastructure naturally scared away any piratical parties. For instance, the Italians attempted to establish fishery factories along its controlled Somali coast in the 1930's.<sup>379</sup> Though the factories never picked up to thrive, Italian coastal fishing continued and their presence naturally kept any potential piratical activity at bay.<sup>380</sup> Despite lack of precise records, it is believed that the Italians held on to the coastal fishing throughout the 1940's alongside Somali coastal communities' artisanal fishing.

In the 1950's, the Italians expanded their Somalia coastal fishing after improving their fishery factories along Somalia's northern coast. After processing the harvested fish, the fish products were exported to Italy, Yemen and the rest consumed by local communities.<sup>381</sup> Among those who colonized Somalia, it is only the Italians who are known to have engaged in coastal fishing. The other two colonial powers are not known to have been maritime fisheries exploiters. It is on record that the Italians and the Japanese were engaged in occasional fishing along the Somali coast in the 1950's.<sup>382</sup> In the following decade, in the newly independent Somalia, Italian fishermen were joined by Japanese and Greeks fishermen along the Somalia coast.

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<sup>379</sup> Lo Persson, Alasdair Lindop, Sarah Harper, Kyrstn Zylich and Dirk Zeller, *Failed State: Reconstruction of Domestic Fisheries Catches in Somalia 1950-2010*, Working Paper Series, Fisheries Centre, 2014-10, The University of British Columbia, 4. January 11, 2017, [http://publications.oceans.ubc.ca/webfm\\_send/348](http://publications.oceans.ubc.ca/webfm_send/348).

<sup>380</sup> Ibid.

<sup>381</sup> Ibid.

<sup>382</sup> Ibid.

These foreign fishing engagements were explained as business partnerships between the foreign fishing crews and local Somali fishermen to the Somali public. However, in reality, this fishing which had an industrial angle could have been some form of colonial exploitative fishing. Though the Somali coastal communities of 1950s<sup>383</sup> never protested the presence of foreign fishing crews along their coast, some form of anti-foreign narrative was brewing. To the Somali fishing crews, the transactions were not anything akin to a business partnership with the foreign powers. As a colonially terrorized people, the Somali fishermen stood no chance of entering the partnerships on equal footing with the foreign fishing crews. The Somali fishermen only armed with rudimentary traditional fishing methods watched as the foreigners took a lion share of the fishing proceeds. Unaware of international maritime laws and practices, they only dreamt for better cuts for themselves. It is this kind of inconsiderate and inappropriate colonial policies that laid the foundation for a weak independent Somali state.

Panoramically, colonial Somalia was a ‘theatre’ of clashing interests that pitted local warlords (who represented themselves and their clans and groups) and multiple interests of European powers. In this decades-old clash, the British, French and Italians triumphed and imposed an appropriation stranglehold on Somalis that suppressed the warlords and populace’s beneficial economic livelihoods that included piracy. However, piracy began to flourish when colonizers exited making way for a ‘still born’ independent Somalia whose baby steps to standard statehood are still unprogressive as confirmed by 2001 scholarly reference to Somalia as an example of a collapsed state.<sup>384</sup>

### **3.4 From Independence to Entrenched State Weaknesses**

Like other colonized areas, Somali territory saw the advent of indigenous political consciousness that raised awareness about the colonial injustices and exploitation.<sup>385</sup> Leading nationalist parties were able to establish an ‘acceptable’ balance of positions within them particularly those of the main clans both in the British Somaliland and Italian Somaliland. This acceptability was duly tested upon the unification of two colonial territorial at independence in July 1960. Hitherto nationalist political associations and new political parties got sucked into traditional clan kinship

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<sup>383</sup> There is no available record yet of Somali coastal communities resisting the foreign-Somali fishing partnerships.

<sup>384</sup> Brons, *Society, Security, Sovereignty and the State in Somalia*.

<sup>385</sup> Lewis, *Visible and Invisible Differences*, 496-499.



ties and alliances that transcended the two territories. There developed very intricate clan alliances premised on centuries-old loyalties.<sup>386</sup> This inadvertently upset the initial clan balances and unleashed new grievances of marginalization and pride of domination. The Darod clan emerged as the most powerful clan in the new independent Somalia government to the disappointment of the other competing clans. Thus, the new Somali state became fractionized with simmering feelings of discrimination and a precursor to state paralysis. Indeed, Immanuel Wallerstein depicted how the nascent post-colonial African states evolution to functional statehood was curtailed by global exploitative tendencies whose intertwinement with internal and regional interests destined African states to perpetual state weaknesses.<sup>387</sup>

Another complexity that haunted the new state was the different British and Italian colonial legacies. Among these complexities was the status of the two colonial languages-English in the North and Italian in the South.<sup>388</sup> There was need to agree on the use of the two languages as either official or national languages. Similarly, the two regions had different and contradictory wage structures for public workers, a situation that demanded for harmonization to ensure uniformity and clear hierarchy. Moreover, the new independent of government was expected to synchronize the former colonial tax systems, import and export duties, legal systems, education system and local government structures. The above aspects became avenues of contestation, friction and paralysis amongst citizens of the new independent state.

Besides the above teething issues, weightier matters began to stalk the new independent state. The dominant southerners took up not only the majority but also strategic government positions to the chagrin of the northerners.<sup>389</sup> The subsequent disquiet elicited various political initiatives that were undertaken by the northerners to show their displeasure on the nascent independent Somali state. Notable initiatives included the Northerners' decision to campaign and vote against a newly drafted constitution for Somalia.<sup>390</sup> Nevertheless, the constitution was approved despite the Northerners rejection. The other was the Northerners' decision to execute a military overthrow of the independent government when British-trained Northern military officers

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<sup>386</sup> Ibid, 500.

<sup>387</sup> Tsika, *How Africa shaped Immanuel Wallerstein*.

<sup>388</sup> Samatar, *Socialist Somalia*, 61.

<sup>389</sup> Ibid.

<sup>390</sup> Ibid.

organized a coup attempt by taking over the major towns in Northern Somalia.<sup>391</sup> Soldiers from the former British Somaliland colony had received superior military training and were distasteful of being commanded by the poorly Italian-trained southern soldiers whom they considered inferior. Royalist southern troops keen to prove their capability suppressed the coup but the attempt exacerbated the rivalries between the two regions and deepened the complicated layer of clan contests in the new state. As much as the attempted military coup was partly occasioned by colonial-fueled intra-class antagonisms within the new independent Somalia military, the gauntlet had been dropped and the Somali state had become a still born.<sup>392</sup> Furthermore, the Somalia government's decision to downgrade Hargeisa, the Northern main city to a political town while elevating Mogadishu, the Southern capital to the national capital status elicited more anger amongst the Northerners particularly the new elites who foresaw Mogadishu's prosperity against Hargeisa's backwardness.<sup>393</sup>

All in all, the first Somalia President, Adan Abdulla Osman, a Southerner, supervised a discriminatory government system against the northerners. Blatant discrimination elicited disillusionment amongst northerners, thus opening an oasis for a possible breakup of the Somalia state. Moreover, the discrimination rendered useless the vibrant Somali nationalism and aspiration to unite all Somali people into a single state.<sup>394</sup> In fact, even his diversionary instigation and support to Somali Shifta fighters against Kenya between 1963 and 1967 did not revive the declining Somali nationalism. The inconclusive Shifta war was meant to cut off Somali territory from Kenya into the so called Greater Somalia. It is this shaky foundation that resulted in the birth of a weak Somali state. The assassination of President Sharmaarke on 15<sup>th</sup> October, 1969 just after two years in power and the subsequent coup de etat became the turning point, transiting a weak state to new depths of failure.<sup>395</sup> However, it is the practice of members of parliament moving to the victorious side after an election that has rendered Somalia's politics emotive and contradictory at the cost of a vibrant and strong state. This practice of prioritizing

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<sup>391</sup> Ibid, 62.

<sup>392</sup> Ibid.

<sup>393</sup> Ibid.

<sup>394</sup> Dualeh, *Search for a New Somali Identity*, 48.

<sup>395</sup> Samatar, *Socialist Somalia*, 74-75.

self-interest, personal accumulation and survival began to chip away at the very foundation of the Somalia state,<sup>396</sup> an issue that is still haunting the Somalia state.

From the foregoing, Somalia began its walk of independence as a weak state whose brittle foundations had been laid by colonialism. Most of the developments that were elusive to the independent state of Somalia can be traced to a colonial system that never inculcated strong state institutions and systems.<sup>397</sup> Colonial administrative systems across Africa were not revolutionary enough to create Weberian Western-like states in place of traditional structures. As such, African colonial states were configured on imperial expropriation desires with violence being the only effective state instrument.<sup>398</sup> Attributes that could establish a functional state were deliberately ignored or bastardized to the convenience of colonial interests. This is the same exploitative system that African independent rulers and governments inherited and continued to use to the disadvantage of their expectant citizens. Declarations of independence across Africa only saw the transition of the almost non-existent colonial state systems into hands of African elites. The new African elites centralized power and engaged in selfish activities that led to the institutionalization of ethnic and other seclusionist politics for easy appropriation of public resources for themselves, their kin, their communities and other groupings.<sup>399</sup> As shown earlier, Somalia was not an exception.

Upon the attainment of independence, Somalia was ushered into new uncharted waters characterized by huge expectations from its populace. Like other newly independent African states, Somalia was expected to transition into an era of prosperity after decades of colonial exploitation and injustices. However, Somalia had a false and depressing start as a state as it never molded a strong statehood that could act as a reservoir and springboard of Somali people's expectations. As discussed in the preceding paragraphs, a cocktail of issues curtailed the rise of a strong Somalia state. Consequently, Somalia's state weaknesses "denied" the independent government an opportunity to establish and build strong state institutions such as a protective

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<sup>396</sup> Ibid, 67 and 71.

<sup>397</sup> Chabal and Daloz, *Disorder as Political Instrument*, 12.

<sup>398</sup> Ibid.

<sup>399</sup> Ibid, 12-16.

military, an effective bureaucracy and an independent judiciary. Moreover, political stability and strong nationalist feelings are also critical in strong Weberian states.<sup>400</sup>

At independence, Somalia, like other African states was mirrored on the attributes of its colonial predecessor whereupon she enjoyed external territorial recognition but internal realities revealed her failed nature whose farcical development was mired by her leaders' personal aggrandizement.<sup>401</sup> This inability to outgrow the colonial state condemned independent Somalia into a silhouette entity whose rulers deployed its relative coercive power to maintain and entrench the colonial patron-client system that was interfaced with its twin centre-periphery views whose difference was only a new cast of players.<sup>402</sup> The aforesaid weaknesses had ramifications on her coastal resources. First and foremost, she did not inherit an effective navy that could patrol her coastal waters and in turn safeguard the state's maritime interests. As already observed, Somalia's inability to revive her inherited weak state occasioned opportunities for foreign fishing crews to exploit her fish resources throughout the 1960's<sup>403</sup> shoulder-to-shoulder with the coastal communities. The practice had however began in the transitional 1950s as Somalis awaited independence. Upon comprehension of the foreigners' parasitic character, authorities moved to realign insulating maritime laws with within Somalia's civic law and with the relevant international Maritime law.

Earlier on, in 1959, British Somaliland had adopted the Somaliland maritime code to preserve her coastal resources by prohibiting a number of maritime crimes.<sup>404</sup> Some of the maritime crimes prohibited by the law included the use of explosives in fishing and unlicensed fishing.<sup>405</sup> Infringement of these prohibitions contributed in shaping the narrative of foreign exploitation that acted as a launching pad for the growth and rise of Somali coastal sea piracy. Independent Somalia's increasingly fractionalized state gave fodder to further disregard of the maritime law

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<sup>400</sup> Rotberg, *Failed States, Weak States*.

<sup>401</sup> Fredrick Cooper, *Africa since 1940: The Past of the Present* (Cambridge: Cambridge University Press, 2002), 156-161.

<sup>402</sup> Ibid.

<sup>403</sup> Persson, Lindop, Harper, Zylich and Zeller, *Failed State*, 4.

<sup>404</sup> Khadija Hassan, *A review of Somalia's (& Semi-autonomous Regions) Fisheries Legislation & Management, Implementation of a Regional Fisheries strategy for the Eastern-southern Africa and India Ocean region, Report: SF/2011/11, November 2011, accessed February, 11, 2017, <http://www.fao.org/3/a-az381e.pdf>.*

<sup>405</sup> Ibid.

whose flipside was the rise of Somalia's contemporary piracy. Marginalization of the Somalia's Northern region (formerly British Somaliland) after independence by the more dominant Southern region (formerly Italian Somaliland) weakened implementation of the law along the northern coast whose consequences was continual presence of foreign entities whose transgressions anchored Somali piracy.

In the face of the powerful foreign crews and existence of a weak state, the now discriminated, marginalized, violated, abused and robbed Somali coastal fishermen just watched as their coastal fishery resources were plundered and carted away. Weak, vulnerable and out of options, the Somali coastal communities bitterly lamented their plight even in the face of the passage of the 1959 Somaliland maritime code<sup>406</sup> and newly found independence. These lamentations were slowly built into the communities' fabric and subsequently passed through the generations. Thus, these layers of discontentment were fortified over the decades stretching from colonialism to independence and only came to blow out when Somalia descended into chaos and statelessness after the 1991 collapse of President Siad Barre government. The statelessness attendant chaos allowed young Somali pirates (who always described themselves as fishermen) to actualize the decades-old anger against foreign plunder of their coastal marine resources by executing 'legitimate' attacks against the foreigners as a form of compensation for the decades-old foreign exploitation. Even before 1991, Somalia's imbalanced state fishing ventures with foreign states had supplemented their anger towards the foreigners.

### **3.5 Lopsided Joint Fishing Ventures in a Failing Somalia State**

Debates on state failure in Africa help in identifying the set of countries that qualify the description. Thus, upon interrogation of Somalia through the lens of Ali Mazrui's six functions of a state to gauge its status,<sup>407</sup> the feedback condemns Somalia of the 1970s and 1980s as a failed state. Besides inability to meet Mazrui's state functions, Somalia was a gatekeeping entity that was characterized by authoritarianism, clanism, corruption and patronage.<sup>408</sup> Moreover, the Somalia state was privatized into a criminal tool for illicit activities for purposes of primitive

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<sup>406</sup> This law was to regulate fishing by outlawing some harmful practices in Italian Somaliland.

<sup>407</sup> Ali A. Mazrui, "The Blood of Experience: The Failed State and Political Collapse in Africa," *World Policy Journal*, 12, no. 1 (1995): 28-34, July 24, 2020, <http://www.jstor.com/stable/40209395>.

<sup>408</sup> Cooper, *Africa since 1940*.

accumulation.<sup>409</sup> Mired in identity politics that were spiced with the rise of militias,<sup>410</sup> Somalia state rulers personalized power which they protected by institutionalized violence by the use of the police and the military.<sup>411</sup> The manifestation of state failure in the aforementioned two decades acted as a catalyst for the pre-1991 re-emergence and post-1991 explosion of Somali piracy.

On 15<sup>th</sup> October, 1969, President Sharmarke of Somalia was assassinated by a police officer while touring the Northern part of Somalia.<sup>412</sup> The subsequent political backstabbing and gerrymandering by the then ruling party and parliamentary group unearthed a dangerous political crisis<sup>413</sup> which allowed the military to carry out a coup that brought Mohammad Siad Barre, the Army commander to power as the new President of Somalia.<sup>414</sup> Once firmly in office, President Siad Barre and his ruling Supreme Revolutionary Council (SRC) undertook to transform the already fledgling and weak Somalia state into a failed state. For instance, as highlighted by Ahmed I. Samatar,<sup>415</sup> President Siad Barre suspended the constitution, the Supreme Court, the National Assembly and banned all political activity. In place of the Supreme Court, he created a National Security Court as the highest court that handled all crimes against the new republic and assigned himself the role of the final court of appeal. He also suspended civil liberties and banned privately owned media. Despite Siad Barre-led SRC's excesses, the regime's development programmes in agriculture, industry, land reform and pastoralism registered modest strides that soon swallowed by the Somalia's inherent state inadequacies.<sup>416</sup>

President Siad Barre's decision to suspend the constitution, the National Assembly and close the Supreme Court<sup>417</sup> weeks into his administration disenfranchised the population and consequently chipped away at the very core of the Somalia state. Similarly, the continual marginalization of

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<sup>409</sup> Jean-Francois Bayart, Stephen Ellis & Beatrice Hibou, *The Crimination of the State in Africa*, African Issues (Oxford: James Currey, 1999).

<sup>410</sup> Sabeto J. Ndlovu-Gatsheni and Brilliant Mhlanga (eds.), *Bondage of Boundaries and Identity Politics in Postcolonial Africa: The 'Northern Problem' and Ethno-Futures* (Pretoria: Africa Institute of South Africa, 2013).

<sup>411</sup> Chabal and Daloz, *Disorder as Political Instrument*.

<sup>412</sup> Harper, *Getting Somalia Wrong*, 54.

<sup>413</sup> Samatar, *Socialist Somalia*, 74-75.

<sup>414</sup> Mariam Arif Gassim, *Somalia: Clan Vs Nation* (Sharjah (United Arab Emirates): 2002), 49-50.

<sup>415</sup> Samatar, *Socialist Somalia*, 83-114.

<sup>416</sup> *Ibid*, 89-97.

<sup>417</sup> Lewis, *Visible and Invisible Differences*, 500-501.

the Northern region and execution of three high ranking Supreme Revolutionary Council members from three big clans continued to chip away at the importance of the state.<sup>418</sup> The indefinite suspension of elections and political party activities in Somalia was also not an ingredient to stabilize, unify and steer Somalia into success.<sup>419</sup> President Siad Barre's desire to control the people and use brute force to suppress dissent were characteristics of a state's failure. President Siad Barre's adoption of 'Scientific Socialism' on 21<sup>st</sup> October, 1970 engineered some strides but was also instrumental in raising uncertainties on fundamental matters such as clanism, region and political participation<sup>420</sup> of the citizenry, which led to a further decline of the state. Somalia was visited with drought between 1974 and 1975 which further debilitated the already weakened state. These developments elicited despair, anger and hopelessness that were directed at President Siad Barre and by extension, the state of Somalia itself. President Barre's decision to attack Ethiopia in July, 1977 further chipped away on the Somalia state.

President Siad Barre's 1970 adoption of scientific socialism in the height of the Cold War led Somalia into signing a treaty with the Soviet Union in 1974 in return for Soviet economic and military assistance.<sup>421</sup> The Soviet's short-lived millions of dollars military aid to Somalia was disrupted after the Mengistu Haile Mariam's socialist revolution in Ethiopia which distracted the Soviets support to Somalia as they began to take keen interest in Ethiopia while desiring to maintain their pact with Somalia.<sup>422</sup> In reality, the Soviet arrangement was bound to fail as Ethiopia and Somalia were archenemies who could not share a friend. The arrangement's unravelling made Somalia to attack fully-backed Soviet Ethiopia in an ill-conceived war over Ogaden in which Somalia was not only embarrassingly defeated but chaperoned to the western bloc.<sup>423</sup> This 1977-1978 Cold War proxy Ogaden War between Somalia and Ethiopia heralded proliferation of arms throughout Somalia after the state issued the donated arms to quasi-military outfits to fight on its behalf against the Ethiopian forces. From the quasi-military outfits, the arms trickled down to clans where they were used to settle old scores which helped to destroy the nascent soul of the Somalia state. It is the shredded state's permeability that allowed Somalia to

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<sup>418</sup> Gassim, *Somalia*, 51-52.

<sup>419</sup> Ibid, 56.

<sup>420</sup> Samatar, *Socialist Somalia*, 88-109.

<sup>421</sup> Gassim, *Somalia*, 66-72.

<sup>422</sup> Ibid.

<sup>423</sup> Harper, *Getting Somalia Wrong*, 55.

descend into a civil war whose repercussions heightened both the proliferation of arms and piratical activity.

In post-1978 the now-western leaning Somalia got substantial economic and military support from both Italy and an USA. Between 1979 and 1983, Somalia received US \$410 worth of military hardware from Italy and US \$200 military aid that was accompanied with US \$600 economic support from the USA between 1979 and 1990.<sup>424</sup> As was the case with Soviet arms, the ‘western’ weapons found their way into individuals and clans. In cahoots with Italian officials, Italian aid in particular was diverted and siphoned by a clan-inclined exclusive group of state wheel-dealers.<sup>425</sup> The group’s clan based considerations denied the country the needed economic support and thus loosened the state’s fabric but strengthened clan identities. In ‘an everyone for himself and God for us all-like scenario, the weapons ended up both in the hands of friendly and opposing clans setting the stage for debilitating inter-clan and intra-state conflicts. The conflicts were enabling catalysts for the growth of piracy off the Somalia coast.

Once President Said Barre adopted ‘Scientific Socialism,’ he outlawed the Somali people’s use of the clan identities in their socio-political and economic life in the hope of cultivating a new trans-clan united Somalia state with designs of a future pan-Somalist state whose people were scattered in five sovereign states (i.e. Ethiopia, Eritrea, Djibouti, Kenya and Somalia itself).<sup>426</sup> This tinkering of clan relations further aggravated the state collapse as the experiment was impractical in a state whose body and soul was the clan. However, in contradiction, the clan became the basis of intelligence gathering by President Siad Barre’s security agencies. As a lens to categorize support and threat to the President Barre’s regime, the clan became a central fulcrum point of analysis after the 1978 attempted coup, which not only sharpened clan animosities but also hatred for each other.<sup>427</sup> This clan hatred catalyzed the formation of militias by targeted clans in the 1980’s to counter government oppression. The biggest of these militias was the Somali National Movement (SNM) whose major membership was made up of the Isaak clan in Northwestern Somalia. SNM and the other smaller clan-based armed militias took up

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<sup>424</sup> Gassim, *Somalia*, 69-72.

<sup>425</sup> *Ibid*, 70.

<sup>426</sup> Samatar, *Socialist Somalia*, 107-109.

<sup>427</sup> Gassim, *Somalia*, 56.



arms to protest the systematic arrests, confiscation of business and property, detentions, abuse, and marginalization that was meted upon them by Siad Barre's regime.<sup>428</sup> Siad Barre's government indiscriminate military response on both militia members and civilian clan members elicited more anger that fomented an outright civil war between May, 1988 and December, 1990. The civil spiraled into the Somalia coastal waters as SNM fighters targeted government and allied vessels in an attempt to secure more arms and generate income for their campaign.<sup>429</sup> This attacks laid a foundation for outright piracy in the subsequent years.

Earlier, in 9<sup>th</sup> April, 1978, some elements in the Somalia Army primarily from the Marjerteen clan attempted a coup on Siad Barre's government. The coup plotters' grievances against President Siad Barre were<sup>430</sup>- the ill planned and executed Ogaden war against Ethiopia, Barre's decision to send soldiers from other clans to perish in the Ogaden war front while he retained soldiers from his clan in Mogadishu ostensibly to protect him and Barre's diversion of monetary donations meant for the Ogaden war to his personal account in Europe.<sup>431</sup> The attempted coup alarmed members of President Siad Barre's Marehan clan on the possibility of losing power.<sup>432</sup> In a direct contradiction to his earlier trans-clan Somalia, President Barre bowed to pressure and allowed the establishment of loyal Marehan clan support for his government.<sup>433</sup> The subsequent stranglehold of power by Marehan,<sup>434</sup> Ogaden<sup>435</sup> and Dulbhante<sup>436</sup> clans prompted formation of clan-centered rebellions to counter President Barre's marginalization against them. President Siad Barre's ferocious and indignant response in suppressing the rebellions prompted formation of more clan-centred revolts and congruence of the same against him.<sup>437</sup>

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<sup>428</sup> World Peace Forum, *Somalia: Fall of Siad Barre and the civil war*, Mass Atrocity Endings, August 7, 2015, accessed January 18, 2021, <https://sites.tufts.edu/atrocityendings/2015/08/07/somalia-fall-of-siad-barre-civil-war/>.

<sup>429</sup> Patrick Gilkes, "Somalia: Conflicts within and against the Military Regime," *Review of African Political Economy, Ethiopia: 15 Years on*, no. 44 (1989): 53-58, November 20, 2023, <https://www.jstor.org/stable/pdf/4005835.pdf>.

<sup>430</sup> Nairobi Domestic Service in English, *Defector Discusses Attempt*, May 8, 1978, accessed August 25, 2018, [http://www.biyokulule.com/1978\\_coup.htm](http://www.biyokulule.com/1978_coup.htm).

<sup>431</sup> Ibid.

<sup>432</sup> Ibid.

<sup>433</sup> Ibid.

<sup>434</sup> President Siad Barre's clan.

<sup>435</sup> President Siad Barre's mother's clan.

<sup>436</sup> President Siad Barre's son-in-law's clan. The son-in-law headed the intelligence service.

<sup>437</sup> Harper, *Getting Somalia Wrong*, 55-56.

These clan revolts, divisiveness and animosity accentuated a scenario of state paralysis throughout Somalia. Moreover, President Siad Barre's car accident in 1986 and subsequent partial disability, gave close family and clan members opportunities to mismanage state affairs. In addition, President Barre's encouragement and funding of clan conflicts accelerated the Somali state decay leading to the decline and disappearance of symbolic state structures in Somalia.<sup>438</sup> This state paralysis and decline created a lacuna that allowed malpractices and criminality to flourish.

While Somalia was on a political free fall for two decades after Siad Barre's ascent to power, there were modest short-lived socialist-anchored economic strides in areas such as fisheries whose mismanagement fuelled piratical actions.<sup>439</sup> Law No. 40 of 1973 on cooperative development in the Somali Democratic Republic established a cooperative that was to deal with the production and marketing of fish.<sup>440</sup> The idea was for the fishermen to work together in cooperatives for realization for higher profits. Although a sound economic initiative, poor supervisory and decision making roles by regional authorities led to their failure. The decay of the state cascaded down to local authorities<sup>441</sup> which were left to their own devices without government supervision and support.<sup>442</sup> Consequently, the fishing cooperatives fizzled out leaving the already contracted cooperative staff members to fend for themselves. Moreover, the state's decision to settle approximately 15,000 nomads (from a galaxy of clans) into the largely Marjerteen clan dominated coastal fishing communities as a way of ameliorating Somalia's 1974/1975 drought added another complexity. The incorporation of able bodied men into the Marjerteen dominated fishing cooperatives<sup>443</sup> aroused ill feelings and suspicions from the Marjerteen whose patrimony to the coast was under threat. Feeling vulnerable and desirous to survive, disfranchised elements took to criminal tendencies such as port smuggling and occasional piratical activity along the Somalia coast which later escalated to piratical attacks when opportunities allowed.

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<sup>438</sup> Gassim, *Somalia*, 57.

<sup>439</sup> Samatar, *Socialist Somalia*, 89-97.

<sup>440</sup> Hassan, *A review of Somalia's (& Semi-autonomous Regions) Fisheries Legislation*, 57.

<sup>441</sup> Samatar, *Socialist Somalia*, 97.

<sup>442</sup> In a failed state, the government is generally unable to perform its functions though there is a semblance of state structures.

<sup>443</sup> Lo Persson, Lindop, Harper, Zylich and Zeller, *Failed State*, 4.

During the first half of Siad Barre's approximately 20-year reign, Somalia's dalliance with the Soviet Union led to the establishment of a joint fishing venture whose imbalance inflamed piracy. Documented as SOMALFISH, the company operated ten trawlers and one fishmeal factory.<sup>444</sup> In addition, the Soviets supplied Somalis with advanced fishing fleets in line with the joint fishing venture.<sup>445</sup> Whilst allies of President Barre projected Somalia and Soviet Union as equal partners for each other's mutual interests, the venture was disproportionately skewed in favour of the Soviets. Upon the analysis of three company's reports, the Soviets exported four to five times more tonnes of fish compared to what Somali authorities retained.<sup>446</sup> This is another indication of the Somalia's incapacitated state structures that were either incapable of monitoring the joint venture or were manipulated by Soviets for selfish rewards. Expectedly, the unjustifiable imbalance angered local Somali fishing communities who felt cheated out of their cherished resource. The exploitation firmed Somali anti-foreign narrative of the foreigners' exploitative operations along their coast.<sup>447</sup> Somali fishermen took to piracy as a compensatory alternative while riding on the coastal communities' view of the operations as an injustice,

Alongside the fishing venture, the above period witnessed considerable Soviet military support to Somalia. Keen to dominate surrounding waters, the Soviet Union sent a powerful naval force to monitor the Somali coast with Mogadishu and Berbera ports attracting a heavy Soviet military presence.<sup>448</sup> In retrospect, the Soviet's strong naval presence suffocated Somalia from growing her own naval force to protect her interests. This left Somalia with a skeleton navy whose 'acclaim' was being an appendage of Soviet Union's domineering presence in the midst of a disapproving citizenry. The Soviets switch into supporting Ethiopia over Somalia soured relations between the two Cold War allies which forced the Soviets to withdraw from Somalia. The withdrawal worsened the dysfunctional state structures along the Somali coast<sup>449</sup> as the already dilapidated government structures lost the little pretense of normalcy after the Soviet exit. Degeneration of the coast into lawlessness gave currency to piratical attacks as an alternative to economic survival.

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<sup>444</sup> Lo Persson, Lindop, Harper, Zylich and Zeller, *Failed State*, 4.

<sup>445</sup> Ibid.

<sup>446</sup> Ibid, 4-5.

<sup>447</sup> All foreign powers including Italy, China, Japan, and Soviet Union who had operated along the Somali coast profited at the cost of the local Somali fishing communities.

<sup>448</sup> Anderson, 'Somali Piracy,' 5.

<sup>449</sup> Lo Persson, Lindop, Harper, Zylich and Zeller, *Failed State*, 4-5.

After the Soviets traded Somalia for Ethiopia as their new Horn of Africa Cold War ally, an opening was created that allowed multiple foreign entities to seek and obtain licenses to undertake joint fishing ventures in Somalia's coastal waters. These foreign fishing crews came from states such as China, Egypt and Italy amongst others<sup>450</sup> whose open secret drive was the coast's vulnerability and unhindered accessibility. As much as SOMALFISH was revamped with new fishing gears with hopes of outcompeting the new entrants, the hopes were dimmed by collapsing state institutions<sup>451</sup> whose pervious nature promoted unregulated issuance of licenses to foreign crews by fishery officials for personal gain.

Both the joint fishing ventures and issuance of licenses was shrouded in secrecy as the foreigners' Somali partners were rarely publicly acknowledged. Whereas the initiatives were signed in the name of the Somalia state, the proceeds only lined pockets of strategic individuals through the hierarchy of the Somalia government. In essence, the initiatives were a cleverly designed deceit to hoodwink Somalia's citizens into believing that their government was economically empowering them. Accessible sources provide scanty figures indicating the worth of fish that was exported from Somalia's coast by the numerous joint fishing ventures. Lo Persson's statistics on the tonnage of fish that was supposedly exported by SOMALFISH was incommensurate to the amount of money that came to Somalia's treasury.<sup>452</sup> Tellingly, as adduced by Ahmed Samatar, the government gave considerable cash to the fisheries sector between 1974 and 1978, only for him to reveal that the same sector was swamped by a myriad of financial difficulties.<sup>453</sup> This is indicative that the joint ventures were a 'cash cow' for concerned government mandarins. Condemned to their own designs, distraught Somali fishermen gradually began to target, attack and steal from foreign vessels when opportunities arose.

Between 1977 and 1991, Somalia's 'state' institutions continued to license foreign fishing crews as joint ventures with the Somalia government. Among the countries that were operating in Somalia's coastal waters were Italy, France, Iraq, Japan, Romania, Singapore and South

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<sup>450</sup> Ibid, 5.

<sup>451</sup> Ibid.

<sup>452</sup> Ibid.

<sup>453</sup> Samatar, *Socialist Somalia*, 97.

Korea.<sup>454</sup> In 1983, the now inactive Soviet-Somalia joint fishing venture of SOMALFISH was revived as Somali Seas Fishing Company (SHIFCO).<sup>455</sup> However, the company only began to operate four years later after purchasing new vessels and rehabilitating old ones. Somalia's fishing licensing conundrum is characteristic of a falling state without checks and controls for her own wellbeing. Thus, the Somali coast became an 'open' toxic playground of a collapsing state, emboldened foreigners and frustrated fishing communities whose desperation promoted piratical activity.

While Somalia 'state' authorities randomly issued fishing licenses to interested foreign entities, President Siad Barre's ranking officials gave preferential fishing rights to China in late 1980's.<sup>456</sup> In cognizance of the period's emergence of clan-based revolts, a desperate President Barre was in need of military hardware to not only contain but suppress the revolts.<sup>457</sup> A willing China accepted fulfil the arms need by directly sending weapons to Somalia. As a compensatory gesture, President Barre allowed the Chinese unlimited access to Somali coastal waters even before the formal signing of the agreement in 1989.<sup>458</sup> Taking the cue from President Siad Barre, the Somali National Movement (SNM), amongst other early rebel groups began to target foreign vessels for capture as a means of raising revenue. SNM hijacked three vessels whose cargo they sold to raise revenue to fund their operations. The capture was also informed by the hope of accessing arms that they were to use against President Siad Barre regime.<sup>459</sup> While this kind of vessel seizure was limited and sparse at its onset, it gradually opened a new platform for the targeting of foreign vessels for monetary gain and acquisition of weapons amongst other reasons. Naturally, with Somalia's state structures in near collapse and President Barre fighting to maintain his grip on power, the Chinese fishing crews had an 'open coast' to exploit. This Chinese 'blank cheque' was detrimental to Somalia's marine resources as well to the interests of the local coastal fishing communities. Already out-competed and out-maneuvered by earlier foreign fishing crews and abandoned by a collapsing state, the Somali fishing communities were

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<sup>454</sup> Lo Persson, Lindop, Harper, Zylich and Zeller, *Failed State*, 5.

<sup>455</sup> Ibid.

<sup>456</sup> Ibid.

<sup>457</sup> Harper, *Getting Somalia Wrong*, 55-56.

<sup>458</sup> Lo Persson, Lindop, Harper, Zylich and Zeller, *Failed State*, 5.

<sup>459</sup> Samatar, Lindberg & Mahayni, *The Dialects of Piracy in Somalia*, 1384.

pushed into strategizing on possibilities of similarly gaining from foreign vessels,<sup>460</sup> a desire that transitioned into earning of ransoms by ‘arresting’ illegal fishing vessels and releasing them at an agreed fee.

The steady collapse of the state not only centralized but also heightened clan-dependency politics whose toxicity had been exacerbated by the unsuccessful coup against President Siad Barre and a car accident that left him partially paralyzed him.<sup>461</sup> In consequence, a fearful and incapacitated Siad Barre left state affairs to a coterie of inexperienced family and clan members whose scorecard was miserable. The misery turned Somalia into an uncontrolled and ungovernable space,<sup>462</sup> a key feature of a collapsed state. The now entrenched clan divisiveness, rivalry and animosity turned the clan into a critical and sole tool for political and economic gain to the exclusion of others. This turn of events was not new as the clan had been for centuries the Somali people’ central unit of socio-economic and political survival and prosperity despite their cultural and religious homogeneity. Gradually, the state became a space and platform to be raided for a clan’s economic prosperity and wellbeing,<sup>463</sup> a reality that placed the clan as the fulcrum in Somalia’s public affairs instead of the state. So invasive, the clan dominance replaced the state in all aspects and spheres of Somalia including maritime affairs where issuance of fishing licenses was tailored to benefit the ‘right’ clan or its affiliates. Excluded and disenfranchised clans and affiliated groups resorted to unconventional survival tactics that gradually brew piratical activities. These activities exploded to open and uncontrollable levels from 1991 when Somalia collapsed as a state.

### **3.6 Somalia’s State Collapse and its Attendant Escalation of Piracy**

Ascendancy of non-state actors completed the destruction of Somalia’s state hegemony whose space and role was filled by warlords. In place of the feeble nationalism of independent Somalia, rose unprecedented rivalry spurred by marginalization, greed for power and less superordinate clan identity. While the resultant conflicts balkanized Somalia along clan loyalties and made its survival as a united country a nightmare, it was a boon to piracy. The subsequent analysis

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<sup>460</sup> Murphy, *Somalia: The New Barbary*, 21.

<sup>461</sup> The attempted coup happened in 1978 while the road accident was in 1986.

<sup>462</sup> Lo Persson, Lindop, Harper, Zylich and Zeller, *Failed State*, 5.

<sup>463</sup> *Ibid.*

provides insights on how clan centrality in post-1991 Somalia was utilized both as a platform and weapon in furtherance of piracy.

After President Barre's ouster from power and subsequent exile to Kenya and flight to Nigeria in January 1991, Ali Mahdi Mohammed of the opposition Hawiye clan-dominated United Somali Congress declared himself the interim President in February, 1991.<sup>464</sup> Other armed opposition outfits alongside remnants of ex-President Siad Barre loyalists violently resisted Ali Mahdi Mohammed's ascendancy to power. A 'free for all' bitter contestation unfolded that plunged Somalia into utter chaos and lawlessness. As Somalia descended into an insecure, unstable and ungovernable country, many different entities took advantage of the situation to profit themselves. Among these profit seeking entities were dozens of opportunistic foreign fishing fleets. With tacit support of their home governments and taking advantage of Somalia's state collapse, the foreign fishing fleets from Europe and Asia 'stormed' the Somali Coast.<sup>465</sup> The foreign fishing crew's knowledge of Somalia's state collapse could have made them to feel insulated against potential arrests and prosecution. As discussed in chapter two, the foreign fishing crews committed multiple atrocities that elicited a haphazardly executed armed response from former maritime officials in the collapsed government.<sup>466</sup> Disaffected local fishermen followed with similar armed attacks on foreign vessels and sooner than later, piratical attacks began to take shape. Operating shrewdly, the pirates pretended to be defending their coastline as they demanded for ransoms from vessels they captured.

The post-1991 period in Somalia was characterized by a civil war in which multiple clan-based militia groups were engaged in military contests in pursuit of self-interests. As such, the President Barre's incapacitation was replaced by clan based war lords and quasi-armies who constantly switched alliances and loyalties turning Somalia into a fluid war zone.<sup>467</sup> The soldiers in combat had an insatiable demand for arms as weapons had become an essential 'basic

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<sup>464</sup> Brons, *Society, Security, Sovereignty and the State in Somalia*, 218.

<sup>465</sup> Mario Silva, "Somalia: State Failure, Piracy, and the Challenge to International Law," *Virginia Journal of International Law*, 50, no. 3, (2010): 554-578, August 30, 2015, <http://www.vjil.org/assets/pdfs/vol50/issue3/VJIL-50.3-Silva-Essay.pdf>.

<sup>466</sup> Samatar, Lindberg & Mahayni, *The Dialects of Piracy in Somalia*, 1385.

<sup>467</sup> Harper, *Getting Somalia Wrong*, 57.

need.<sup>468</sup> Recognizing that the coast was a possible platform for raising revenue for purchase of weapons, the warlords established naval guards to purportedly protect Somalia's coast. However, in essence, the naval units had orders to extort money from foreign fishing and other maritime vessels to create a war chest for purposes of purchasing weapons.<sup>469</sup> Somalia's interminable post-1991 state collapse created an arms hungry territory where both arms dealers and local armed groups jostled to meet each other's desires.<sup>470</sup> The absence of state authority and order turned Somalia into an open market for arms to interested parties. In the process, arms flooded the territory, a development that cheapened their accessibility.<sup>471</sup> Somalia's deepening sinking into lawlessness led to the multiplication of pirate gangs and their financial exploits began to appeal to many young coastal Somali men. Backed by an easy access to weapons, young piracy enthusiasts joined pirate gangs to try their luck in the sea. At its peak, 2007-2012, Somali piracy had dozens of pirate gangs out to make a killing out of the sea.

Upon Ali Mahdi Mohammed's self-proclamation as President, the Northwest part of Somalia seceded and established a new 'independent' country called Somaliland.<sup>472</sup> The Northerners, primarily of Isaaq clan had suspicions of continued domination by the more populous Southerners. Ali Mahdi Mohammed came from the Darood clan of South Central Somalia. Taking cue from Somaliland, a number of other territories have since declared their 'independences.' They include Puntland since 1998, Gulmudug since 2011 and Jubaland since 2011.<sup>473</sup> These declarations of 'independence'<sup>474</sup> contributed in igniting piracy as the regions' leaders competed to issue fishing licenses to foreign companies. The issuance of fishing licenses created counter-narratives that were used by marginalized local coastal communities to delve into piratical activity and thus provided the regions' political authorities critical links to arms dealers from whom they could access weapons to maintain their hold on power against their competitors.

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<sup>468</sup> Ibid, 57-58.

<sup>469</sup> Lo Persson, Lindop, Harper, Zylich and Zeller, *Failed State*, 5.

<sup>470</sup> Chalk, *Maritime Piracy*, 3.

<sup>471</sup> Sorenson, *State Failure on the High Seas*, 19.

<sup>472</sup> Brons, *Society, Security, Sovereignty and the State in Somalia*, 218.

<sup>473</sup> Harper, *Getting Somalia Wrong*, 109-111.

<sup>474</sup> The Secessionist regions have not received any recognition of independence and are mere semi-autonomous regions which a myriad of challenges.



Somalia's state collapse exacerbated clan rivalries and prominently put the clan at the heart of life in Somalia.<sup>475</sup> Consequently, each clan held strongly to its traditional economic stranglehold. Thus, with no state authority to regulate affairs, the Somali traditional maritime clan of Marjerteen tightened their grip on their traditional maritime activities,<sup>476</sup> while their Hawiye Ayr, Sa'ad and Suleiman sub-clans were not left behind either.<sup>477</sup> The clans grip was accentuated by collapse of government authority in with the subsequent governance vacuum providing the clans with favourable circumstances to engage in piratical attacks. In addition, as older Marjerteen people told stories about the clan's past colourful maritime prowess, the 'now' fired up young men willingly took into the sea in pursuit of money and fame.

Among the consequences of state collapse was the disappearance of security within the state's territory. In post-Barre Somalia, there was total collapse of law and order as police officers got recruited into the constantly growing number clan-based militias.<sup>478</sup> In retrospect, Somalia steady decline in terms of state authority since the advent of independence had gradually eroded the police service. As the Somalia civil war erupted in the late 1980's, the police service began to lose the little presence it had. The resultant lax police surveillance in Somalia's ports had for decades enabled occurrence of theft and smuggling in the ports.<sup>479</sup> When the police service collapsed, the thieving gangs took their activities to a higher level of outright use of force to hijack maritime vessels for ransom payment purposes.

Somalia post-Barre political crisis exposed her already breached Exclusive Economic Zone. The breach not only allowed uncontrolled foreign vessels to fish in the waters but western companies to cheaply dump toxic industrial and chemical waste in the coast as well.<sup>480</sup> This dumping not only happened because the coast was exposed but because there was no maritime force that patrolled and protected the coast. Now, as a collapsed state, Somalia could not guard her

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<sup>475</sup> This was during the era of warlords and before the advent of radical Islamist groups such as Islamic Courts Union and Al Shabaab.

<sup>476</sup> Pham, *Putting Somali Piracy in Context*, 330-331.

<sup>477</sup> Oral Interview, Hassan Hussein Mohammed.

<sup>478</sup> Lukas Mahlasela Makhubela, "Understanding Civil Militia Groups in Somalia," *Conflict Trends* 2016, No. 2, Accord, accessed July 3, 2020, <https://www.accord.org.za/conflict-trends/understanding-civil-militia-groups-somalia/>.

<sup>479</sup> Chalk, *Maritime Piracy*, 3.

<sup>480</sup> Osei Tutu and Joana Ama, "The Root Causes of the Somali Piracy," *Koffi Annan International Peacekeeping Training Centre, Occasional Paper*, no. 31, (2011): 10.

extensive coastline of about 3000 kilometres.<sup>481</sup> As already noted in Chapter two, it is difficult to dump waste around coasts of industrialized countries<sup>482</sup> as the threshold of required conditions and regulations to dump the waste is exceedingly high. Moreover, any breach of the high standards by unscrupulous companies is punitive as industrialized states have strong and efficient maritime authorities that closely monitor their coastlines round the clock. In contrast, Somalia coast's easy accessibility to unscrupulous waste dumping inflamed nationalist feelings that were hijacked by money-hungry pirate groups.<sup>483</sup>

As state authority disintegrated in Somalia so was the schooling system. The collapsing country's education system meant that only a limited number of Somali children could access education<sup>484</sup> that was only accessible in private schools that were funded by donors. The collapse of Somalia's school system in post-Barre period alongside sustained challenges in the education sector since independence led to widespread illiteracy amongst Somali children. In the subsequent years after 1991, the education sector collapsed, an ignominy that subsequently denied Somali children access to education and slowly turned them into a hopeless, illiterate and disoriented lot. It is this uneducated pool of young men who were recruited as pirates for pirate missions in the open sea. Probably unaware of the dangers of venturing out into the open sea due to their limited knowledge and strong desire for money, the young men were in steady supply to the pirate gang leaders.

Somali piracy also grew due a legal loophole created by the United Nations Convention on the Law of the Sea (UNCLOS) that outlines the relations of nations on issues that touch on international waters and its attendant issues. The UNCLOS 1994 law left out issues that touched on territorial waters to individual states.<sup>485</sup> This then requires Somalia to handle its territorial waters affairs. However, with the collapse of Somalia as a state, its territorial waters got exposed to exploitation as there was no authority to manage the coast. Consequently, the Somali coast grew into a theatre for piratical activities.

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<sup>481</sup> Pham, *Putting Somali Piracy in Context*, 331.

<sup>482</sup> United Nations Environmental Programme, *After the Tsunami*.

<sup>483</sup> See Chapter two.

<sup>484</sup> Gassim, *Somalia: Clan Vs Nation*, 97.

<sup>485</sup> Pham, *Putting Somali Piracy in Context*, 331.

Somalia's collapse as a state had serious ramifications on her economic structure. Somalia's earlier inability to transit from a clan oriented society to a functional state gave rise to an outright predatory economy in a militia dominated post-Barre Somalia. The ensuing lawlessness and anarchy prompted large-scale Somali businessmen and women to assemble armed units to defend their interests. In a typical modus operandi of militias everywhere in Africa, they 'exacted obedience' from the general public in the absence of the state. This predatory nature bastardized any remaining vestiges of a state structured economy and replaced, normalized and entrenched clan-based criminal economic practices.<sup>486</sup> While some militias engaged in illicit and shadowy businesses, diversion of the humanitarian aid and general manipulation of businesses on land, coastal clans used their proximity to prowl the sea for maritime vessels to capture for lucrative ransom returns.<sup>487</sup> Unlike in other parts of Africa where ethnic allegiance is the mobilizing aspect for economic appropriation in a failed and collapsed state, the rise of the clan as foremost tool of economic extraction provided ingredients that promoted piracy. Unlike Africa's large ethnic groups with multiple interests, Somalia's small-sized clans were easy to mobilize for a singularly focused economic activity such as piracy.

Characterized by constant skirmishes between opposing or quarrelling militias and criminals, post-Barre Somalia was plunged into a field of indiscriminate killings and violence. Noble attempts by aid agencies to get relief to needy people was hijacked by criminals and militias and converted to income generating avenues<sup>488</sup> to the disadvantage of larger Somali population. Militias and other criminals imposed all manner of levies including protection fees to ensure the aid workers free passage in their areas and check points.<sup>489</sup> This strangulation of aid, the early ineffective government policies and occurrence of intermittent droughts impoverished Somalis populace exposing them to recurrent famines and grinding poverty. This economically retarded and desperate families along the Somali coastal communities became a reservoir for the recruitment of young men into piracy.

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<sup>486</sup> Chabal & Daloz, *Disorder as Political Instrument*, 77-91.

<sup>487</sup> Sorenson, *State Failure on the High Seas*, 14.

<sup>488</sup> Brons, *Society, Security, Sovereignty and the State in Somalia*, 227.

<sup>489</sup> Ibid.

While Somalia's state disintegration witnessed multiplicity of militias whose attacks on villages and neighbourhoods caused near constant flights and deaths, there emerged unhinged gangs without a command structure like the militias that gave direction to the general rank and file members. Operating with no political or clan affiliations<sup>490</sup> and without restraint, the gangs not only engaged in unbridled violence but also specialized in looting, rape and abuse of drugs.<sup>491</sup> Driven by raw criminal desires and unmoved by prerequisites of discipline and respect to traditional authority, the gangs' members internalized the culture of violence and lawlessness.<sup>492</sup> This disorder was inflamed by easy accessibility of arms, competition for scarce resources and general mistrust amongst sub-clans, clans and beyond. These patterns entrenched lawlessness which diffused through Somalia and with time got normalized. This normalization swept into the coastal areas and was responsible for the growth and escalation of piratical attacks. In essence, there emerged young men who thrived in anarchy and were alien to societal expectations of decency and virtue as well as compliance to religious dictates. It was these young men who were willing to go out into dangerous sea in search of ransom money and fame.

As an aftermath of 1991 post-Barre state collapse, Somalia's economy shrank. The uncertain economic outlook also haunted her unrecognized self-declared state of Somaliland and autonomous state of Puntland. Although Puntland, which declared her "independence" in 1998, was politically stable despite occasional tumultuous internal politics and regional boundary skirmishes with Somaliland, it suffers grim economic situation. As Puntland's authorities desperately struggled to improve the economy, despair amongst its people and officials turned ports such as Eyl and Garaad into principal pirate centres for a share of ransom money. Quietly sanctioned Puntland's top leaders, government authorities tacitly permitted piratical activities on her coastal territory as a measure of bridging the gap between available resources and meeting her peoples' expectations.<sup>493</sup> This unpublicized policy may have been informed by Puntland's comparatively small budget against the alleged higher ransom money that was paid to pirates in

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<sup>490</sup> Ibid, 227-228.

<sup>491</sup> Ibid.

<sup>492</sup> Ibid, 228.

<sup>493</sup> Pham, "Somalia, Where a State Isn't a State," *The Fletcher Forum of World Affairs*, 35, no. 2 (2011): 144, June 20, 2015,

[https://static1.squarespace.com/static/579fc2ad725e253a86230610/t/57ec8e4544024301f57ad4da/1475120710320/Pham\\_FA.pdf](https://static1.squarespace.com/static/579fc2ad725e253a86230610/t/57ec8e4544024301f57ad4da/1475120710320/Pham_FA.pdf).

2008.<sup>494</sup> Upon realization that ransom money was nine times more compared to their annual budget, the authorities opted to solicit for ransom money as a means of expanding their revenue streams so as to meet the region's financial obligations. However, publicly, the authority campaigned against the piracy menace in solidarity with the international community. This survivalist two-pronged approach to piracy was denominated by Puntland's financial survival,<sup>495</sup> both from the ransoms and foreign aid.

As much as Somalia is described as a collapsed state since President Siad Barre's 1991 ouster, some feeble local structures existed across Somalia.<sup>496</sup> Surviving general anarchy, the local structures dealt with minute socio-economic and political issues. It is the presence of these kind of structures along Somalia's coastal centres of Hobyo, Haradeere, Eyl and Gara'ad that enabled them to serve as a springboard for pirate attacks. Guided by self-insulation against societal norms and exploiting the weaknesses of the local authorities, the pirate gangs converted the coastal towns into their launching pads for piratical attacks. The coastal towns were also turned into 'pirate ports' for captured vessels to dock and protect hijacked vessels as ransom talks nudged on. Gradually, these pirate ports' residents, without tangible economic alternatives got fused into the pirate economy as they provided provisions such as food and water to the captives' as the ransom talks dragged on.<sup>497</sup> Similarly, the difficulties of importing goods into Somalia due to lawlessness made pirate hijackings an alternative to accessing the much sought after foreign goods to the Somali coastal communities.<sup>498</sup> These circumstances fueled pirate attacks.

Also taking advantage of the existence of feeble local structures across Somalia in the midst of her state collapse were clan-based militias who pursued predatory criminal methods to raise revenue to finance and arm their fighters. Mohammed Haji Mukhtar reported how two clan family militias jostled to control the cultivation and exportation of cannabis in mid-1990's to

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<sup>494</sup> Ibid.

<sup>495</sup> Patrick Lennox, "Contemporary Piracy off the Horn of Africa," *Canadian Defence & Foreign Affairs Institute*, (Calgary: University of Calgary, 2008), 3, accessed May 24, 2010, <http://cdfai.org.previewmysite.com/PDF/Contemporary%20Piracy%20off%20the%20Horn%20of%20Africa.pdf>.

<sup>496</sup> Afyare A. Elmi et.al, "Piracy in the Horn of Africa Waters: Definitions, History, and Modern Causes," *African Security*, 8, no. 3 (2015): 154, April 24, 2016, <http://www.tandfonline.com/doi/pdf/10.1080/19392206.2015.1069118>.

<sup>497</sup> Lennox, *Contemporary Piracy off the Horn of Africa*.

<sup>498</sup> Sorenson, *State Failure on the High Seas*, 30.

raise revenue to finance their groups and purchase arms.<sup>499</sup> This competition to control the growing and sale of the drug happened in the fertile inter-riverine region of the southern Somalia between the Darood and Hawiye clan family militias.<sup>500</sup> The region lies between the rivers Shabelle in the north and Juba in the south. The jostling ignited deadly clashes between the two clan family militias as none was ready to be elbowed out of the profitable business. Mukhtar noted that annual harvests increased by about 160 tons with an estimated street value of around US \$ 272 million.<sup>501</sup> Publicity of such lucrative returns may have prompted clan militias in coastal areas to engage in their own predatory activities such as sea piracy.

The Darood and Hawiye clan family militias struggle to control the cultivation and sale of cannabis was extended to the inter-riverine region's sea ports of Marka, Barawa and Kismayu.<sup>502</sup> The struggle was primed by the desire to control the critical export of bananas, a major export item for Somalia.<sup>503</sup> For decades preceding 1991, a small group around the presidency had controlled the trade, earning considerable revenues from the same. For instance, during Siad Barre's presidency, the tightly controlled banana export trade earned Somalia about US \$ 20 million annually representing around 25 per cent of the country's total export earnings.<sup>504</sup> However, the deadly jostling led to utter chaos in the region leading to a near total collapse of the banana cultivation and trade by 1998.<sup>505</sup> In need of alternative sources of revenue, elements from within the militias and other predatory individuals gradually set their eyes to the sea in search of the same.

Somalia post-Siad Barre state's collapse chaos, lawlessness and bridled violence sunk her poorly managed small-scale coastal fishing industry. The collapse of the industry had piracy ramifications as the already struggling fishermen could no longer buy appropriate fishing gear

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<sup>499</sup> Mohammed Haji Mukhtar, "The Plight of the Agro-Pastoral Society of Somalia," *Review of African Political Economy*, no. 70 (1996): 553, April 24, 2016, <https://www.jstor.org/stable/pdf/4006344.pdf>.

<sup>500</sup> Ibid.

<sup>501</sup> Ibid.

<sup>502</sup> Ibid.

<sup>503</sup> Ibid.

<sup>504</sup> Ibid.

<sup>505</sup> Hans Hack and Hector McKilligan, *Banana Sector Study for Somalia Preliminary Assessment and Strategic Options Report* (2003), accessed August 28, 2018, [http://www.faoswalim.org/resources/Agriculture/Banana\\_sector\\_study\\_for\\_Somalia/Preliminary\\_assesment\\_strategi\\_c\\_options\\_report.pdf](http://www.faoswalim.org/resources/Agriculture/Banana_sector_study_for_Somalia/Preliminary_assesment_strategi_c_options_report.pdf).

and/or repair damaged ones, thus bringing the fledgling industry to a complete halt.<sup>506</sup> Left without many income-generating options, the fishermen lurked around the ports to snap up any opportunities that came their way. Gradually, opportunities of hijacking maritime vessels emerged along the coast and the disillusioned fishermen took them up contributing to the rise and escalation of piracy.

The years after 1998 witnessed the amplification of pirate attacks partly due to the entry of private individuals who were attracted to opportunities in Somalia's fledgling small-scale fishing industry after the government disintegrated and lost control of the industry.<sup>507</sup> So as to ensure absolute control of the industry, the private entrepreneurs supported expulsion sentiments of the foreign fishermen whom they envisioned as an obstacle to their expected fishing proceeds. In an attempt to entrench their influence, the entrepreneurs funded the disfranchised fishermen to keep away the foreign intruders. Initially keen to invest their money in a sector they felt would give them good returns, the private individuals began to take note of the lucrative returns of pirate activities. In response, their fisheries business initiative mutated into the lucrative piratical attacks.

Somalia's state collapse led to a similar collapse of the country's financial institutions. This collapse also sunk the Central Bank of Somalia which was the financial regulator in Somalia. As a result, financial transactions such as currency exchange activities fell into individual hands. Buoyed by non-existent regulators and regulations, the individuals engaged in both open and underhand dealings.<sup>508</sup> The underhand dealings included the ransom-based Somali piracy. As ransoms flowed into Somalia, so was the demand for currency exchangers. As a consequence, the two entities developed a symbiotic relationship because piracy ransoms were paid in US dollars and thus there was need to convert the dollars into local Somalia currency.

Without restrictive central bank regulations and Somalia's general economy informality, the exchange dealers grew into a monopoly that pirates closely worked with. Somali pirates had a

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<sup>506</sup> Lo Persson, Lindop, Harper, Zylich and Zeller, *Failed State, Failed State*, 4.

<sup>507</sup> Ibid, 6-7.

<sup>508</sup> Spencer Hugh Brooks, *Somalia: Illicit Economies, Criminal Networks and the Downfall of the Somali State*, M.A. Thesis, (Georgetown University, 2010), accessed April 24, 2016, <https://repository.library.georgetown.edu/bitstream/handle/10822/553456/brooksSpencer.pdf?sequence=1>.

standard of being paid ransom in form of American dollars. The dollars were in most cases flown directly to the captured vessel and dropped to the waiting pirates. Upon verification of the currency's authenticity and legality, the captured vessel was released. After sharing out the ransom amongst the different players, the dollars were taken to the exchange dealers for conversion into the more locally acceptable Somali shilling. Therefore, the presence of the illegal and informal currency exchange dealers smoothened pirate attacks off the Somali Coast and the subsequent conversion of America dollars to Somali shillings.

Besides finding resonance in illegal currency exchange dealers, Somalia's piracy got a boost from the region's use of the trust-based Hawala System. Hawala is an ancient informal financial system that emerged in South Asia before spreading into Islamic Arabia by the 8<sup>th</sup> century AD.<sup>509</sup> Although the Hawala system has always existed in the Muslim world, it become prominent in Somalia after the collapse of the state in 1991. Since the collapse of Somalia's formal banking system<sup>510</sup> in 1991, Hawala emerged as a popular international money transfer system. Embedded on strong trust and Islam beliefs, Somali people's entrenched clan and kin relations made it a widely accepted currency exchange. The system is backed by the substantial money remittances of Somali people living and working across the world. Though regulated by multiple restrictions in other countries, the system operates freely in Somalia as there is no state authority to supervise it. Consequently, Hawala emerged as a major facilitator for the purchase of sophisticated and specialized weapons and implements to conduct the pirate attacks. Moreover, pirate masters based outside of Somalia territory sent money to their gangs for operational purposes. Some ransom money is said to have found its way to third countries through the same Hawala system. All in all, Hawala system gave piracy a financial supportive platform which a collapsed Somalia could not provide.<sup>511</sup>

Sucked by incessant war and general lawlessness, the Somalia agricultural sector grind to a halt, as the pervasive insecurity could not allow meaningful agricultural activity. Before 1991, Somali farmers grew crops such as bananas, limes, mangoes, grapefruit, papaya and coconuts, maize,

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<sup>509</sup> Éva Ladányi and István Kobolka, *The Hawala System*, accessed August 30, 2018, <http://www.efos.unios.hr/repec/osi/journal/PDF/InterdisciplinaryManagementResearchX/IMR10a30>.

<sup>510</sup> Brooks, *Somalia, Illicit Economies*, 15-18.

<sup>511</sup> Lennox, *Contemporary Piracy off the Horn of Africa*, 10.



sorghum, sesame, rice, cowpeas, beans and ground nuts, watermelons and vegetables like tomatoes, onions, garlic, lettuce and carrots.<sup>512</sup> Most of these crops were sold and consumed locally while others such as bananas were exported. However, the post-1991 lawlessness led to a steady decline of the crops production. For instance about 300-500 hectares were under rice cultivation on a state farm before 1991, but only insignificant areas grew rice by 2003 in Somalia.<sup>513</sup> The resultant substantial reduction of agricultural activity and recurring droughts in Somalia occasioned drought and famine across the country.<sup>514</sup>

With the famine evolving into a humanitarian crisis, international and regional aid agencies moved into Somalia to ease the crisis. The aid however occasioned opportunities for militias amongst other criminal entities to get entangled in the aid's distribution for selfish gain. The criminals initiated shadowy aid distribution systems that were clan biased, a carry-over practice from President Siad Barre regime where aid earmarked for drought and famine victims during Barre's rule was given to the three clans he was closely linked to.<sup>515</sup> After 1991 collapse of President Barre government, militias such as General Aideed's Somali National Alliance militia blocked food shipments from reaching certain areas such as Baidoa to serve their own interests.<sup>516</sup> They employed many tactics that included forcing aid agencies to hire the militia's drivers and vehicles at highly exaggerated fees.<sup>517</sup> Unsatisfied, the Aideed militia decided to target and loot aid that was transported on the road en route to victims.<sup>518</sup> Aideed's militia also captured Baidoa Airport, and imposed a US \$ 5,000 fee per flight after the US decided to airlift aid to Baidoa.<sup>519</sup>

Seizing the multiple opportunities occasioned by the voluminous food aid, crafty individuals and groupings strategized on how to generate revenue from the same. The practice had been entrenched in President Barre's days when aid was only given to his favorite clans while

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<sup>512</sup> Hans Hack and Hector McKilligan, *Banana Sector Study for Somalia Preliminary Assessment and Strategic Options Report*, 10-16.

<sup>513</sup> *Ibid.*, 13.

<sup>514</sup> Mukhtar, *The Plight of the Agro-Pastoral Society of Somalia*, 551.

<sup>515</sup> The three clans were Mareham-President Barre's clan, Ogaden-President Barre's mother's clan and Dulbhante-President Barre's son-in-law's clan.

<sup>516</sup> Mukhtar, *The Plight of the Agro-Pastoral Society of Somalia*, 551.

<sup>517</sup> *Ibid.*

<sup>518</sup> *Ibid.*

<sup>519</sup> *Ibid.*

deserving clans were left out. The left out clans quickly initiated unofficial networks of getting a share of the aid. It was these informal systems that were largely clan based that criminal groups such as pirate gangs used to fraudulently obtain aid particularly food that they in turn sold to third parties.<sup>520</sup> As formal and informal actors in and around Somalia's ports, pirates, backed by their clan affiliations orchestrated systems that enabled them to either steal or siphon the incoming aid.<sup>521</sup> Proceeds of the aid money is believed to have been used to purchase arms and pirate instruments and helped in sustaining the pirate crews during prolonged ransom negotiations. It is also possible that the fraudulently obtained aid food was used to sustain the pirates during their days' long sea hijacking operations.

In an attempt to curb or minimize post-1991 Somalia violence, the UN Security Council imposed an arms embargo in 1992. However, the embargo was largely ineffective as multiple warring armed factions had unsatisfied quest for arms. Entry of these arms continued unabated as there were no state agencies to enforce the embargo. Among the armed factions keen on bolster their arms were pirate gangs. Initially, the pirates' decision to engage in sea attacks was eased with the availability of arms amongst Somali's general public. However, the multiplicity of pirate attacks and some defensive measures taken by the vessels caused the pirates to look for and purchase strategic weapons to enable them target vessels with potential lucrative ransoms. Thus, continued entry of arms into Somalia due to her state collapse status enabled the pirates to access maritime friendly weapons such as rocket-propelled grenades and global positioning systems that were instrumental in the capture of more vessels.<sup>522</sup>

Africa, South of the Sahara has been reported as the world's new transit hub of illicit drug trafficking due to her weak states. International drug barons target countries with extensive coasts for ease in transportation of drugs and Somalia is one such country. Somalia's chaotic and toxic environment has seen its territory turned into a major hub for drug transiting.<sup>523</sup> Despite being a transit hub of numerous drugs, it is *khat* that is extensively consumed in Somalia. As a fresh and perishable plant, it is flown daily from Ethiopia and Kenya into Somalia. Somalia's

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<sup>520</sup> Brooks, *Somalia, Illicit Economies*, 18-19.

<sup>521</sup> *Ibid.*

<sup>522</sup> Lennox, *Contemporary Piracy off the Horn of Africa*, 9.

<sup>523</sup> Brooks, *Somalia, Illicit Economies*, 26-27.

dysfunctional state and acceptance by Islam has made *khat* a popular drug in Somalia.<sup>524</sup> Consequently, pirate gangs aware of the drug's stimulation capabilities sought, bought and used *khat* to purportedly keep themselves awake during the long hours spent in the open sea. The continued entry and availability of *khat* in Somalia facilitated the pirate attacks as Somali pirate crews used it as a companion to keep them alert on their sojourn into the high seas chasing after maritime vessels.

Somalia's state collapse also aided in the growth of an unregulated telephony industry in Somalia that was instrumental in piracy attacks as pirates manipulated the communication system to make fake distress calls to targeted vessels. Such calls were aided by intelligence information which pirate masters gathered from neighbouring regional ports such as Dubai and Saudi Arabia's King Fahd Industrial Port in Yanbu. The calls were made to appear as though they were official from maritime monitoring agencies. However, the calls were meant to divert the targeted vessels to laid snares where their capture was easy. Additionally, the subsequent ransom negotiations between pirates and vessel owners and/or agents was aided by the same Somali telephony industry.

On the whole, the void left by collapsed Somalia was filled by feuding clan-centric militias whose actions were complemented by other extrinsic realities to act as catalysts for the rise and ascendancy of piracy. Along the coast and immediate onshore, militias-cum-pirate gangs emerged to dominate and subsequently reinvigorate piratical activity. While revived piracy provided the much needed resources for inimical clan militias, the collapsed state was a recipe for the total breakdown of law and order that turned Somalia into an internationally distorted narrative on issues such as the design of the piracy and imbued Islamic fundamentalism.

### **3.7 Conclusion**

Post-1991 state disintegration in Somalia led to its balkanization along clan loyalties whose resonance loudly echoed in her coastal waters. While the fragmentation was a curse to a Weberian-like Somalia state, it was a boon to piracy. Thrust to the centre of Somalia's socio-economic and political life, a convergence of interests and circumstances led to mobilization of

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<sup>524</sup> Ibid, 27.

the clan identities to bolster piracy. In Somalia's free fall, the now pervasive clan was patronized as a platform and weaponized as a tool to execute piratical operations.

Having seen more than a quarter a century of lawlessness, the citizens of Somalia lost attachment to formal socio-economic and political institutions and transactions. Accentuated by absence of state authority, the people normalized unconventional transactions as means of economic survival.<sup>525</sup> Although frowned upon by the world's legal and moral scales as well as Islamic religious teachings, piracy actors inadvertently found a home in Somalia's weak and collapsed state structures. It was the absent state that gave the pirates opportunities that they exploited to make Somali piracy an entrenched phenomenon that made it a worldwide headline story that can be well known when its portrait is examined.

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<sup>525</sup> Brooks, *Somalia, Illicit Economies*, 20.

## Chapter Four

### Mapping Somali Piracy: Growth and Operations, 2004-2011

#### 4.0 Introduction

This chapter is an endeavour to present a portrait of Somali piracy during its peak so as to unravel its out-and-out characterization. Besides a thorough illumination setting Somali piracy apart from other piracy undertakings, it accords the subject a better grasp. Such an interrogation exposes both the piracy's avowed and enshrouded components which in turn helps in depicting a correct representation. The chapter begins by tracking the piracy's acceleration and the attendant appurtenance. The chapter, then, investigates the piracy's gangs, apparatus, weapons, techniques and operations. Finally, the chapter discusses the piracy's inherent business model that was embedded by ransom process.

This chapter maps Somalia piracy's growth and operations within a war economy approach. This approach encompasses an institutionalization of violence for profit and which in the process becomes a 'self-financing' phenomenon. If anything, piracy in this sense becomes an 'anarchic exploitative' engagement with 'criminalized transactions.'<sup>526</sup> By focusing this chapter between 2004 and 2011, this study captures the complete characterization of Somali piracy during its two peak periods which scholars such Stig Jarle Hansen have christened as 'First Golden Age' of between 2004 and 2006 and the 'Second Golden Age' that happened between 2006 and 2011.

#### 4.1 Acceleration of Somali Piracy

Following President Siad Barre's ouster in 1991, a period of Somali nationalism ensued in which the repulsion of international shipping vessels became a mantra for which Somalia kept its coast 'safe.' Yet as observed earlier in this study, this nationalist angle was a mere disguise because piracy gradually grew after the removal of President Barre and by 1994 assumed a heightened rise with known pirate gangs roaming Somalia's coast line.<sup>527</sup> Piracy grew exponentially such that by 2005, it had assumed the character of a 'war economy' in which its activities were self-

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<sup>526</sup> Alexandra Guáqueta, *Economic Agendas, in Armed Conflict: Defining and Developing the Role of the UN*, Accessed August 3, 2019, [https://www.ipinst.org/wp-content/uploads/publications/economic\\_agendas.pdf](https://www.ipinst.org/wp-content/uploads/publications/economic_agendas.pdf).

<sup>527</sup> Stig Jarle Hansen, *Piracy in the Greater Gulf of Aden: Myths, Misconceptions and Remedies*, (Norwegian Institute for Urban and Regional Research, 2009), 20.

perpetuating. Rise of pirate groups has been explained by Stig Jarle Hansen as a consequence of the emergence of relative peace in coastal regions that promoted pirate activities.<sup>528</sup> As such, Somalia witnessed between 1988 and 1994 relatively high levels of violence which quieted in 1994. By 1994, regions such as the Puntland and Mudug coasts' were relatively peaceful to support pirate group organization and launch of attacks.

In the decade succeeding 1994, pirate attacks continued though with a marginal upward trend.<sup>529</sup> From 2004, Somalia began to witness the prominence of a highly organized and profiteering piracy industry.<sup>530</sup> This prominence hit international news headlines and the period was subsequently christened by Stig Jarle Hansen as Somalia's 'First Golden Age.'<sup>531</sup> Ignited, shaped and dominated by Mohammed Abdi Hassan popularly known as Afweyne, the piracy was concentrated in Central Somalia coastal towns of Harardhere and Hobyo, both located within the Mudug region.<sup>532</sup> The lucrative stretch of Somalia's first golden age was halted by the rise to power of the militant Islamic Courts Union (ICU) in June 2006.<sup>533</sup> Upon having a firm grip of power, the ICU imposed observance of strict Islamic codes and norms that saw the crackdown of anything that was considered unislamic including alcoholism and piracy.<sup>534</sup> ICU's targeting of pirates and pirate ports eliminated piracy in Somalia's central region for about a half a year when the group held sway.<sup>535</sup>

In December 2006, war broke out between the ICU and the American backed Ethiopian and Somalia Transitional Federal forces. This war led to the defeat of the ICU's forces which paved the way for TFG's return to power in January, 2007. The return witnessed the re-emergence and subsequent resurgence of piracy. Initially, re-emerging in central Somalia's coastline, the piracy exploded in Puntland in 2008 partly due to the region's financial difficulty and strategic coastal location. This is because the Puntland government could not pay wages to its workers including

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<sup>528</sup> Ibid.

<sup>529</sup> Heilala Von Keyserlingk, *Understanding Somali Piracy: Beyond a State-Centric Approach*, Working Paper No. 1, (Kassel University, 2012), 16.

<sup>530</sup> Ibid.

<sup>531</sup> Hansen, *Piracy in the Greater Gulf of Aden*, 23.

<sup>532</sup> Keyserlingk, *Understanding Somali Piracy*, 16.

<sup>533</sup> Bill Roggio, "The Rise and Fall of Somalia's Islamic Courts: An Online History," *Long War Journal*, no. 4, (2007), [www.longwarjournal.org/archives/2007.01/the-rise\\_fall\\_of\\_Som.php](http://www.longwarjournal.org/archives/2007.01/the-rise_fall_of_Som.php).

<sup>534</sup> Ibid.

<sup>535</sup> Keyserlingk, *Understanding Somali Piracy*, 16.

the police whose disinterest in maintenance of law and order left the coastal strip and waters unattended to, rendering the area ‘open’ to piratical activity.<sup>536</sup> The 2008 resurgence of piracy gave way to an explosion that lasted up to 2011,<sup>537</sup> a burgeoning that can be termed as the ‘Second Golden Age’ of Somali piracy. A close scrutiny of this prospering gives a clear map of the piracy’s growth and operations by initially detailing her hitherto undetermined and unamplified corroborative conditions.

#### **4.2 Somali Piracy’s Inconspicuous Contributors**

Unlike earlier arguments that the piracy thrived in a chaotic environment, Stig Jarle Hansen has observed that piracy in Somalia took place in relatively peaceful regions.<sup>538</sup> This is because outright violent areas hampered the piracy’s organization as its planning and implementation required some stability as violence hampered the mobilization of pirate tools such as maritime technological apparatus and fuel for the deep sea-faring vessels. Moreover, the deep sea-faring pirates needed a steady supply of food that was accessed from the coastal ports and surrounding areas only if there was some relative peace. Furthermore, fighting and violence obstructed a secure anchorage and maintenance of hijacked vessels, communication for ransom payment as well as payment and distribution of ransom money. The benefits of relative peace favoured the emergence of piracy and its subsequent concentration in regions that were calm such as the coastal ports of Harardhere and Hobyo as well as Puntland’s Coast.

Taking advantage of the relatively ‘peaceful areas,’ individuals with business instincts harnessed the conducive opportunity to establish pirate gangs with the objective of reaping profit from the ‘available’ sea. Operating like mafia-like businessmen, the individuals strategically recruited gang members from surrounding clans as an insulation measure.<sup>539</sup> While chapter two highlights the Marjerdeen clan’s initial piracy dominance in Puntland’s coastal waters, the 2004-2011 ‘two-twin Golden Era’ was stamped by ambitions and strategic individuals from other clans.<sup>540</sup> These ambitions profit-driven individuals replicated Puntland’s piracy in other centres across

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<sup>536</sup> Stig Jarle Hansen, *Piracy in the Greater Gulf of Aden*, 32-33.

<sup>537</sup> By the beginning of 2012, multiple anti-piracy initiatives in Somalia regional waters began to bear fruit as the number of pirate attacks drastically reduced.

<sup>538</sup> Hansen, *Piracy in the Greater Gulf of Aden*, 23.

<sup>539</sup> *Ibid*, 23-24.

<sup>540</sup> *Ibid*.

Somalia's extensive coastline. Among these businessmen was *Afweyne* who turned the coastal town of Harardhere into a major pirate hub in 2004.<sup>541</sup> He is known for his exceptional organizational skills that built him a strong pirate gang from amongst his Suleiman clansmen.<sup>542</sup> As an astute businessman eager to minimize costs and maximize profits, *Afweyne* recruited experienced pirates such as Abshir Abdillahi '*Boyah*,' Farah Abdullahi and Garad Muhammed from Puntland as trainers to turn his gang into an efficient unit.<sup>543</sup> Nonetheless, and despite the presence of the extra-clan trainers, the dominance of the Suleiman clan remained intact amongst *Afweyne's* pirate gang.<sup>544</sup> The same arrangement of hiring 'experts' from other clans to improve efficiency of clan-centred pirate gangs was replicated elsewhere without diluting the predominance of the host clan.

Taking cue from Marjerteen and Suleiman clans, other clans created their pirate gangs under the guidance of particular businessmen.<sup>545</sup> Due to its deep entrenchment in the Somali society, the clan was beneficial to the pirate gangs in many ways. The clan benefits included considerable reduction of quarrels and infighting within the gang members as all were mainly from a particular clan. This ensured harmonious relations whose accrued benefits amongst gang members was a major ingredient for their stability. Belonging to a clan based piracy group gave a sense of immunity from attacks from other clan oriented armed groupings.<sup>546</sup> The immunity was also critical in attempts to keep out other anti-piracy entities such as government administrations who undertook missions to arrest pirate gang members. This was particularly the situation if the pirate gang's principal clan was different from the local 'government's' dominant clan as any move to arrest the pirates could quickly degenerate into a clan conflict.<sup>547</sup>

In essence, clan identity provided an enabling environment, a sort of 'code of conduct' that smoothed how the piracy was undertaken. As discussed in chapter 2, clans are critical in the socio-political and economic life of the Somali people. Thus, with the clan as the major basis of pirate gang formation, gangs were able to keep away from attacking and hijacking vessels

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<sup>541</sup> Oral Interview, Andrew Mwangura.

<sup>542</sup> Hansen, *Piracy in the Greater Gulf of Aden*, 24.

<sup>543</sup> Ibid.

<sup>544</sup> Ibid.

<sup>545</sup> Oral Interview, Andrew Mwangura.

<sup>546</sup> Hansen, *Piracy in the Greater Gulf of Aden*, 25.

<sup>547</sup> Ibid, 26.



affiliated to other clans, thus minimizing conflict.<sup>548</sup> Clans generally kept vessels captured in their proximities though a gang could anchor its hijacked vessel in another's clan's area when conditions dictated so but with local clan's approval. All these patterns alongside existing inter-clan laws guaranteed existence of a seamless Somali piracy industry.<sup>549</sup> However, as earlier indicated, skillful pirate masters such *Afweyne* were able to incorporate experienced pirates from other clans into their pirate gangs so as to infuse professionalism into their gangs. This incorporation was underpinned by other strategic considerations beyond efficiency of their pirate gangs. This was the case when pirate masters hired members from clans on whose territory their gangs launched attacks and anchored hijacked during ransom negotiations to earn their support.

Beyond the clan, piracy thrived in areas with favourable geographical features. All around the world, pirates have targeted ships along narrow sea waters characterized by straits, bays and archipelagos.<sup>550</sup> Such narrow spaces force ships to move closer to the coastline for better navigation. Naturally, such areas are congested with vessels that make it possible and easier for pirates to target them.<sup>551</sup> In the Somali case, Gulf of Aden's Bab al Mandab strait and adjacent Red Sea were ideal for pirate attacks<sup>552</sup> due to their huge maritime traffic and hundreds of rocky islands. It should be noted that vessels have to go through the Gulf of Aden and adjacent Red sea to access or exit the Suez Canal. As the main trade route between Europe, the Middle East and Asia, the Gulf of Aden carries about 12% and 30% world's maritime trade and crude oil respectively.<sup>553</sup> It is this strategic location that makes the Gulf of Aden a critical maritime trade route with approximately 16,000 vessels navigating it annually, a fact that attracted Somali pirates to it.

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<sup>548</sup> Ibid, 26.

<sup>549</sup> Ibid.

<sup>550</sup> Martin N. Murphy, *Small Boats, Weak States and Dirty Money: Contemporary Piracy and Maritime Terrorism's Threat to International Security*, PhD Thesis, (University of Reading, 2008).

<sup>551</sup> Ibid.

<sup>552</sup> Nicole Stracke and Marie Bos, "Piracy: Motivation and Tactics, The Case of Somalia Piracy," *Gulf Research Center*, (Dubai: United Arab Emirates, Gulf Research Center, 2009): 27, August 7, 2020, [https://www.files.ethz.ch/isn/97641/2009-02\\_Piracy%20Motivation%20and%20Tactics.pdf](https://www.files.ethz.ch/isn/97641/2009-02_Piracy%20Motivation%20and%20Tactics.pdf).

<sup>553</sup> Pham, *Putting Somali Piracy in Context*, 325-341.

Moreover, Somalia's extensive coastline<sup>554</sup> benefitted the pirates as it gave them flexibility of changing their bases from one fishing village to another as they launched attacks in response to changing circumstances. In addition, some of launching bases-cum-fishing villages for pirate attacks along the coastline of Somalia were not only unseen from the ocean but also protected from the mainland by steep cliffs which made them advantageously inaccessible to anti-piracy entities and unwanted prying eyes.<sup>555</sup> Surrounded by desert conditions and attendant sparse populations or none inhabitation, the bases naturally kept out many and only 'allowed' those who complemented the pirate industry.<sup>556</sup> Meanwhile, the vast and open Indian Ocean, Gulf of Aden and Arabian Sea provided 'acres' of space for Somali pirates to roam in pursuit of vessels to hijack with the aid of navigational gadgets. As already indicated in chapter two, Indian Ocean's alternating Monsoon's northwest and southwest winds with their attendant tumultuousness and calmness sympathetically impacted on the pirates.<sup>557</sup> While the Monsoon's tumultuous Indian Ocean waters drastically reduced pirate activities, a calm Indian Ocean favoured pirate attacks.

Yet, Somalia's extensive coastline with dotted natural harbours allowed for easy anchorage of hijacked vessels.<sup>558</sup> This ease in anchoring of captured vessels was critical in concluding the risky hijack processes as it allowed pirates to engage in the laborious ransom negotiation processes. Additionally, coastline's village centres along were a source of supplies of items for both the pirates and captives. These supplies sustained the pirates and captives as ransom negotiations trudged on. Some of these villages' centres that were scattered along Puntland's and Central Somalia's coastlines included Bossasso, Eyl, Garad and Ras Alula.<sup>559</sup> In other times, enabling factors such as lack of maritime authorities and self-insulating clan considerations allowed the pirates to anchor the captured vessels in plain coastal sight.<sup>560</sup> Once they safely anchored a vessel, the pirates contacted the vessel's agents or owners to demand for ransom to secure the release of the vessel. Ransom negotiations would stretch for days, weeks, months or

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<sup>554</sup> Somalia has a 3,333-kilometers coastline which is the longest amongst mainland African countries

<sup>555</sup> Stracke and Bos, "Piracy: Motivation and Tactics," 26.

<sup>556</sup> Ibid.

<sup>557</sup> Murphy, *Small Boats, Weak States and Dirty Money*, 22.

<sup>558</sup> The coastline is about 3,333 kilometres long.

<sup>559</sup> Hansen, *Piracy in the Greater Gulf of Aden*, 28.

<sup>560</sup> United Nations Office on Drugs and Crime, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, 198.

years to conclude on account of dictates such as the status of the captives, the financial strength of the vessel's owners(s), the vessel's type and value of the cargo and the vessel's country of registration.<sup>561</sup>

Even though the Gulf of Aden is a natural maritime barrier between Somalia and Yemen, it connects Yemen to Somalia's developments instead of separating them.<sup>562</sup> Since the 1990's, Yemen has been embroiled in sectarian politics after the establishment of Houthis, a Shiite group that opposed the Sunni-led Yemen government. In 2004, the group began an open armed revolt against the government. The subsequent violence sunk Yemen to a normalization of predatory ways of life that permeated her socio-economic and political spheres. As a consequence, Yemen's corrupt and criminal economic transactions complemented Somali piratical activities.<sup>563</sup> Yemen ports of Al Mukalla, Al Shishr, Sayhut and Al Mahrar availed Somali pirates' opportunities of refueling their vessels, accessing intelligence on sea faring vessels and acted as a conduit of arms into Somalia. Further criminal transactions along Yemen's coastal towns allowed the pirates to engage in arms and drug trafficking,<sup>564</sup> practices that complimented and entrenched the piracy. Moreover, the famed fondness and perceived business relationship between the late President Abdullahi of Somalia and former President Saleh of Yemen had a trickle-down similarity of both legal and illegal business transactions between the peoples of the two countries.

In the period between 2004 and 2011, the impact of state collapse, clan rivalry, conducive geography and maritime trade routes along the Gulf of Aden and adjoining waters cumulatively led to fairly unprecedented piracy activities in the waters of the Somalia coast. Consequently, the economy, livelihoods and general welfare of the participating clans became so intricately and inextricably bound to and by piracy in ways which permit the characterization of these activities as Somali piracy. Besides emphasizing the primacy of this label as a conceptual category in understanding the events of this period, 2004-2011, the clan-piracy intricacy and inextricability can be beamed by contextualizing the pirates and their gangs.

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<sup>561</sup> Oral Interview, Abdiwahab Sheikh Abdiswamad.

<sup>562</sup> Palmer, *The New Pirates*, 127.

<sup>563</sup> Ibid, 128.

<sup>564</sup> Ibid, 128-129.

### 4.3 Organization of Somali Pirates and Gangs

The Somali piracy exhibited an extremely complex portrait whose social ‘anatomy’ was made up of a fairly structured system with some in-built generational, technical and economic hierarchies. Embedded in these hierarchies were notions of the division of labour, chain of command and a somewhat seamless structure of operations within which critical actors played their roles in international piratical activities. As such, the piracy’s sea-venturing ‘foot soldiers’ were mostly young men in their teenage years.<sup>565</sup> The ‘foot soldiers’ were generally uneducated<sup>566</sup> due to Somalia’s chaos and lawlessness which destroyed the education system. Recruitment into the pirate gangs was open with the major qualification being knowledge in the use of the gun.<sup>567</sup> In most cases, sea-venturing pirates were recruited on the basis of their clan identities though there was need to meet a certain strategic consideration, the recruitment transcended clan identities. Dominant among these recruits were fishermen with maritime and navigational skills while those with gun and military knowledge had an added advantage. Individuals who got recruited predominantly but not exclusively came from Somalia’s ports and fishing villages that were dotted across Somalia’s extensive coastline. The United Nations Office on Drugs and Crime estimated the number of active pirates to have been between 1500 and 3000 as at early 2012.<sup>568</sup>

Other people who got recruited into the pirate gangs due to their technical expertise. This category of recruits included former naval police and military officers. The group also had people with knowledge on currency authenticities, skilled ransom negotiators who operated from the hijacked vessels or secret locations, translators who stepped in when the negotiating teams spoke different languages as well as general shipping experts. These experts were few in number, a fact that made their work to supersede clan royalties as they sometimes, even simultaneously worked for different pirate gangs. This group of experts complemented the courageous sea-venturing pirates with incise maritime knowledge so as to increase the success rate of vessel hijack missions. Former captured sailors interviewed for this research indicated that the pirates seem to have had deep knowledge in the hijack and anchoring processes. One of them, Hamisi

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<sup>565</sup> Raymond Gilpin, “Counting the Costs of Somali Piracy,” *Centre for Sustainable Economies*, (United States Institute of Peace, June 2009), May 28, 2017, [https://www.files.ethz.ch/isn/103247/wp15\\_somalia.pdf](https://www.files.ethz.ch/isn/103247/wp15_somalia.pdf).

<sup>566</sup> Oral Interview, Hassan Issa Musa, Shimo La Tewa Prison, March 12, 2015. He came from Waberi fishing Village, Puntland.

<sup>567</sup> Ibid.

<sup>568</sup> United Nations Office on Drugs and Crime, September, 2013.

Salim Mwachengo, a former captured sailor on *MV Bahari Kenya* described how the pirates hijacked and took control of their vessel with ease.<sup>569</sup> Another former captured sailor, Said Hamadi Mwakilamba, remembered how the pirates locked all the sailors in their rooms and only allowed them out on carefully supervised activities.<sup>570</sup> It is probable that the pirates employed this separation and isolation tactic to reduce the sailors' chances of strategizing their escape by getting to discuss the options available and loose ends to exploit to attain their freedom.

At the top of the Somali Pirate industry hierarchy were the major actors made up of pirate masters and financiers. These top pirate individuals were aggressive individuals who were instrumental in the rise and escalation of the Somali piracy. Their good organizational skills and penetration of Somali political leadership enabled them to run the complex piracy business system.<sup>571</sup> Among these leading piracy masterminds were Mohamed Abdi Hassan 'Afweyne' of Harardhere, Abdullahi Yusuf of Puntland, Garaad Mohamud Mohamed of Eyl, Abshir Abdillahi 'Boyah' of Puntland, Mohamed Abdi 'Garfanji' of Hobyo-Harardhere, Fu'aad Warsame Seed 'Hanaano' of Puntland, Yusuf Mohammed Siad Inda'ade and Ali Dhuruwa amongst others.<sup>572</sup> However, these names, according to Andrew Mwangura, were fluid as the individuals regularly took up new names to camouflage their true identities as they feared counterproductive exposure that had the potential of getting them arrested to face legal prosecution.<sup>573</sup>

Exceedingly ambitious, these pirate masters and financiers established effective pirate gangs with a close network amongst themselves. Although they came from different backgrounds, they were united in their designs of acquisition of wealth from piratical engagements. Driven by the desire to make maximum profit from vessel hijackings, they were selective in the recruitment of young men into their gangs. Further, they invested in the training of their gang members so as to accustom them to skills and knowledge that were crucial in ensuring success in the hijack and ransom processes. They also closely supervised their gang's members and operations to ensure smooth running of pirate operations. As astute businessmen, they built beneficial ties amongst

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<sup>569</sup> Oral Interview, Hamisi Salim Mwachengo, former captured sailor on *MV Bahari Kenya* in 2001, Kenya Seafarer's Association office, Mombasa, April 15, 2017.

<sup>570</sup> Oral Interview, Said Hamadi Mwakilamba.

<sup>571</sup> Palmer, *The New Pirates*, 115-123.

<sup>572</sup> Ibid.

<sup>573</sup> Oral Interview, Andrew Mwangura.

themselves and with local communities which enabled them to rope in local and regional political players and authorities as a way smoothing their piratical operations. Whereas the leaders held forte in different pirate ports along the extensive Somalia coast, they established similar codes of regulations for their pirate gang members. These loose codes and regulations were critical in managing various aspects of the pirate gangs including operational rules and sharing of ransom.<sup>574</sup> Despite their varying clan and regional identities, the more professional pirate gangs established similar loose codes to regulate gang to gang dealings on issues such as anchoring a hijacked vessel in another gang's coastal territory and sharing of experts such as translators as well sharing of ransom if there had been cooperation between two gangs.<sup>575</sup>

To ensure efficiency in terms of personnel and capital, the pirate masters sought, incorporated and partnered with wealthy businessmen who pumped money into their pirate enterprises.<sup>576</sup> These financiers were critical in availing capital to be used in the preparation and execution of the pirate attacks. As close allies and associates to the pirate masters, they entrusted their money to them on the basis of trust. Nonetheless, pirate masters approached wealthy businessmen whom they perceived as willing to fund piratical enterprises. The financiers' monies were used in the acquisition of the desired pirate gangs' weaponry and maritime implements that aided the capture of targeted vessels. It is also possible that some of the financiers purchased some of the sophisticated pirate implements such as satellite phones in foreign capitals and send them to the pirate masters along the Somali Coast. At the end of a successful pirate hijacking and ransom payment, the financiers were paid an already agreed percentage. According to the financiers, their investment in piratical enterprise was worthwhile when business was good. Financers received between 30-75 % of the ransom payment. This amount was dependent on the initial amount put in by the financier as compared to the total cost of the operation. For instance, when ransom was paid for *MV Blue Star*, an Egyptian cargo ship that was captured on 1<sup>st</sup> of January 2009 and released on 5<sup>th</sup> of March 2009, the financier pocketed 50% of the amount paid.<sup>577</sup> In the case of *MV Thor Star*, a Thai freighter, that was seized 12<sup>th</sup> of August 2008 and released in May 2009,

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<sup>574</sup> Oral Interview, Hassan Hussein Mohammed, Shimo la Tewa Prison, March 13, 2015.

<sup>575</sup> Palmer, *The New Pirates*, 96.

<sup>576</sup> Oral Interview, Andrew Mwangura.

<sup>577</sup> The World Bank, *Pirate Trails; Tracking the Illicit Financial Flows from Pirate Activities off the Horn of Africa*, (Washington DC: 2013): 48, April 21, 2019, <http://documents.worldbank.org/curated/en/408451468010486316/pdf/812320PUBOREVI00Box379838B00PUBLIC0.pdf>.

the financier received 75% of the paid ransom.<sup>578</sup> Seemingly, each pirate master had his own set of financier(s) who in most cases were members of local communities where the pirate leaders and their gangs operated in.<sup>579</sup> Some financiers gave money to different pirate masters as a way of spreading their risks and a hope of making some profit. A cadre of financiers was based outside of Somalia. There are strong suspicions that Somali businessmen in Mombasa in Kenya and Dubai in United Arab Emirates provided financial backing to some of the pirate leaders.<sup>580</sup> The foregoing proves that piracy in Somalia had a clear economic activity with established organizational structures and a well-known syndicate of financiers.

Although it is difficult to detail all the pirate gangs that dominated Somali piracy due to their tendency to change names for camouflage purposes, some of them were in public domain, a fact that confirms that piracy had become a way of life rather than an exception. Further, the pirates' public operations justifies the lexical label of 'Somali piracy,' a piracy that was uniquely Somali, perhaps the only place in the world where pirates weren't criminals of the 'underworld.' Likewise, prominent and professionally organized gangs were based in Puntland, the capital of Somali piracy. These specialized gangs were located in Puntland's four geographic areas of South-East of Socotra Island, Ras Asir off North-East Somalia, Alula Cape off Northern Somalia and Barendra village about 150 kilometres East of Bossaso.<sup>581</sup> These were Somalia's oldest pirate gangs.<sup>582</sup> Both the gangs' masters and members had considerable experience in pirate activities. Andrew Palmer categorized the gangs into two main blocks, Puntland Piracy Network (PPN) and Hobyo-Haradhere Network (HHN).<sup>583</sup> A 2005 UN report differently categorized the pirate gangs as the Somali Marines and Puntland gangs who operated in the central Somalia coast and Puntland coast respectively.<sup>584</sup> The report presented the Somali Marines as being sophisticated of all the gangs due to their military-like organization and its attendant capability to stage deep sea attacks from their operational bases in Haradheere and Ely.<sup>585</sup> The Somali Marines later took up

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<sup>578</sup> Ibid.

<sup>579</sup> Oral Interview, Andrew Mwangura.

<sup>580</sup> Ibid.

<sup>581</sup> Ibid.

<sup>582</sup> Murphy, *Somalia: The New Barbary*, 95-96.

<sup>583</sup> Palmer, *The New Pirates*, 96.

<sup>584</sup> Nassir Abdulaziz Al-Nasser, Report on the Monitoring Group on Somalia Pursuant to Security Council Resolution 1630, (2005), S/2006/229, United Nations, May 4 2006, <https://www.undocs.org/S/2006/229>.

<sup>585</sup> Ibid.

other names such as Defenders of Somali Territorial waters, Ocean Salvation Corps, Central Regional Coast Guards.<sup>586</sup>

As Somalia's oldest and earliest pirates, Puntland gangs were made up of experienced old men who conducted their activities away from limelight and besides presenting themselves as fishermen. The gangs' domination of the coastal stretch between Mogadishu and Puntland's border point with Somaliland<sup>587</sup> was entrenched by execution of pirate operations out of multiple coastal towns and villages such as Xabo, Bargaal, Bandarbeyla, Ceelaayo, Ceel Dhaanan, Caduur, Eyl and Garacad.<sup>588</sup> These towns and villages had different pirate peak periods and these gangs particularly those that operated along the coast of Puntland have accused of compromising and coopting the region's authorities into their piratical enterprise.<sup>589</sup>

In southern Somalia, there was the National Volunteer Coast Guard whose attacks mainly targeted foreign fishing vessels. Operating out of Kismayu and other neighbouring village ports, the group was dominated by the Majerteen clan members.<sup>590</sup> The Majerteen are dominant both in Kismayu and in the breakaway region of Puntland. At one point, the group was led by Garaad Mohammed, who is believed to have later joined the Islamic Courts Union (ICU).<sup>591</sup> In Marka, a port to the South of Mogadishu operated a constellation of pirate gangs whose sea range was limited,<sup>592</sup> a reality that only enabled them to target fishing vessels and other vessels that sailed close to the coastline. Whereas piratical activity off the Somali coast is centuries old, the organizational capability of late 20<sup>th</sup> and early 21<sup>st</sup> century Somali pirates exhibited sophistication when compared to 16<sup>th</sup> and 17<sup>th</sup> centuries Portuguese coastal banditry along the East African coast.

Experienced pirate gang leaders had a strict list of qualifications that included warfare and maritime knowledge for persons who were to be recruited into their groups. However, the regular

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<sup>586</sup> Murphy, Somalia: *The New Barbary*, 95-96.

<sup>587</sup> Ibid, 31.

<sup>588</sup> Ibid, 97-98.

<sup>589</sup> Palmer, *The New Pirates*, 101.

<sup>590</sup> Ibid, 30-31.

<sup>591</sup> Al-Nasser, 1630, (2005), S/2006/229, 27.

<sup>592</sup> Palmer, *The New Pirates*, 114.



requirement was that of people with familial or communal ties to piracy.<sup>593</sup> Gangs made up of members with familial ties included the Ali Dhumwa pirate gang that operated out of the Bossaso port and the Afweyne family that was dominant in the Haradheere region.<sup>594</sup> Communal driven gangs included Warsangeli, a gang founded by Ali, a former fisherman. Such communal pirate gangs had in some cases converted from fishing enterprises.<sup>595</sup> Nevertheless, the Somali pirate gangs were loosely put together under the influence of an experienced pirate master with close links with businessmen who had financing power and local communities for protection.

Though centrally organized along clan identities, the Samalia's pirate gangs were structurally varied in terms of composition. Somali pirate gangs were anything between a family group of father and son and their operational singular skiff to larger groups of about 200 members.<sup>596</sup> It is this larger and somewhat professional groups that drew membership from beyond the clan as their leaders sourced for specific qualities and specializations from the recruits. This relatively large pirate gangs had a military-like hierarchy and departmentalized operations to ensure efficiency.<sup>597</sup> These operations included accountancy, cooking, food supplies, guarding, interpretation and open sea vessel attacking and hijacking.<sup>598</sup> It is believed that the high demand for pirates by the then burgeoning pirate gangs during Somalia's piracy golden era of 2008-2011, saw the recruitment of children into pirate attacking roles. Having acquired experience in gun use from Somalia's multiple militias, the child recruits were only given basic navigational training before being sent out to the sea.<sup>599</sup> However, fresh recruits were taken through considerable training in gun use and navigation before being sent out into the sea. There were yet to be substantiated accusations alleging that Al Shabaab terrorist fighters trained newly recruited pirates in navigational skills and supplied them with weapons.<sup>600</sup>

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<sup>593</sup> Ibid.

<sup>594</sup> Ibid.

<sup>595</sup> Ibid.

<sup>596</sup> Hansen, *Piracy in the Greater Gulf of Aden*, 34.

<sup>597</sup> Palmer, *The New Pirates*, 163.

<sup>598</sup> Ibid, 163-164.

<sup>599</sup> Ibid, 164.

<sup>600</sup> Ibid.

During the period 2008-2011, vessel hijacking and ransom payment reached its peak. One consequence of this was infighting among the gangs over ego driven disputes<sup>601</sup> that resulted in splintering of groups. Another outcome of the increase in hijacking and ransom payments was the proliferation of the pirate gangs and the consequent unmanageability of them. In spite of this multiplication, pioneer and old pirate leaders continued to play significant roles of coordination, training and recruitment.<sup>602</sup> Aside from the splintering of these gangs, the gangs increasingly came under attack from anti-piracy forces who had increased their presence in the waters off the Somalia coast towards the end of 2011. The entry of these anti-piracy naval forces was the beginning of the end of the second golden age of Somali piracy that lasted between 2008 and 2011. Eventually, the naval forces were able to minimize and almost altogether stop the Somali piracy attacks by 2012.<sup>603</sup> While there were about 49 unsuccessful pirate attempts in 2012 by Somali pirates, the attempts drastically dwindled to 15 in 2013, 11 in 2014 and none in 2015.<sup>604</sup>

Though there was no pirate attack in 2015 by Somali pirates, the danger of successful hijacking of vessels remains a problem on the Somalia coast.<sup>605</sup> In the interest of pursuing a complete map of Somali piracy, its portrait of is better illuminated when augmented by analysis of the pirates' apparatus and weapons.

#### **4.4 Pirates Apparatus and Weapons**

Somali pirates undertook their hijacking operations in similar ways as military units do in that they not only use area specific tools and weapons but also invent others to overcome new challenges and dynamics. Guided by the desire for adaptive tools and weapons, the pirates embraced the maneuverable skiff as the main operational craft for pirate operations before its limitations and susceptibilities implored them to innovate larger vessels into dependable pirate crafts. Similar adaptive tendencies made them appreciate the complex labyrinth of small arms in the Horn of Africa which they thereafter weaved into their operations by adopting the easily used

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<sup>601</sup> With ransom money becoming a constant feature, the now 'rich' pirates became unruly and uncontrollable.

<sup>602</sup> Hansen, *Piracy in the Greater Gulf of Aden*, 34.

<sup>603</sup> Some attacks went unreported for diverse reasons thus pronouncement of end of piratical attacks is not necessarily factual.

<sup>604</sup> Jason Patinkin, *Somalia's Pirates Are Back in Business: Lawlessness Onshore is Fuelling a Resurgence of Crime on the High Seas*, Foreign Policy Dispatch, April 9, 2017, accessed on June 25, 2017, <http://foreignpolicy.com/2017/04/09/somalias-pirates-are-back-in-business/>.

<sup>605</sup> Ibid.

AK-47 and adaptable Rocket Propelled Grenade (RPG) as the typical operational guns.<sup>606</sup> While RPG's were effective in slowing targeted vessels for boarding purposes, AK 47's were instrumental in close combat engagements within the vessel. Just like well-trained soldiers, pirates carried knives as their last defense weapon in case of personal combat.<sup>607</sup> The pirates' tools of trade were night vision goggles, GPS systems, satellite phones and ship identification systems.<sup>608</sup> These three navigational aids were expensive and thus a preserve of the more professional and well-funded pirate gangs.

Somali pirates' popular operational craft was the skiff, a small coastal fishing boat of shallow draft with a pointed bow and square stern with unsophisticated electronics and cheap maintenance. Its \$ 2,200 price tag made it a much sought after boat in Somalia and beyond.<sup>609</sup> Initially propelled by oars or sail, the skiff was improved to be powered by an outboard engine with Yamaha Enduro 40hp model being widely used by Somali pirates.<sup>610</sup> Built on glass-fibre at about 6 metres long, the skiff was introduced in Somalia in the 1980's by a Swedish development NGO to help coastal fishermen.<sup>611</sup> The craft was branded *Leila Alawi*, a popular Egyptian singer whose rhymes the Yamaha Enduro's splatter with water when in motion were likened to.<sup>612</sup> A longer skiff was later introduced in Somalia for supportive functions such as carrying of extra weapons, navigational aids and food and stimulant khat supplies. Capable of high maritime speeds of 26 knots or 48km/h and easy maneuverability, the skiff's higher speed was advantageous in comparison to the pirates' slow-moving cargo laden targets. In addition, its generous space allowed pirates to carry grappling hooks, aluminum ladders, ropes and fishing lines for hijack expeditions.<sup>613</sup> Advanced skiffs were equipped with sophisticated tools such as night-vision goggles, GPS systems and satellite phones.

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<sup>606</sup> Ploch, Blanchard, O'Rourke, Mason & King, *Piracy off the Horn of Africa*, 9.

<sup>607</sup> Oral Interview, Mohammed Abdi Hussein, Convicted Prisoner, Shimo La Tewa Prison, March 13, 2015.

<sup>608</sup> Palmer, *The New Pirates*, 176-186.

<sup>609</sup> Ibid, 165.

<sup>610</sup> Claude Heller, Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1853 (2008), S/2010/91, United Nations, 86, March 10, 2010, <https://www.undocs.org/S/2010/91>.

<sup>611</sup> Ibid.

<sup>612</sup> Ibid.

<sup>613</sup> Keyserlingk, *Understanding Somali Piracy*, 19.

Nonetheless, the skiff's vulnerability to easy sinking from rough waters and strong winds as well as its limited short range at sea forced the pirates to look for an alternative craft whose urgency was augmented by the relocation of the prized commercial vessels into the deep waters of the Indian Ocean due to persistent attacks leading to a distinctly Somali pirate invention of fishing trawlers as motherships which they used as Large Pirate Support Vessels (LPSVs).<sup>614</sup> Motherships enabled Somali pirates to pursue and attack their targets in Indian Ocean's deep waters as far as Seychelles, Madagascar, Mauritius, Comoros and the French territories of Mayotte, the Maldives, Tanzania, Mozambique etc.<sup>615</sup> They primarily complemented skiffs by carrying food, water, tools and weapon supplies deeper into the sea. As vessels with superior navigational capabilities such as long range and good speeds, the motherships were used as staging posts for attacks deep into the sea.<sup>616</sup> They significantly increased the duration and intensity of Somali pirate campaigns as they minimized their onshore refueling and restocking trips due to their large holding capacities. The introduction of "advanced" motherships such as the Japanese Tuna boat which was equipped with voluminous tanks, modern electronic tools such as a radar, AIS tracker, GPS navigation aids and a standard communications radio, greatly boosted piratical success rates.<sup>617</sup> Similarly, *Win Far 161* and *Jih-Chun Tsai 68*,<sup>618</sup> both Taiwanese Tuna boats were hijacked and converted into motherships. *Win Far 161* was hijacked around April 2009 and released in February 2010 while *Jin-chun Tsai 68* was hijacked on 30<sup>th</sup> March, 2010 and sank on 12<sup>th</sup> May, 2011. It is probable to deduce that Somali pirates' choice for Tuna boats was an attempt to camouflage their pirate operations as attacks on illegal fishing vessels.<sup>619</sup>

Spurred by the advantages of the revolutionary conversion of fishing vessels into motherships in their hijacking operations, Somali pirates began to target merchant ships and yachts for conversion into motherships. Endowed with beneficial capabilities such as capacity to carry heavy guns, several skiffs and capability to attain high speeds, merchant motherships became

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<sup>614</sup> Palmer, *The New Pirates*, 166-167

<sup>615</sup> Fernando Ibáñez Gómez & Miguel Ángel Esteban Navarro, *Analysis of the Somali Pirate Attacks in the Indian Ocean (2005-2011)*: 18-19, February 2013, accessed August 27, 2017, file:///C:/Documents%20and%20Settings/user/My%20Documents/Downloads/36-187-3-PB%20(1).pdf.

<sup>616</sup> Keyserlingk, *Understanding Somali Piracy*, 18.

<sup>617</sup> Palmer, *The New Pirates*, 167

<sup>618</sup> Ibid, 168-169.

<sup>619</sup> See chapter 2 for a deeper analysis on the motives underlining the rise and escalation of Somali piracy.

effective and popular pirate vessels<sup>620</sup> while their indistinguishability from other cargo vessels allowed pirates to get as close as possible to their targets before launching an attack. Both fishing and merchant vessel motherships were variably used either as interceptors, way layers or chasers of targeted vessels.<sup>621</sup> These benefits were further accentuated by availability of internet services in some motherships which had the capability of accessing other vessels location, direction and speed due to their Automatic Identification System (AIS).<sup>622</sup> Moreover, motherships were used as deep sea suppliers to other pirate gangs in smaller vessels with whom they had some mutual understanding. Motherships also availed opportunities for pirates to line up captured crew members as a human shields in case the pirates came under attack from anti-piracy navies.<sup>623</sup> Another advantage of the mothership to the pirates was the incapability of anti-piracy navies to distinguish between crew members and pirates on the hijacked vessel. An example was the sinking of *FV Ekwat Nava 5*, a hijacked Thai fishing boat turned mothership alongside its crew by the Indian navy on 18<sup>th</sup> November 2008 after the Somali pirates onboard escaped.<sup>624</sup>

As a dangerous exercise, pirate attacks and ransom processes were undertaken by substantial firepower that was fed by the region's long history with small arms. This history allowed Somali piracy to fit within a complex labyrinth of small arms trade, an underground 'empire' whose dominant agents were Somalis due to Somalia's exposure to foreign influences whose products included arms deliveries.<sup>625</sup> This exposure was further accentuated by Somali coast centuries-old piratical activities and power struggles that necessitated access to weapons.<sup>626</sup> During Europe's scramble for Africa in the nineteenth century, Somalis were partitioned into colonial administrations under the British, French, Italians and Ethiopians. A resistance against their rule resulted in the rise of the charismatic Seyyid Mohammed Abdille Hassan 'Mad Mullah' whose campaign against the foreign occupiers is alleged to have been aided by Turkish weapons.<sup>627</sup> Somalia's attainment of independence in 1960 during the height of the Cold War and her

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<sup>620</sup> Palmer, *The New Pirates*, 167.

<sup>621</sup> Ibid, 184.

<sup>622</sup> Ibid.

<sup>623</sup> Randeep Ramesh, "Pirate ship sunk by Indian navy was hijacked Thai trawler," *Guardian*, November 26, 2008, [www.guardian.co.uk/world.2008/nov/26/piracy](http://www.guardian.co.uk/world.2008/nov/26/piracy) and "Somali pirate 'mother ship' sunk by Indian navy turns out to be Thai trawler," *Daily Mail*, November 26, 2008.

<sup>624</sup> Ibid.

<sup>625</sup> Harper, *Getting Somalia Wrong*, 45-46.

<sup>626</sup> Smith, "The Machinations of the Majerteen Sultans.

<sup>627</sup> Harper, *Getting Somalia Wrong*, 47-49.

strategic location influenced the Union of Soviet Socialist Republics to give her generous military assistance.<sup>628</sup> This Soviet arms aid was followed by similar deliveries from a multiplicity of other countries. While the aid was meant for the state, heightening clan-centred factional politics and multiple armed struggles initially resulted in the diversion of the arms into non-state entities and later into communities.<sup>629</sup> An example was the Shifta War in Kenya where the Somali state gave support to Somali secessionists in Northeastern Kenya in the hope of realization of a Greater Somalia state. The subsequent small arms proliferation resonates with the order of the disorder that is Northeastern Kenya to date. In addition, the Ogaden War of 1977 and 1978 between Somalia and Ethiopia, Sudan's civil war and the Tanzania backed 1976 overthrow of President Idi Amin of Uganda further flooded small arms throughout the region. By 1989, proliferation of arms was an open secret as Somalia descended into an open civil war whose ramifications was occasioning of a population that was familiarized with weapons.<sup>630</sup> Collapse of Siad Barre's regime in 1992 only aggravated arms proliferation in Somalia as multiple external and internal suppliers (both state and non-state actors)<sup>631</sup> participated in flooding her with arms in violation of UN Security Council Resolution 733 of 1992.<sup>632</sup>

Somali piracy fitted into this 'order' in the disorder of a thriving arms trade as the pirates had the privilege to choose weapons to use in their operations with the Soviet AK-47s and RPGs emerging as the most preferable. Widely renowned as a prolific weapon due to its killing power, the Chinese-made Type 56 AK-47 became a favourite for Somali pirates.<sup>633</sup> The RPG was another common Somali pirate weapon that used multiple grenades.<sup>634</sup> Although capable of a good firing range, the RPG had a challenge when it was launched from the moving pirate crafts as it was difficult to attain a precise shooting range. RPG's were also used to frighten targeted crews into surrendering to the pirates. Other weapons used by the pirates included the SAR-80, Heckler and Koch G3 assault rifles, Tokarev pistols and man-portable surface-to-air missiles for

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<sup>628</sup> Stevan Tafrov, *Report of the Panel of Experts on Somalia Pursuant to Security Council Resolution 1425, (2002)* (S/2003/223, United Nations, 13, March 25, 2003, <https://www.undocs.org/S/2003/223>).

<sup>629</sup> Ibid.

<sup>630</sup> Ibid.

<sup>631</sup> Dumisani Shadrack Kumalo, *Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1766 (2007)*, S/2008/274, United Nations, April 24, 2008, <https://www.undocs.org/S/2008/274> and Palmer, *The New Pirates*, 174.

<sup>632</sup> Ibid.

<sup>633</sup> Heller, 1853 (2008), S/2010/91, 75.

<sup>634</sup> Palmer, *The New Pirates*, 176-178.

protection from helicopter attacks.<sup>635</sup> It is also believed that Somali pirates may have used anti-tank missiles such as ex-Soviet AT-3 Sagger, AT-6 Spiral and RPG 29, all potent weapons that required skilled training before use.<sup>636</sup> These were but a fraction of the many weapons that were in use throughout Somalia.<sup>637</sup> The weapons and apparatus that were used by pirates were deployed by specific technicalities and operational norms to ensure success in hijack processes.

#### **4.5 Pirate Techniques and Operations**

At its peak, Somali piracy had metamorphosed into a ‘piracy empire’ whose sophisticated international system was characterized by a syndicate of massive resources, advanced techniques, arms deals and underhand tactics that found resonance in well-organized pirate gangs made up of commanders, experts, sea-faring individuals and financiers in the shadows. Once a decision was reached by a Somali pirate gang to go into the sea to launch an attack, necessary critical preparations are put in place. In the case of well-funded and professional gangs, advance teams are sent out into the sea to scout for targets. These advance teams seemingly benefitted from intelligence that was given by their contact persons in ports around the region.<sup>638</sup> The role of such an advance team was to signal and coordinate the attack of the targeted vessel. Ordinarily, a basic pirate operation comprised of a varied number of attackers on the basis of a pirate gang’s strength and target. Due to the dictates of piratical attacks of staying for extended periods out in the sea, sufficient provisions and weapons were carried by the pirate teams. Provisions included fuel, food, khat and water while the pirates’ weapons were AK-47s, RPGs, Tokarev pistols, anti-tank rocket launchers and extra magazines. The pirates’ carried equipment such as mobile phones, a GPS, small boat radars, binoculars, grappling hooks and telescopic aluminium ladders.<sup>639</sup> Launched either from a mothership or the shore, a pirate attack team was made up of about two or more skiffs. Operational costs for a pirate attack mission were met by the gang’s master and financier(s).

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<sup>635</sup> Ibid.

<sup>636</sup> Palmer, *The New Pirates*, 177-178.

<sup>637</sup> Heller, 1853 (2008), S/2010/91, 74-85.

<sup>638</sup> Dumisani Shadrack Kumalo *Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1811 (2008)*, S/2008/769, December 10, 2008, 30, <https://www.undocs.org/S/2008/769>.

<sup>639</sup> Ibid.

Targeting and hijacking a vessel required good navigational knowledge and experience as deep sea attacks required shipping industry intelligence while attacks conducted in waters close to the shore were dependent on local fishermen's sightings and strategic patrols.<sup>640</sup> Informed pirates generally understand the vulnerabilities of merchant vessels such as low speeds, low boarding heights, unavailability of radars, lack of CCTV cameras, small crew numbers and limited visibility from the bridge.<sup>641</sup> It is these weaknesses that pirates exploited to hijack merchant vessels such as bulk carriers. Advantaged by their fast moving skiffs vis-à-vis their heavier and slower target, pirates in two or three skiffs fired at the targeted vessel to force it to slow down.<sup>642</sup> The shooting was also meant to stumble the crew into a response and thus inadvertently reveal their identities to the pirates, an opportunity that enabled the pirates to avoid attacking armed or security vessels with superior firepower. After approval from the pirate gang's leader; one skiff's crew members' attempted to board the bridge as the other crew members provided cover. Upon successful hooking of the pirate gang's ladder to the targeted vessel's rail, one brave man went in first for a quick look around before signaling his colleagues to board the vessel.<sup>643</sup> Brave men who were first to board vessels were heavily rewarded for their courage.<sup>644</sup> Once all the pirates were on board, they carefully and strategically took control of critical positions of the vessel as they simultaneously frisked and herded crew members to areas of easy control.<sup>645</sup> Pirates knew that any loophole could be exploited by the held crew members or anti-piracy naval forces to their detriment.

Boarding a vessel for hijack purposes was problematic as some vessels had defensive aspects that were activated to keep the pirates at bay. Amongst these aspects was the option of a captain engaging a higher speed and simultaneous defensive maneuvering to deter pirates from boarding the vessel.<sup>646</sup> Still, the captain had an option of directly hitting and immobilizing the pirates' skiffs<sup>647</sup> or engaging the automated water cannons, lasers, flares, thunder flash fireworks and

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<sup>640</sup> Palmer, *The New Pirates*, 179.

<sup>641</sup> Ibid, 180.

<sup>642</sup> Hansen, *Piracy in the Greater Gulf of Aden*, 39.

<sup>643</sup> Ibid.

<sup>644</sup> The reward was a new car and a bigger share of the ransom money.

<sup>645</sup> Oral Interview, Hamisi Salim Mwachengo, former hijacked Sailor, Kenya Seafarers Association's Office, Mombasa, April 15, 2017.

<sup>646</sup> Palmer, *The New Pirates*, 180.

<sup>647</sup> Ibid.



searchlight to fend them of.<sup>648</sup> These initiatives proved futile in deterring the pirate attacks even after introduction of protective razor wires and electric wires in vessels.<sup>649</sup> As a consequence of the futility, vessels plying the Western Indian Ocean and Arabian Sea began to deploy armed guards on board to deter the persistent Somali pirates.<sup>650</sup>

During the 2009-2010 season, pirates aided by the long range nature of motherships moved their attacks further into the Arabian Sea as far as the Maldives and roamed the Indian Ocean waters as far South as Seychelles and Mozambique Channel.<sup>651</sup> This strategy stretched the anti-piracy naval forces over huge water bodies which in reverse left the Western Indian Ocean, Gulf of Aden and southern part of the Red Sea vulnerable to pirate attacks. As a consequence, the Gulf of Aden witnessed the hijacking of *MV St. James Park* on 28<sup>th</sup> December 2009, *MV Pramoni* on 1<sup>st</sup> January 2010 and *MV Moscow University*, a Russian tanker on 5<sup>th</sup> May 2010.<sup>652</sup> In the southern part of the Red Sea, *MT Golden Blessing* was seized on 28<sup>th</sup> June 2010 and *MT 2010 Motivator* was successfully boarded on 4<sup>th</sup> July 2010.<sup>653</sup>

This expansion of pirate attacks beyond the patrolled waters was possible due to the invention of motherships whose superior navigational capabilities and additional technologies such as ship identification systems<sup>654</sup> was complimented by the use of night vision goggles, GPS systems, satellite phones. These far-flung attacks were partly aided by the use of Automatic Identification System (AIS) tracking which was fitted in most vessels to enable<sup>655</sup> them to pick each other's names, positions, courses, speeds and destinations in their vicinities.<sup>656</sup> There were many AIS programme receivers in the market such as the \$4,400 American Manufactured *Radarplus Smi 610-2A* that was mounted on modern Tuna boats turned motherships that enabled them to read

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<sup>648</sup> Ibid.

<sup>649</sup> Ibid, 180-181.

<sup>650</sup> Michelle Wiese Bockmann, "Armed Guards can Help cut Insurance Shipping Costs," *Bloomberg*, May 23, 2012, <http://www.bloomberg.com/news/2012-05-11/armed-guards-can-help-cut-insurance-costs-for-shipping-companies.html>.

<sup>651</sup> Palmer, *The New Pirates*, 182.

<sup>652</sup> Ibid.

<sup>653</sup> Ibid.

<sup>654</sup> Ibid, 182-186.

<sup>655</sup> This requirement was adopted by International Maritime Organization (IMO) in 2000 to provide automatic information to other ships and coastal authorities for monitoring and security reasons. This requirement became effective for all ships by 31<sup>st</sup> December, 2004.

<sup>656</sup> Palmer, *The New Pirates*, 184.

information on standard PC or an electronic chart system.<sup>657</sup> The AIS had different technologies and its standard range of receiving information was an arc of 40 nautical miles for a pirate mothership and possibly more if the pirates worked as packs.<sup>658</sup> Assuming three motherships worked together, they cumulatively covered 120 nautical miles that benefitted them with easy identification, tracking and ambushing of targeted vessels. There were fears that Somali pirates could lay their hands on Long Range Identification and Tracking (LRIT), a much superior tracking system with capability of covering 2000 ports, terminals and anchorages, five-day weather forecast, dynamic vessel searching and coverage of 25,000 live vessels at any one time.<sup>659</sup>

There were allegations that the Somalia's big pirate gangs recruited and stationed individuals in regional ports to act as spotters for potential vessels to be targeted for hijacking.<sup>660</sup> These individuals operated as intelligence gatherers who sought information about the vessels' cargo, crew members, country flag and origin as well as the vessel's scheduled route.<sup>661</sup> On the basis of some analysis, the spotters are then believed to have advised their clients on the vessels to target. Yet, this supposed usage of spotters was a rarity as statistics show that Somali pirate hijackings were patrol driven. Multiple recordings of Somali pirates who unknowingly targeted military or armed vessels indicate that the use of spotters was a rarity and not the norm for Somali pirates.<sup>662</sup> Nonetheless, the supposed use of intelligence by Somali pirates was seemingly factual and not mere allegations. According to a report by *Cadena Ser* that was quoted by the British Guardian Newspaper, major Somali pirate gangs had London-based consultants whose counsel enabled them to choose targets.<sup>663</sup> The report stated that three vessels-Turkish chemical freighter *Karagol*, Greek cargo ship *Titan* and Spanish tuna trawler *Felipe Ruano* were successfully hijacked after exchange of information between the pirates and their London consultants cum informers.<sup>664</sup> The intelligence provided detailed information on a vessel's cargo, ports of call,

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<sup>657</sup> Ibid.

<sup>658</sup> Ibid.

<sup>659</sup> Information accessed from [www.aislive.com/services.html](http://www.aislive.com/services.html), a maritime web portal on December 20, 2018.

<sup>660</sup> Ploch, Blanchard, O'Rourke, Mason & King, *Piracy off the Horn of Africa*, 36.

<sup>661</sup> Keyserlingk, *Understanding Somali Piracy*, 19.

<sup>662</sup> Oral Interview, Ali Mgeni Juma, Sailor, Kenya Seafarers Association's Office, Mombasa, April 15, 2017.

<sup>663</sup> Giles Tremlett, "This is London - the capital of Somali pirates' secret intelligence operation," *Guardian*, May 11, 2009, <https://www.theguardian.com/world/2009/may/11/somalia-pirates-network>.

<sup>664</sup> Ibid.

nationality and course thus easing the hijacking process. The Guardian report further described how the hijacking of *Karagol* in the Gulf of Aden after a tip off from London's informers made the pirates to practice how to ambush and take control of the vessel.<sup>665</sup> As if to corroborate the story, the paper went on to quote Haldun Dincel, *Karagol's* company's lead negotiator with the pirates who said that the pirates made multiple calls from the vessel to London, Dubai and Yemen via satellite phones.<sup>666</sup> As aforementioned, Somali pirate gangs transformed the initially mundane Somali piracy into an organized, lucrative and global criminal business enterprise.

#### **4.6 Somali Piracy as a Business**

Yearning for money from their substantial piratical investment and involvement, Somali pirates transitioned their activities into business-like entities whose tentacles spread from local communities to shadowy regional and international players with ransoms being the central cog of the business. And just like other business entities, a code of conduct was developed to ease transactions and predetermine orderliness in the business. Over time, the ransom-anchored piracy enterprise grew not only into a multiple employer but an income generating activity in Somalia and beyond as elucidated in chapter seven.<sup>667</sup>

At the local level, the Somali piracy business structure was reliant on enabling circumstances such as supportive coastal communities and local leaders as well as accessibility of technical and financial resources. Availability of individuals who were willing to work as pirates and who had in their disposal appropriate implements and weapons sourced from their arms flooded localities. Similarly, small local supply outlets and networks that were clan oriented were integrated in the business by availing requisite provisions such as food, water and khat to the pirates.<sup>668</sup> It was within these local circumstances that small pirate gangs thrived but were transcended by the bigger pirate gangs.

In the case of major pirate groups, ransom successes fuelled the evolvement of their business and management structures. This transformation birthed new organizational structures with a degree

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<sup>665</sup> Ibid.

<sup>666</sup> Ibid.

<sup>667</sup> Kreyserlingk, *Understanding Somali Piracy*, 25.

<sup>668</sup> *New York Times*, "Somali sea gangs lure Investors at pirate lair," *New York Times (Online)*, December 2, 2009, <http://dealbook.nytimes.com/2009/12/02/somalia-sea-gangs-lure-investors-at-pirate-lair/>.

of professionalism where there was a guarantee of every participant getting a share of the ransom money.<sup>669</sup> By transcending clan identities,<sup>670</sup> major pirate gangs had a membership made up of experts. Jay Bahadur's description of one major pirate gang shows the structure of a typical pirate gang.<sup>671</sup> Based in Eyl, the gang had 35 members with 4 officers at the top of the gang's hierarchy. The top hierarchy was made up of the gang's commander or master,<sup>672</sup> an interpreter who translated ransom negotiations that were mostly done in foreign languages, a cost and payment tracking accountant and a logistics officer in charge of supplies to the pirates.<sup>673</sup> In the second tier were the sea-faring attackers whose numbers varied on the basis of the nature of vessel to be attacked but with a constant of nine.<sup>674</sup> Below them were cooks who prepared food for the gang.<sup>675</sup> There were also about 20 men who guarded hijacked vessels as ransom negotiations went on.<sup>676</sup> This hierarchy dictated the sharing formula of ransom money.

Both small and large pirate gangs' membership was loose but tied to a pirate commander/master who had close association with financier(s) whose finances were used to purchase pirate equipment, weapons where necessary, food and operational money. This individual investment venture took an astounding turn when the people of Haradheere<sup>677</sup> established some sort of a 'stock exchange' market where members invested their money, weapons or pirate implements for financial returns.<sup>678</sup> Potential investors bought shares in form of money, tools and weapons with expectations of future ransom returns. The assembled pool of cash, implements and weapons as share contributions from the members was distributed to the pirate groups in the area of Haradheere.<sup>679</sup> In this arrangement, Haradheere got a given percentage of ransom proceeds at the end of successful hijack operations. These proceeds went to individual 'share holders' on the

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<sup>669</sup> Heller, 1853 (2008), S/2010/91, 99.

<sup>670</sup> Though large pirate groups had membership from many clans, there was one dominant one particularly from their clan of operation.

<sup>671</sup> Bahadur Jay, "Pirates INC," *Financial Times*, June 23, 2010L <https://www.ft.com/content/e5f60614-7d23-11df-8845-00144feabdc0>.

<sup>672</sup> There were cases of different financiers funding different operations.

<sup>673</sup> Jay, "Pirates INC,"

<sup>674</sup> Ibid.

<sup>675</sup> Ibid.

<sup>676</sup> Ibid.

<sup>677</sup> Haradheere is an historic coastal town in Mudug Province in central Somalia. It is currently situated in the breakaway Galmudug State and it was a major centre of piracy.

<sup>678</sup> Mohamed Ahmed, "Somali Sea Gangs Lure Investors at Pirate Lair," *Reuters*, December 1, 2009, <http://www.reuters.com/antiare/africacrisis/idUSGEE%ASOEU>.

<sup>679</sup> Ibid.

basis of what they had invested while some percentage was put into the maintenance of public institutions in the area.<sup>680</sup>

To ensure longevity, order and professionalism in the business, Somali pirate gangs established an unwritten code of conduct whose provisions included payment to sea-faring pirates and the technical members only after a successful execution of a hijack mission. The same practice was applied to the suppliers as they could only get their share after successful payment of ransom money.<sup>681</sup> Other requirements of the code required Somali pirates not to injure their captives as such an act reduced their bargaining power and lessened ransom amounts. These regulations were accompanied by attendant penalties if they were violated. A pamphlet containing these regulations was discovered after the repossession of the hijacked *Le Ponant*, a French yacht,<sup>682</sup> which had been grabbed on 17<sup>th</sup> April 2008. It is believed that these pirate procedures may have originated from either Puntland's or central Somalia's pirate masters who also masterminded the Marjerteen-Suleiman pirate clan alliance. The subsequent expansion and refinement of the regulations and resultant penalties for disobedience minimized quarrels amongst members or clans on sharing of ransom proceeds.<sup>683</sup> Extra-clan cooperation and dispute resolution prompted the adoption and loose use of the traditional Somali *Xeer* system alongside the regulations.<sup>684</sup> Indeed, while code's flexibility allowed distressed pirate gangs to seek approval to dock their hijacked vessels in another gang's or clan's territory after inability to access their choice destination,<sup>685</sup> then *Xeer* was put into service to agree on how the ransom money could be shared.<sup>686</sup> This, however, never negated the centrality of the clan in the Somali piracy as clan affiliated pirate gangs had minimal intra-clan conflicts but clan's support came in handy when they were threats from another clan or even government authorities such as the Puntland administration.<sup>687</sup> In principle, pirate gangs were expected to be observant and not to hijack ships of other Somali clans to minimize intra-clan conflict and when such an attack happened

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<sup>680</sup> Ibid.

<sup>681</sup> Murphy, *Somalia: The New Barbary*, 120.

<sup>682</sup> Murphy, *Small Boats*, 121.

<sup>683</sup> Ibid.

<sup>684</sup> Murphy, *Somalia: The New Barbary*, 120.

<sup>685</sup> Oral Interview, Abshir Salat Elmi.

<sup>686</sup> Ibid.

<sup>687</sup> Hansen, *Piracy in the Greater Gulf of Aden*, 27-28.

unknowingly, the hijacked vessel was promptly released.<sup>688</sup> Pirate groups reinvested part of their ransom proceeds into new attacks thus turning the Somali piracy into a self-financing business enterprise.<sup>689</sup>

Another notable feature of the code that Somali pirates routinely told their captives after seizure of their vessels was that they were not their target but an inconvenience their plan to earn ransom money. However, the hijacked vessel's confined space aroused misunderstandings and suspicions, turning the 'harmless enemies' into tormentors against their captives. In violation of the code, the perceived 'friendly enemies' beat and tortured their captives as a means of eliciting quicker ransom payments responses from the vessels owners and agents.<sup>690</sup> These beatings and torture were characterized by the pirates dragging captives on the ground, locking captives in freezers, tying captives upside down, immersing captives into sea water as well as burning and mutilating their bodies.<sup>691</sup> A good example of such beatings was Captain Prem Kumar of *Ms Rak Afrikana* who was forced to stay on an enclosed bridge, the vessel's control room for 320 days while being ill-fed and beaten.<sup>692</sup> The consequential health complications caused his death just days after his release.<sup>693</sup> An international Maritime Bureau (IMB) annual hostage statistics of 2010 records that 13 out of about 1000 hostages were injured while 8 of them were killed.<sup>694</sup> As much as the hostages were provided with provisions such as water and food, they went through harsh living conditions and psychological trauma. This was because the provisions were always in short supply and many a time, they were left to their devices to survive as exemplified by captured Kenyan sailors who during their captivity survived by drinking open salty ocean water.<sup>695</sup>

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<sup>688</sup> Oral Interview, Yusuf Mohammed Musa, former hijacked Sailor, Kenya Seafarers Association's Office, Mombasa, April 15, 2017.

<sup>689</sup> Kreyslerlingk, *Understanding Somali Piracy*, 25.

<sup>690</sup> Ibid.

<sup>691</sup> The Telegraph, *Somali Pirates using hostages as human shield*, Daily Telegraph, February 3, 2011, <http://www.telegraph.co.uk/news/worldnews/piracy/8300070/Somali-pirates-using-hostages-as-human-shields.html>.

<sup>692</sup> Vijay Mohan, "For 11 months, they stared death in the face," *Tribune News Service*, April 23, 2011.

<sup>693</sup> Ibid.

<sup>694</sup> Ploch, Blanchard, O'Rourke, Mason & King, *Piracy off the Horn of Africa*, 11.

<sup>695</sup> Oral Interview, Mwijuma Juma Pembe, former hijacked Sailor, Kenya Seafarers Association's Office, Mombasa, April 15, 2017.

Hostages also come in hand as a shield when anti-piracy navies conducted rescue operations. Pirates readily used their captives as human shields thus raising fears amongst the anti-piracy forces of harming the same people they were out to rescue. Indeed, attempts by anti-piracy navies to raid and rescue held hostages was a mixed bag of success as some were successfully rescued while others were killed during the process.<sup>696</sup> This inadvertently promoted the pirates demand for ransom as the only reliable route to ending the hijack stalemates.<sup>697</sup>

#### 4.7 Ransom Process

In contrast to other pirates who targeted valuables in the captured vessels, <sup>698</sup>Somali pirates not only entrenched but also popularized the art negotiating for ransom payments for the captured sailors and vessels. In a strategy to ensure that the ransoms were paid, they identified convenient locations to anchor hijacked vessels to facilitate the usually long-drawn ransom negotiations. While they inaugurated a code of conduct to insulate the process from its gangsterism environment, they also hired multilingual and negotiation experts as well as established elaborate ransom delivery systems. Despite Barbary pirates' notable demand and receipt of about \$1 million from the USA in 1795, <sup>699</sup>it was the Somali pirates who perfected the art of ransoming as it was their primary goal. Once a captured vessel was anchored in a convenient port or coastal village, the pirates initiated contact with its owner or agent demanding for ransom. At this point and afterwards, the two sides contracted maritime advisors, lawyers, negotiators, translators, security experts and insurance companies.<sup>700</sup> Pirates preferred hiring Somalis<sup>701</sup> probably due to the trust that exists amongst their extensive clan and sub-clan networks and loyalties.<sup>702</sup> These negotiators were based in regional capitals and ports such as Dubai, Mombasa and Nairobi.<sup>703</sup> Conclusions to ransom negotiations took weeks, months or even years due to different determinants such as capabilities of the negotiating parties to strike a deal, the vessel's owner's power to pay, varying laws from one country to another amongst others.

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<sup>696</sup> Ploch, Blanchard, O'Rourke, Mason & King, *Piracy off the Horn of Africa*, 11.

<sup>697</sup> Ibid.

<sup>698</sup> Kreyslerlingk, *Understanding Somali Piracy*, 17.

<sup>699</sup> Palmer, *The New Pirates*, 190-191.

<sup>700</sup> Heilala Von Kreyslerlingk, *Understanding Somali Piracy*, 19.

<sup>701</sup> Ibid.

<sup>702</sup> Most Somali piracy ransom negotiations are sealed by Somali middlemen or agents.

<sup>703</sup> Oral Interview, Andrew Mwangura.

Even so, a typical ransom negotiation involved fairly well educated pirate appointed negotiators who moved around with multiple ‘identities.’<sup>704</sup> Having studied and lived in foreign countries,<sup>705</sup> such persons had been exposed to dual languages such as English and French, a major ingredient that made pirates to jostle for their critical multilingual services. One such negotiator was ‘Loyan’, ‘leon’, and ‘Ali’ with pseudonyms such as “Blue Moon’, ‘Red Sun’, ‘Seabird’ and ‘Bluefish.’<sup>706</sup> He was a top pirate negotiator who worked for different pirate groups between January 2009 and April 2011.<sup>707</sup> It is estimated that he received about US \$500,000 for his role as a principal negotiator.<sup>708</sup> Their counterparts who negotiated for the captured vessels were also handsomely rewarded.<sup>709</sup> A Somali piracy ransom negotiation process followed a standard script which begun by very high demand (usually in US dollars) which gradually decreased as negotiations wore on.<sup>710</sup> To hasten a quicker and reasonable ransom payment, pirates used hostages as a bargaining chip.<sup>711</sup> All in all, ransom negotiations were characterized by offers and counter-offers informed by issues such as the captured vessel’s value, type and value of cargo, flag and nationality of the captives.<sup>712</sup>

After ransom negotiations were concluded between the involved parties, the already established network of the pirate negotiators, masters and financiers was activated to serve as a conduit for the delivery of the ransom money.<sup>713</sup> Demands by Somali pirates to pay ransom in the widely acceptable US dollars gave rise to the hiring of currency experts whose work was to check on the authenticity of the paid dollars. Generally, the pirate groups used middlemen whom they trusted on the basis of clan identities. Different methods were employed to deliver the ransom money to the pirates. The Somali *Hawala* system was initially used before adoption of highly secured boats that were stocked with ransom money in Mombasa and then captained to scheduled points

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<sup>704</sup> Palmer, *The New Pirates*, 192.

<sup>705</sup> H. S. Puri, *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 1916 (2010)*, S/2011/433, United Nations, July 18, 2011, 223, <https://www.undocs.org/S/2011/433>.

<sup>706</sup> *Ibid.*, 221-222.

<sup>707</sup> *Ibid.*

<sup>708</sup> *Ibid.*

<sup>709</sup> Palmer, *The New Pirates*, 192.

<sup>710</sup> Kreyslerlingk, *Understanding Somali Piracy*, 19.

<sup>711</sup> Palmer, *The New Pirates*, 193.

<sup>712</sup> Oral Interview, Rashid Juma Mwatuga, former hijacked Sailor, Kenya Seafarers Association’s Office, Mombasa, April 15, 2017.

<sup>713</sup> Malkhadir M. Mohamed, “Middlemen Negotiate Pirate Ransoms,” *Associated Press*, May 13, 2010, <http://www.google.com/hosted-news/ap/article/ALeqM5g%GKXVqnZmFyVLYHX8RDIMV529XqD9FLUDE81>.



in Somalia to deliver the ransom money to the pirates.<sup>714</sup> Later, the pirates began to prefer the ransom money being flown into designated airports in Somalia. At the same time, helicopters or fixed wing planes began to directly drop the ransom money onto waiting pirates on hijacked vessels.<sup>715</sup> This exchange was anchored on absolute trust and any mischief by the paying party such as delivery of fake cash was met with instant death.<sup>716</sup>

Though it is believed that some of the ransom money was paid to middlemen outside Somalia, the bulk of the money ended up in Somalia. The ransom payments distribution formula was varied but was generally as follows:

### Typical distribution of ransom payments

Maritime militia	30 per cent	Distributed equally between all members, although the first pirate to board a ship receives a double share or a vehicle. Pirates who fight other pirates must pay a fine. Compensation is paid to the family of any pirate killed during the operation.
Ground militia	10 per cent	
Local community	10 per cent	Elders, local officials, visitors, and for hospitality for guests and associates of the pirates
Financier	20 per cent	The financier usually shares his earnings with other financiers and political allies.
Sponsor	30 per cent	

**Source: United Nations Security Council Report of the Monitoring Group on Somalia Pursuant to Security Council Resolution, 1811 (2008) S/2008/769.**<sup>717</sup>

After the money was shared out, it was used differently. In the case of the pirate leaders and sponsoring financials, the money was reinvested into piracy activities and some was used to put up investments in regional capitals such as Dubai and Nairobi.<sup>718</sup> The rank and file or ‘field’ pirates used the bulk of their ransom share on expensive cars and houses, women and drugs

<sup>714</sup> Robyn Hunter, “how do you pay a pirate’s ransom?” *BBC News*, December 3, 2008, <http://news.bbc.co.uk/2/hi/Africa/77528>.

<sup>715</sup> Murphy, *Small Boats*, 238.

<sup>716</sup> Oral Interview, Abdiwahab Sheikh Abdiswamad and H. S. Puri, *1916 (2010)*, S/2011/433, 223.

<sup>717</sup> Kumalo, *1811 (2008)*, S/2008/769, 31.

<sup>718</sup> Murphy, *Small Boats*, 121.

while the balance was invested in illegal fishing, human trafficking, charcoal trade and khat trade.<sup>719</sup>

#### **4.8 Conclusion**

In charting the growth and operations of Somali piracy, we limited the outline to the peak period of the phenomenon. While emerging gradually in the midst of both noticeable and unobtrusive catalysts, the piracy developed into a highly structured enterprise whose individuals and framework was singularly anchored on one denominator-profit. Eager and keen to sustain continued profiteering, Somali pirates assembled appropriate apparatus and weapons to competently execute piratical operations. They were also quick in making adjustments in the apparatus and weapons they used in line with new circumstances. This flexibility to adopt to changing circumstances so as to remain afloat made the pirates to constantly transform their techniques and operations. Even as the pirates established a functional framework to execute their operations, changed their operational tools, improved their arms and modified their procedures and workings, they ensured that the sole objective of the entire enterprise was a sensible business model whose fulcrum was the ransom process.

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<sup>719</sup> Jeffrey Gettleman, "Money in Piracy Attracts More Somalis," *New York Times*, November 9, 2010, <http://www.nytimes.com/2010/11/10/world/africa/10somalia.html>.

## Chapter Five

### Media Configuration and Representation of Somali Piracy

#### 5.0 Introduction

Media is an influential institution in society whose take and projection of a subject profoundly shapes the perceptions of people. As a mirror of beliefs and values within a certain environment, the attendant media impacts on peoples' views through the lens of its environment's influenced journalists, a scenario which makes media a powerful instrument in shaping opinion on an issue. Just like any other popular subject, Somali piracy was significantly influenced by the views and perspectives of media outlets. While the media outlets were 'supposed' to objectively report on the menace, they, in contrast, were subjective on their presentation of Somali piracy menace. This media subjectivity is not new as media owners have always used their outlets as instruments for perpetuating selfish interests by popularizing narratives that serve their interests. The flipside of this subjectivity is that people end up conceptualizing an untrue picture of an issue. Somali piracy too was wrongly depicted. This wrong depiction also wrongly shaped anti-piracy policy formulation, a development which may have contributed to a poor media diagnosis of the piracy whose consequences probably contributed to conceptualization of inappropriate policies and initiatives to curb and end the menace. The foregoing confirms the media as a powerful tool whose coverage was central and influential in shaping opinion on Somali piracy.

Consequently, this chapter seeks to identify and amplify the themes around which the media has configured and represented Somali piracy. Media outlets that extensively reported on Somali piracy can be categorized broadly as Western, African and Somali. The categories representation Somali piracy was diverse. Thereafter, diverse issues within the broad categories will be contextualized to bring out exaggerations and untruths that will be seasoned by correct positions. The diversity in the depiction of Somali piracy within the broad categories may have been as a result of the concerned media outlets desired projection of the issue as informed by many considerations including their writers and their editors messaging of the piracy to meet a certain objective. Seemingly, journalists take on piracy was romanticized which in turn made the menace a contested and misunderstood phenomenon. However, this shouldn't have been the case

as a clear representation of the subject was critical in formulating clear policies to end the menace whose disruptions affected many individuals, companies and countries.

### **5.1 Misrepresentation of Somali Piracy in the Western Media**

Media outlets outside of Africa disparagingly symbolize Africa as a horrible continent. The Western media is fonder of this negative characterization whose beginnings date back several centuries and millennia. Chibuiké Oguh writes that it was Greek Historian Herodotus 5th century ‘The Histories’ that depicted Africa as a land inhabited by wild animalistic sub human creatures in comparison to the superior Europeans.<sup>720</sup> This stereotype has since been used on Africa and Africans with Darwin’s ‘The Origin of the Species by Means of Natural Selection: Or the Preservation of Favoured Races in the Struggle for Life and early European missionaries, travelers and traders to Africa writings entrenching the stereotype.<sup>721</sup> The stereotype persists to date as it continues to be perpetrated by media outlets and scholars. This dreadful characterization of Africa is anchored on the self-given European superiority over Africans whom they perceive as inferior.

The same negative hopelessness depiction of Africa was generously and viciously used in depicting individual African states and their issues. Headline hitting Somali labyrinthine subject of piracy provided endless fodder for the western media negative characterization of Africa and her issues. This was the case with Nick Hopkins’ take on Somali piracy as a basis to profile the entire Somali population. In his views that were published in the Guardian Newspaper, Hopkins stereotypically compared traditional Somali fishermen to Somali pirates by showing Somali as a people who went out with small dhows and guns just like the pirates.<sup>722</sup> Though many Somali pirates arrested in the high seas were found in possession of arms and fishing gear as a camouflage to their real intentions, he ought to have clearly distinguished genuine Somali traditional fishermen from the pirates. This is because a little examination of the subject shows that Somali coast has had artisanal fishermen for centuries, a noble and age-old fishing tradition

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<sup>720</sup> Chukwubuike Henry Oguh, *The Representation of Africa in Western Media: Still a 21<sup>st</sup> Problem*, M.A Dissertation, (Edinburgh Napier University, 2015): 5, October 4, 2020, [file:///C:/Users/j.%20ondigi/Downloads/ChibuikesDissertation%20\(5\).pdf](file:///C:/Users/j.%20ondigi/Downloads/ChibuikesDissertation%20(5).pdf).

<sup>721</sup> Ibid.

<sup>722</sup> Nick Hopkins, “Outgunned Somali Pirates can Hardly Believe their Luck,” *The Guardian*, May 8, 2012, <http://www.theguardian.com/world/2012/may/08/outgunned-somali-pirates-luck>.

which deserves acclamation instead of ridicule and profiling. In reality, Hopkins wholesome xenophobic profiling of the Somali people was a continuation of the traditional representation of Africans as uncivilized people far removed from progress. Further, Giles Tremlett spread the stereotyping to Somali diaspora by accusing them as being part of Somali piracy by turning themselves into shipping and maritime informers to the Somali pirates.<sup>723</sup> This Somali diaspora story was only part of the negative depiction without thought on its factuality. Thus far there has been no confirmation of Somali nationals accessing ports and yards in foreign countries in search of shipping information that was aid capture of vessels by Somali pirates.

A different stance on profiling of Somalis is Gerard Handley's painting of them as a people of hostile nature<sup>724</sup> whose unwelcome dispossession led to the rise of piracy. He neither expounded on their 'hostility' nor does he show the link between the hostility and the escalation of piracy. Handley unjustifiably profiles Somali people for purposes of sensationalism so as to entice and thereafter capture his and his media outlets audience.<sup>725</sup> As stated by Susan Moeller, Handley profiling of Somali people is part of the wider scheme of the Western media objective to ring their audience for financial gain.<sup>726</sup>

Over the centuries, Western media has not only painted but re-painted Islam negatively. As if picking cue from Samuel P. Huntington's Clash of Civilizations, the predominantly Christian western world has been suspicious of Islam and her civilization in the two religions age-old competitive encounter that predates the Crusades.<sup>727</sup> Crusades were a series of religious wars between 1096 and 1291 that pitted Christians against Muslims in a struggle to secure control of religious sites considered holy by both groups. Even before the crusades, an expansionist Muslim Berber army had taken Andalusia (Generally today's Iberian Peninsula that constitutes Portugal and Spain) had threatened to overrun Gaul (today's France) and it took Charles Martel, a

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<sup>723</sup> Giles Tremlett, "Somali Pirates Benefit from a Global Network of Informers," *The Guardian*, May 12, 2009, <http://www.homelandsecuritynewswire.com/somali-pirates-benefit-global-network-informers-0>.

<sup>724</sup> Gerard Handley, *Warrior: Life & Death among Somalis* (London: Eland Publishing Ltd., 1971).

<sup>725</sup> Susan Moeller, *Compassion Fatigue: How the Media Sell Disease, Famine, War and Death* (New York and London: Routledge, 1999).

<sup>726</sup> Ibid.

<sup>727</sup> Huntington, "The Clash of Civilizations."

competent French military leader to halt their march into the heart of Europe.<sup>728</sup> This almost successful conquest of Christian Europe by Muslims partly contributed to the establishment of the Holy Roman Empire in 800 AD to restore Europe's power and dominance.

Ever since, Islam is perceived as a threat to Europe's existence and prosperity with its media picturing Islam negatively as a religion that was founded on violence. Centuries later, the Western media has found a soft spot in intertwining Islam to terrorism and thus contributing in making many people to perceive terrorism as an extension of Islam. Indeed, the irrational and non-Islamic terrorist attacks around the world against western interests are blamed unjustly on all Muslims. Just like 'dark' Africa, Islam is presented as a violent religion hell-bent to destroy advanced Christian Europe while Muslims are stereotyped and prejudiced as irrational religious fanatics.<sup>729</sup> Negative representation of Islam found more resonance after the 11<sup>th</sup> September, 2001 terrorist attacks in the USA that blamed on terrorist Muslims. In the aftermath of the attacks, western media outlets stereotyped Muslims as terrorist Arabs.<sup>730</sup> Speeches by political leaders and other opinion leaders in the USA in post 9/11 depicted Islam as a violent and evil religion that needed to be isolated. In due course, the good western Christian civilization was contrasted against the evil Islam civilization, a reality that occasioned socio-political and economic discrimination of Muslims in the western world and beyond. This anti-Islam and anti-Muslim prejudice was extended to Somali piracy with Western media outlets drawing parallels between Islam and piracy and presenting Somali piracy as a continuation of Islam's barbarism against the advanced Christian Western world. As a nation-state, Somalia's dominant religion is Islam whose effect means that most (if not all) of the pirates were largely from the dominant Muslim Somali population and hence the perceived 'logic' of this nexus.

Pointedly, Joshua E. London, a Washington based scholar and commentator of tropical issues in various Western media houses pointed to the above Islam-Piracy nexus by arguing that Somali

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<sup>728</sup> Al Jazeera English, "The Caliph P1: Foundation | Featured Documentary," *Al Jazeera English*, July 14, 2016, <https://www.youtube.com/watch?v=P3O9d7PsI48>.

<sup>729</sup> W. Shadid & P.S. van Koningsveld, "The Negative Image of Islam and Muslims in the West: Causes and Solutions," in Shadid, W. & P.S. van Koningsveld (Eds.): *Religious Freedom and the Neutrality of the State: The Position of Islam in the European Union*, Leuven, Peeters, 2002, 174-196.

<sup>730</sup> Cheryl M. R. Sulaiman-Hill, Sandra C. Thompson, Rita Afsar & Toshi L. Hodliffe, "Changing Images of Refugees: A Comparative Analysis of Australian and New Zealand Print Media 1998-2008," *Journal of Immigrant & Refugee Studies*, 9, no. 4 (2011): 345-366, October 10, 2020, <https://doi.org/10.1080/15562948.2011.616794>.

piracy was an Islamic Jihad that was masked in another cloak.<sup>731</sup> To support his claim, London posited that pirates in actual sense were Jihadist Muslim pirates.<sup>732</sup> In supporting his scurrilous claim, London simply argued that the pirates made that clear to anybody who cared to listen. He presented Somali pirates as unintelligent people who never considered themselves as pirates but considered themselves as devout Muslims who were out to protect Muslim Somalia from the infidel Western world.<sup>733</sup> London's representation was erroneous as Somali pirates were not keen on their Islamic religion as a major variable in their piratical operations. In fact, as shown in Chapter six, Somali pirates made use of Islamic principles to improve their chances of receiving ransom. For instance, Hasssan Issa Musa, a convicted pirate averred that young Somali were primarily attracted to piracy in search of money.<sup>734</sup> Another convicted pirate, Ahmed Hassan Adow described how his colleagues guided by Muslim principles instantly killed their colleague whom they found struggling to rape a French woman captive.<sup>735</sup> A further categorization of the vessels they targeted and successfully hijacked superseded any continental or religious prisms as projected by London. In contrast to London's views, Somali pirates found it difficult to unravel the ownership of the vessel they hijacked as vessel ownership was a complex matter which included multi-layered intrigues of third party registration and flying of third party country flags.

Western journalists have widely configured Africa as a continent characterized by presence of weak, failed and collapsed states. This projection is not new as its roots date back to the early European penetration of interior 'dark' Africa and the unexpected realization of existence states such as old Ghana, Mali, Songhai, Bunyoro, Rwanda and Buganda in Africa, South of the Sahara. Having denoted Africans as intellectually weak to configure anything progressive, the Europeans had to find a way of explain the new reality since statehood had all along been projected as a sign of civilization and superior intellectual capability-a preserve of the intellectually superior Europeans. Charles Gabriel Seligman, a British ethnologist argued that Africans were incapable of establishing the states and the likely founders of the states were people of European stock who had branched off from Europe before migrating into Africa, South

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<sup>731</sup> London, E. Joshua, "Somali Pirates and the Islamist Jihad," *The Cutting Edge*, April 20 2009, <http://www.thecuttingedgenews.com/index.php?article=11267>.

<sup>732</sup> Ibid.

<sup>733</sup> Ibid.

<sup>734</sup> Oral Interview, Hasssan Issa Musa.

<sup>735</sup> Oral Interview, Ahmed Hassan Adow, Shimo la Tewa Prison, March 14, 2015.

of the Sahara.<sup>736</sup> However, despite the foregoing confirmation of African peoples' political advancements, the western media has continued to misrepresent African countries as states that are incapable of governing themselves and are far removed from embracing democracy.<sup>737</sup>

Depiction of African states as immature entities was reflected in Paul Redfern's article which highlighted the impotence of Somalia's armed forces in militarily dealing with the pirates.<sup>738</sup> Upon examining the quality of the Somalia's Transitional Federal Government's (TFG), the British government proposed that the more advanced British mercenaries were better placed not only to tackle the pirates but also nature the transitional government's forces to fight the pirates. As much the transitional authority was need of international aid to fully operationalize governance issues in Somalia, the offer of sending British mercenaries into the country appeared to suggest that Western governments were still doubtful of transitional government's capabilities. In retrospect, Redfern's confirmation that the proposal had received approval from the transitional government can be contextualized as a sign of weakness and desperation. States worth their salt are ordinarily keen to shield their military issues from other forces for national security considerations as foreign military assistance is underlined by hidden selfish interests.

African states are still exhibited as irredeemably corrupt entities that are occupied by ignoble savages who can't organize and forge meaningful governance structures by the Western media. Writing in the United Kingdom's Guardian Newspaper, Guillermo Bettocchi's showed Somali piracy as an aftermath of the Somali peoples' inability to configure a worthwhile state.<sup>739</sup> His take was that the piracy was a symptom of state collapse, a prevalent cancer throughout Africa. While it is factual that Somalia's political chaos were an ingredient to the outbreak and explosion of the piracy, the political instability should not be over amplified as the only cause of the piracy.

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<sup>736</sup> Michael Crowder and J.F. Ajayi (eds.), *History of West Africa*, Vol. I (London: Longman Group Limited, 1971).

<sup>737</sup> James Michira, *Images of Africa in the Western Media*, 2002, accessed October 10, 2020, <https://www.semanticscholar.org/paper/Images-of-Africa-in-the-Western-Media-Michira/db2a1578b44d45b6bc81e5d1f601ab5ae3f9fb14>.

<sup>738</sup> Paul Redfern, "British Mercenaries to take on Somali pirates," *Daily Nation*, Nairobi, November 22, 2010.

<sup>739</sup> Bettocchi Guillermo, "Piracy: A Symptom of Somalia's Disease," *The Guardian*, London, April 20, 2009, <http://www.theguardian.com/commentisfree/2009/apr/16/somalia-piracy-aid>.



As shown by Catherine Besteman<sup>740</sup> and Jennifer Cooke,<sup>741</sup> the western media was quick to post dramatic headlines on Somalia whose denominator was state disintegration, carnage, killings and general criminality with piracy being a by-product. Similarly, Katherine Arms portrayed inability of Somalis to conjure up a functional state as an underling reason for creating a decadent environment for piracy which the population viewed as an attractive alternative.<sup>742</sup> The journalists picture was premised on a biased European superiority assumption over inferior Africans (in this case Somalis) when the issue of statehood in Somalia is a complex phenomenon that predates colonialism and independence. Africa's immature statehood should be gauged on a platform that African states are a stillborn European imposition that should not be analyzed through similar prisms as those applied to the mature European nation states.

The foregoing African and in this case Somali ineptitude to model a functional state was sustained by the Western media illustration of the entire Somali society including its federal government and regional authorities' functionaries as having been complacent in the piratical activities within and beyond Somalia. In a write up, Mary Harper unsuccessfully tried to show the permeation of piracy into all spheres of the Somali society<sup>743</sup> by generalizing that all Somali societal spheres were recipients of pirate ransom proceeds. In the generalization, he portrayed the entire government machinery as an accessory in the piracy enterprise. The actuality of such a portrayal was Somalis were depicted as a people with no regard for law and order that are guaranteed by a functional state. Sustenance of the rule of law in a state is a major hallmark of the peoples' decency. Further, the generalization painted the Somalia as a society without values as all people and institutions were eager to share money that had been criminally and forcefully acquired from the sea.<sup>744</sup> Aiming to authenticate Somali societal malaise, the write up gave the sacking of Puntland's deputy police chief as an example of indicting the entire Somalia government structure as a partner in the piracy. This supposed Somali society complicity in

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<sup>740</sup> Catherine Besteman, "Representing Violence and 'Othering' Somalia," *Cultural Anthropology*, 11, (1996): 120-133, October 10, 2020, <https://www.jstor.org/stable/656211>.

<sup>741</sup> Cooke Jennifer, "Uproot Piracy at its Source: On Land," *Cable News Network (CNN)*, February 24, 2011, <http://www.soundingonline.com/news/todays-top-stories/277982-uproot-piracy-at-its-source--on-land>.

<sup>742</sup> Katherine Arms, "In War-Torn Somalia, No End in Sight for Piracy," *CBS News*, April 14, 2009, <http://www.cbsnews.com/news/in-war-torn-somalia-no-end-in-sight-for-piracy/>.

<sup>743</sup> Mary Harper, "Piracy off the Coast of Somalia has made many People very Rich," *BBC News*, June 1, 2013, <http://news.bbc.co.uk/2/hi/africa/8061535.stm>.

<sup>744</sup> Ibid.

piracy matters is a general bastardization of the society, a position that is not supported elsewhere. Indeed, evidence thus far found limits the collaboration between government institutions and pirates to corrupt syndicates as the Puntland government is recorded to have signed contracts with foreign companies to regulate fishing as a revenue collecting measure.<sup>745</sup>

Likewise, writing in the *New York Times*, Jeffery Gentleman supplemented the preceding permeation of piracy throughout the Somali society by identifying a call by a local Hobyo government official for collaboration with pirates as a national policy. He not only escalated the isolated and localized call to a national level but also painted it as a reflection of Somalia's government decision to work closely with the pirates.<sup>746</sup> However, a closer examination of the official's call for collaboration revealed that the call was his local strategic survival tactic as he desired the pirates support to counter Al Shabab fighters who were threatening to overrun the town. It was thus an isolated local decision by an official keen to ensure his and local government survival in the face of a formidable threat and not a concrete, discussed, well thought out and agreed collaboration. The story created the image of a weak and easily manipulated Somalia federal government that had resigned to seeking support from criminal entities for its own survival. Governments are supposed to protect people and not seek favours from criminal entities for own survival. Gentleman little regard for the Somalia government capabilities showed with his quip that Somalia's federal government was only staying afloat due to United States support.<sup>747</sup>

The notion of the inability of Somalis to forge a meaningful state was extended to Somalia's neighbours i.e. Kenya and Yemen. Two leading American new outlets, Cable News Network (CNN) and Fox News took a demeaning and dismissive posture as they portrayed Kenya and Yemen as weak states that were presided by incompetent leaders who were unable to halt the piracy. Their views on the two countries is an illustration of their long held perspective that Africans are inherently challenged to conjure up functional states with wherewithal to resolve emergent issues. As much as the outlets views are reflective of the reality of African countries,

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<sup>745</sup> See sub-chapter 2.3 on Geographical Location for details.

<sup>746</sup> Jeffrey Gettleman, "In Somali War, Both Sides Embrace Pirates," *New York Times*, September 1, 2010, [http://www.nytimes.com/2010/09/02/world/africa/02pirates.html?\\_r=0](http://www.nytimes.com/2010/09/02/world/africa/02pirates.html?_r=0).

<sup>747</sup> Ibid.

the accusation has not been deduced on the type of law or precedent that required the two countries to intervene and diminish the piracy. Notwithstanding the view, vilification of Kenya and Yemen was exaggerated as there was no merit in the two TV's expectation of the two countries to curb the piracy. Kenya's and Yemen's state structures were insufficient in curbing the piracy problem. Besides the ever current eagerness to portray African countries as the epitome of state weakness, one gets a feeling that the two news outlets were racially ridiculing Kenyans and Yemen nationals on their incapacity to match the prowess of world powers - USA in particular in eliminating the piracy.

Other than inability to forge a meaningful state, foreign and Western media reporting of Somali piracy was full of in factual misrepresentation and half-truths whose goal was nothing less than the common western media project to dehumanize Africa and Africans. Somali piracy just like famine and pestilence provided fodder for the same. Arms portrayed Somali piracy as a rewarding undertaking in an otherwise distressed economy by alleging that a Somali pirate may have walked home with a US\$ 100,000 bounty for himself from a single ransom windfall.<sup>748</sup> In reality, the stated amount was a fabricated and highly figure whose underlining reason was to hype the piracy as a newfound shortcut to unwarranted financial success. Either she wanted to imply that uncouth people had executed unpolished methods to financially uplift themselves from a stuttering economy where they are destined to be and/or she was fulfilling Western media outlets desire to raise viewership and readership of their news. In most times lucrative ransom returns was a preserve of ranking members of pirate gangs.

Yet, in a similar portrayal, the Somali pirates were presented as poor fishermen who were out to unjustifiably upset the order of things to attain a good life out of piracy.<sup>749</sup> In an article that was originally published by the British Broadcasting Corporation (BBC), Anouk Zijima presented piracy as a bridge for Somali pirates to acquire a lucrative life once ransom was paid. Unwittingly, the story shows Somali pirates as group that was trying to escape from their destiny of impoverished life to higher standard of living that is a preserve of superior non-Africans. While the story reaffirms common notions of depicting all pirates as recipients of huge ransom

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<sup>748</sup> Ibid.

<sup>749</sup> Anouk Zijima, "Somali Pirates a Far Cry from Historical Characters," *The Standard*, February 7, 2012.

windfalls, it was members of the top echelons of pirate gangs that pocketed substantial ransom amounts. This illusion of Somali piracy being a lucrative engagement was a conspiratorial magnification meant to arouse and sustain piratical interest amongst Somali people to invisible benefits of some shadowy powerful piracy players whose identities were concealed such foreign accomplices in the enterprise. A similar argument Somali being a lucrative enterprise was pushed by an article written in Doha but published by Kenya's *Saturday Nation*. In it, Somali piracy was presented as a flourishing exercise whose allure had attracted regional capitals such as Dubai and Nairobi<sup>750</sup> as bases of security companies, lawyers and specialized negotiators. By default, these reports served as a captivator for continuation of piracy and benefit of both visible and invisible players.

Writing in a derogatory stance, United Kingdom's *Daily Mail* ran a demeaning story about a Somali pirate who had an extra toe in his hands and feet. Fascinated by his abnormal extra fingers and toes, the story ridiculed Somalia's health system as hapless to rectify a small anatomical anomaly. Throwing consideration to the wind, The *Daily Mail* christened him 'Six Toe Joe,' without showing an iota of consideration for his uncomfortable health condition.<sup>751</sup> In a tone that can be likened to laughing at his disability, the paper unnecessarily heaps praises on the British Navy for successfully executing a great capture. The crux of the story is the paper's subtle endeavour to depict Europeans as superior people in comparison to unconventional Somalis. This was a continuation of an age-old illustration of Africans in the western world as a lower challenged race that was still transitioning to reach the level of the world's advanced and physically refined European race.

An attempt to reveal the connectedness between Somalia and neighbouring countries in fuelling Somali piracy continued the in factual misrepresentation of the piracy. Yemen authorities were uncharacteristically accused by Mary Harper of aiding Somali pirates to smoothen their piratical activities.<sup>752</sup> Yemen was unsubstantially declared as having been a destination for Somali pirate vessels to anchor so as to refuel and replenish their food and arms stocks. Be it as it may be, this

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<sup>750</sup> Daily Nation Team, "Somali Piracy Flourishing into Lucrative Business, say experts," *Saturday Nation*, November 13, 2010.

<sup>751</sup> Editorial Team, 'Notorious Six Toe Joe has nowhere Left to go,' *Daly Mail*, February 7, 2012.

<sup>752</sup> Harper, "Piracy off the Coast of Somalia has made many People very Rich."

was an unnecessary sensationalization of the Somali piracy with unchecked perceptions and innuendos, a gimmick meant to amuse and excite the western audience. Although Yemen has been mentioned as one of the conduits through which arms got to Somalia's armed groups including pirates, there is no substantive evidence yet indicating that Yemen ports acted as ports of call for refueling and restocking Somali pirate ships.

In a seemingly deliberate campaign to dehumanize Africans, Western journalists projected Somali piracy in a movie-like manner. They picked the cue from Gerald Hanley, a Second World War British military officer who commanded a British and Somali army unit. He depicted Somalis as hostile people who contextualized death as something valuable.<sup>753</sup> Hanley reported on an incident where a Somali soldier not only admitted to have stolen meat in a neighbouring market but casually asked to be shot by Hanley for the misdemeanor. It was this instantaneous expectation of death for a small crime of theft that the media uses to project Somalis as people who find delight when meeting their death.<sup>754</sup> The projection flies in the face of the fact that humans shudder in fear and disbelief when death strikes both near and far. Somali clan affiliations continue to augment the depiction as clan allegiances dictate that their affiliated media report death of killed clan members as martyrs, heroes and individuals who met honorable death.<sup>755</sup>

In yet another movie-like script, a Somali soldier is said to have asked to be 'finished off' after disagreeing with his British commander,<sup>756</sup> an incident that can be contextualized to show that Somalis equate death to a person's character with a belief that the more one gladly accepts death, the more honour one receives posthumously. Accordingly, Somalis are been shown as a fearless people who are constantly daring and are expectant of death.<sup>757</sup> This portrayal paints the Somali as a people who readily engage in life-threatening escapades such as piracy. On the basis of the

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<sup>753</sup> Gerald Hanley, *Warriors: Life and Death among the Somalis*, (London: Eland Publishing Ltd, 1971).

<sup>754</sup> Tamar A. Brill, *The Broadcast Media's Portrayal of Modern Maritime Piracy*, B.A Honours Degree, (Pennsylvania State University, 2011): 8.

<sup>755</sup> Mohamed Husein Gaas, Stig Jarle Hansen and David Berry, *Mapping the Somali Media: An Overview*, Noragric Report No. 65 (Department of International Environment and Development Studies, Noragric Norwegian University of Life Sciences, 2012), October 10, 2020, [https://www.umb.no/statisk/noragric/publications/reports/noragric\\_report\\_no.\\_65cover.pdf](https://www.umb.no/statisk/noragric/publications/reports/noragric_report_no._65cover.pdf).

<sup>756</sup> Adam J. Young, "Contemporary Maritime Piracy in Southeast Asia," (Singapore: Institute of Southeast Asia Studies,) 2007.

<sup>757</sup> Ibid.

foregoing hard to belief characterization of death amongst Somalis, Tamar Brill explains Somali piracy as a reflection Somali peoples' almost absurd socialization of death. On flipping Brill's juxtaposition of piracy and death, the Somali are clothed as a people with low regard of other people's lives and are not hesitant to snuff it out in the process of capturing maritime vessels and negotiating for ransom. The long and short of the foregoing is that the Somali are projected as a people with cold and inhumane temperament which was explains their participation in piracy.

Moreover, Tamar Brill tied the Somali peoples' fearlessness of death to their ability to survive their country's debilitating socio-economic conditions while at the same finding delight in shedding blood of fellow Somalis during their endless deadly clashes which inculcated a murderous and vindictive temperament.<sup>758</sup> This mentality of glorifying violence and depicting death as an honourable ultimate that made media outlets to illustrate Somalis to embracers of piracy and glorifiers of successful pirates. The foregoing portrayal found resonance in CNN and Fox News, two major American news outlets. The two outlets chose to romanticize the piracy issue with the powerful American entertainment industry<sup>759</sup> that is rooted in a decades-old romanticism of past piracy escapades. Escapades that were reenacted in USA's Hollywood movies. The movies imaging of piracy as a colourful, throbbing, eerie and odyssey-like subject patronized by fearless men and women may have shaped the two news agencies to exponentially colour the Somali piracy on anecdotes of Somali people's ingrained hostility.

A 2013 film on Captain Richard Phillips' capture by Somali pirates provided snippets into the stereotyping of Africans to Western audiences. The film 'others' Phillips, a refined American maritime captain from unruly Somali pirates. Somali pirates are projected as desperately executing a selfish hijacking plot while a humane Phillips was put his life on the line to secure his crew members.<sup>760</sup> This contrast was to draw the western audience attention to a savage African vs. an ideal westerner narrative.

Uncharacteristically, some Western media journalists untangled the otherwise untold participation and entanglement of Europeans in the Somali piracy's political economy. This

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<sup>758</sup> Brill, *The Broadcast Media's Portrayal of Modern Maritime Piracy*, 9.

<sup>759</sup> Ibid, 11.

<sup>760</sup> The Representative Captain Phillips, May 2, 2014, <https://kaileyfj.com/tag/media-representative/>.

seemingly fair representation was unearthed by Johann Hari's explanation of the rise of Somali piracy as an aftermath of dumping of industrial waste in Somalia's coast by firms from Western countries. Foreign fishermen that included Europeans had also stormed the coast leading to exhaustion of Somalia's fish resources. Attempts of Somali fishermen to keep away these foreign interlopers not only birthed Somali piracy<sup>761</sup> but also transitioned Somalis into notable pirates. This projection of Somali pirates as victims of the Western economic conspirators was amplified by Michael Vazquez's lamentation of the conspirator-like silence of the western media on the unholy alliance between European firms and influential Somali personalities that allowed dumping of harmful waste along Somalia's coastal waters.<sup>762</sup> The unreported European convolution in Somali piracy for economic gain was also questioned by an exposure of how European criminals camouflaged as maritime stakeholders such as ship owners when their appetite for profiteering made them work in cahoots with Somali pirates.<sup>763</sup>

The western world's security concerns especially after the September 11<sup>th</sup> 2001 United States terrorist attacks has made its media to hysterically scramble to understand the activities of real and perceived anti-western terrorist entities leading to erroneous interpretations and linkages. As they scramble to reveal the 'evil' terrorism connectivity, they have tended to exaggerate the linkages between different entities whose activities they consider to be against western interests. Somali piracy was not exempt from this exaggeration as some western media outlets highlighted close relations that supposedly existed between Somali pirates and the Al Shabaab terrorist group. An example was a British Broadcasting Corporation (BBC) story that highlighted how piracy money was funded the Al Shabaab terrorist group.<sup>764</sup> The story claimed that the Somali pirates were giving as much as 50% of their ransom proceeds to Al Shabaab particularly in areas that were under Al Shabaab's control.<sup>765</sup> However, the pirates-Al Shabaab connection flies in the face of other revelations that show that pirates and the Al Shabaab were strange bedfellows who had minimal opportunistic collaboration between them.

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<sup>761</sup> Johann Hari, "You are being lied to about Pirates," *London Independent*, January 4, 2009, [http://www.huffingtonpost.com/johann-hari/you-are-being-lied-to-abo\\_b\\_155147.html](http://www.huffingtonpost.com/johann-hari/you-are-being-lied-to-abo_b_155147.html).

<sup>762</sup> Michael Vazquez, "Why We Don't Condemn Our Pirates," *Huffington Post*, May 13, 2009, [http://www.huffingtonpost.com/michael-vazquez/on-pirates\\_b\\_186015.html](http://www.huffingtonpost.com/michael-vazquez/on-pirates_b_186015.html).

<sup>763</sup> Harper, "Piracy off the Coast of Somalia has made many People very Rich."

<sup>764</sup> *Ibid.*

<sup>765</sup> *Ibid.*

A similar conjecture to the Somali piracy-Al Shabab misrepresentation was exhibited by Stella Dawson's painting of Somali piracy as a major worldwide security monster that fueled global criminal activities such as arms and human trafficking, funding of militias and money laundering across the world.<sup>766</sup> While it may be true that Somali piracy fueled arms trafficking in Somalia and surrounding countries, an accusation of Somali pirates engaging in global arms trafficking was absurd and overly exaggerated. Whereas accusations of human trafficking have been labelled against Somali pirates, they are yet to be unearthed and substantiated. The view that Somali pirates funded militias was equally exaggerated as reports show that the pirates only had localized and isolated cases of collaboration with armed groupings for beneficial and survivalist reasons.<sup>767</sup> Yet, the claim that the pirates engaged in a worldwide money laundering web is only a fair exposition to the extent that the piracy was part of the global criminal money laundering enterprise albeit an insignificant one.

In yet another in factual but sensational claim, the *New York Times* reported that Somali pirates had established armed militia outfits in their localities in an insinuation that had terrorist undertones that were underlined by a decreeing of the negative outcome of the huge ransom monies.<sup>768</sup> On a flip, the message was that ransom money paid to Somali pirates was being used to hurt western interests. This was because westerners' readily juxtaposed armed militias as being with terror acts in a lawless country such as Somalia with the Al Shabab armed group the being a quick cross-reference. Were the author to contextualize the story, he would have indicated that pirate gangs grew militarily powerful on the basis of their ambitious leaders and ransom monies, a development far removed from establishment of militia outfits.<sup>769</sup> By publishing the half-truth, the powerful media house was attempting to capture their home audience's attention in a drive to shape public opinion so as influence western governments to move into suppressing the piracy menace. In addition, the story might have been an exaggerated phobia of imagined and real Somali pirates' anti-western designs. In all, the story was an assumption that pirates were creating militia groups, a far-fetched fabrication that provided a

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<sup>766</sup> Stella Dawson, "Somali Pirates are hurting the World more than we realized," *Business Insider*, November 1, 2012, <http://www.businessinsider.com/somali-pirates-hurt-the-global-economy-2013-11>.

<sup>767</sup> Gettleman, "In Somali War, Both Sides Embrace Pirates."

<sup>768</sup> Jeffrey Gettleman, "Money in Piracy Attracts More Somalis," *New York Times*, November, 2010, <http://www.nytimes.com/2010/11/10/world/africa/10somalia.html>.

<sup>769</sup> Ibid.



captivating reading to the western audience. As things stood during the Somali piracy, pirates were not desirous of territorial gain or political power as their sole focus was access to the open sea and ports for holding their captured vessels.

## **5.2 ‘Correct’ Reporting on Somali Piracy by a Pliable Kenyan Media**

Media in Kenya is inextricably intertwined by country’s elites who not only control and own it but also shape its publications for their interests. The same inextricability applied in reporting about Somali piracy but whose stakes were even higher as Kenya continues to be a primary stakeholder in stabilizing Somalia. Regardless of the elite’s determination, influence and fashioning Kenya’s media to depict the piracy in a favourable way, Kenya nascent democracy allows some degree of independent reporting on issues with feeble national impact. This section seeks to show how this interknit and divergence affected the reporting of Somali piracy by the Kenyan media. An article in the Standard Newspaper replayed Somalia as a ‘piracy Empire’ where lawlessness, money laundering and underworld dealings reigned supreme.<sup>770</sup> The piracy grew into a complex and intricate network that was entrenched on land but whose expression was the capture of vessels. The article further portrayed the ‘empire’ as an amalgamation of fragmented and overly fluid gangs that informed its skepticism on media excitement of Mohammed Abdi Hassan ‘Afweyne’ retirement from piracy. *Afweyne* was a prominent pirate who hung his pirate operations in January 2013, an event that the media indicated as having the potential to end the piracy. While media outlets depicted him as a notable pirate gang leader, the article intimated that Afweyne had not been directly involved in piratical activities since 2009 and thus his retirement was to have little effect on the trajectory of Somali piracy.

Dominic Wabala of the *Star Newspaper* wrote about Kenya’s shadowy links to the Somali piracy. Wabala divulged on the existence of onshore transnational companies that operated in Kenya with maritime criminal entrepreneurship interests off Somalia’s coast.<sup>771</sup> Through cagey and shadowy operations, the companies operated as accomplices to Somali pirates while fronting

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<sup>770</sup> The Standard Sunday Team, “Little Cheer as Lead Pirate Retires,” *The Sunday Standard*, Nairobi, January 13, 2015, 40.

<sup>771</sup> Dominic Wabala, “Police Monitoring Pirates-Linked Company,” *The Star Newspaper*, Nairobi, August 29, 2011, 1 & 6.

themselves as security consultancy entities that engaged in bona fide businesses.<sup>772</sup> Besides providing strategic services for parties that were involved in the Somali piracy, Wabala revealed that the companies acted as intermediaries between the pirates and the ship and cargo owners during ransom negotiations. Even so, the companies were mostly contracted to deliver ransoms to designated areas that included coastal and mainland Somalia and sometimes to vessels that were stationed in the deep sea. Wabala also believed that the companies acted as frontline companies for laundering piracy ransom money. Similarly, Patrick Mayoyo highlighted the involvement of Kenyan firms in the piracy business through ‘pirate’ agents in Nairobi and Mombasa whose included transmission of ransom monies through the unofficial Hawala money remittance system. Based on trust the system was initially widely used by a network of money brokers in the Middle East and Africa where Nairobi emerged as a major centre. The system is now in use in Europe and North America.<sup>773</sup> As much as both revelations were a sort indictment on Kenya and her complicity in the piracy, they did not ‘stir the pot’ by revealing to their readers the identities and roles of the Kenyans who were involved in Somali piracy. This is because these companies weren’t operating in a vacuum as they had to be facilitated to go about their activities by government agencies under the instigation of the benefitting elites, a probable confirmation of the elites’ capture of the Kenyan media.

Wabala’s inability to pinpoint the possible links between Somali piracy and Kenyan authorities and people was remedied by his unmasking of the piracy’s extensive regional tentacles that had ensnared Kenya. The disclosure stipulated how Kenyan airline and shipping firms in Nairobi and Mombasa played supportive roles within the Somali piracy matrix by supplying fuel to both hijacked and released vessels as well as delivering ransom.<sup>774</sup> A revelation of the firms’ directorship, partners and associates would have helped in laying bare Kenya’s role in the piracy but the elite stranglehold on media houses blurred sound journalistic writing. Yet, a further incident of the elites’ grip on the media showed when Wabala’s interviewed a senior police officer who was split in determining whether the companies were in breach of the law. Aware of

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<sup>772</sup> Ibid.

<sup>773</sup> Patrick Mayoyo, “Kenyan Firms Make Killing from Piracy,” *Daily Nation*, July 18, 2010, <http://www.nation.co.ke/news/Kenyan-firms-make-killing-from-piracy/-/1056/960260/-/lyg3yq/-/index.html>.

<sup>774</sup> Ibid.

the repercussions of an open exposure on the firms' activities and powerful forces behind them, the officer gave minimalist information by only stating that the firms were under police radar. Connection between the Kenyan government and Somali piracy was revealed when Somali pirates captured *Mv Faina*, an arms-laden vessel that was headed to the Kenyan port of Mombasa. Desperate to end the sensitive security impasse, the Kenyan authorities contracted a pirate master as their negotiator with the pirates.<sup>775</sup> In Kenyan mantra, the authorities had succumbed to pressure from a clique of state honchos and businesspeople who were interested parties in the arms purchase and shipment. Mohammed Abdullahi Moalim Aden alias Tiiceey, the contracted pirate master successfully negotiated the release of the arms vessel.<sup>776</sup> This incisive write up by Ochami and Mwachanga confirmed that Kenyan authorities and nationals in general were joined at the hip with pirates in an intricate web that escaped the general public's propping eyes in a web that was largely beneficial to both parties. A decision by Belgian authorities to arrest the same Mohammed Abdullahi Moalim Aden alias Tiiceey on charges of supporting pirate activities<sup>777</sup> bespeaks of Kenya's two-faced relationship with Somali pirates that was beneficial to a clique of elites with power to pull strings in government circles. While the story reaffirmed Kenya's media independence by modestly divulging the linkages between Somali piracy and Kenya, its contextualization shows that the dealings were a secretive affair dominated by state and business elites.

In a candid exposure that affirmed Kenya's relative media independence, Margot Kiser painted the Kenyan coast that neighbored Somalia as an open paradise where pirates roamed freely. The painting went into great length to show how Somali pirates evaded Kenya's security personnel and pilots to kidnap western tourists from the Kenyan coast and take them into captivity in Somalia's notorious pirate havens.<sup>778</sup> As much as Somalia has been depicted as a chaotic state whose weak institutions occasioned piracy, the story cast Kenyan state in no better light as its institutions were also shown to be leaking, unreliable and weak. In other words, the story portrayed the Kenyan coast that neighbours Somalia as being not just a paradise for the pirates

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<sup>775</sup> David Ochami and Stanley Mwachanga, "Kenya Used Criminal for Piracy Deals," *The Standard Newspaper*, Nairobi, May 21, 2015, 2.

<sup>776</sup> Ibid.

<sup>777</sup> Ibid.

<sup>778</sup> Margot Kiser, "Pirates in Paradise: How Al Shabab escaped Chase in Lamu Kidnap Drama," *Sunday Nation*, Nairobi, October 23, 2011, 4-6.

but a frontier-like coastline where Somali pirates walked in, kidnaped people and escaped with them without facing any major resistance. Kiser reinforced Kenya's security inadequacies by giving two more illustrations - one of the murder of David Tebbutt and subsequent kidnap of his wife, Judith Tebbutt by armed men who had 'strolled' into Kenya from Somalia and two - the snatching of two Spanish women aid workers from Dadaab refugee camp in North eastern Kenya.<sup>779</sup> These kidnap sagas painted Kenyan security organs as either non-existent or outrightly incompetent to counter the cross-border attacks. Kiser narrative is a reaffirmation of Western journalists' views that constantly cast aspersions on viabilities of African states managing their affairs and in the process reserving all manner of derision on them. These western inclined views may be as a result of the fact that while the article was published by the Kenya's Daily Nation newspaper, Kiser was an American correspondent based in Kenya.

Still, by using western lens, Kiser presented Somali pirates as having a close working partnership with Al Shabaab militants by indicating that the two outfits were one and the same thing in respect to the Kenyan coastal kidnap story at Lamu.<sup>780</sup> Further, in an unsubstantiated manner informed by the West's negativity on Africa, Kiser treats the two outfits' synonymously with a little contrast on their financial understanding<sup>781</sup> showing how the pirates were funding Al Shabaab terrorist activities. In line with the Western world's phobia and suspicion of groups perceived to be hell-bent in targeting western interests, the two are presented as an evil syndicate working together to realize common anti-western interests. In this case, Somali pirates were a victim of the aftermath of 11<sup>th</sup> September, 2001 assumptions in which the US and other western powers were quick to label groups opposed of their imperialist activities as part of an evil axis. Despite Somali pirates and Al Shabab widely being known as strange bedfellows, Kiser countered that by accusing them of only putting up pretentious faces of hatred and ideological discord in public amongst themselves as hoodwink to the West.

Elsewhere and in conformity with Kenya's government and business elite's interests, *Daily Nation's* editorial team depicted Somali piracy as a national security concern whose continuation

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<sup>779</sup> Margot Kiser, "Pirates in Paradise: How Al Shabab Escaped Chase in Lamu Kidnap Drama," *Sunday Nation*, Nairobi, October 23, 2011, 4-5.

<sup>780</sup> Ibid.

<sup>781</sup> Ibid.

and escalation posed significant danger to Kenya's national security. The 16<sup>th</sup> February 2011 editorial piece stated that the piracy's threat to Kenya's national security was serious because some of the pirate attacks were been executed inside Kenya's territorial waters without any response from the Kenya's security agencies.<sup>782</sup> This was a worrisome security situation that needed urgent attention so as to block other evil machinations against Kenya. While the assertion raised national security consciousness of Kenyans, it had an underlining objective as Kenyan national security was shaped by interests of Kenya's elites. Kenyan elites have a firm grip over state institutions and businesses making them to be keen to portray the pirate attacks as a threat to Kenya's national security while in reality they were concerned of the pirates' disruption to their business interests. In Kenya just like other African states, serving in government is an opportunity to promote personal businesses and when need arises, a chance to use state machinery to protect the business. Moreover, genuine national security fears of the pirates' infringement of Kenya's sovereignty to hijack *Mv Golden Wave* inside Kenya's territorial waters on 9<sup>th</sup> October, 2010 were synchronized with private business losses-lose of tourists that necessitated public attention and support. However, when flipped, the infiltration of Kenya territorial waters and subsequent seizure of five other vessels without a response from Kenya's security apparatus was a reflection of the West's representation of African states such as weak and insecure entities.<sup>783</sup>

In an angling to seek favourable support for socio-economic support from European countries Kenya's top government honchos pulled strings behind the scenes to have John Ngirachu write a congratulatory story from the European Union in the *Daily Nation*.<sup>784</sup> The European Union which was engaged anti-piracy initiatives off the Somalia coast had appreciated Kenya's role in the campaign by accepting to prosecute suspected pirates captured in the high seas. Basking in the glory of appreciation, Kenyan authorities eagerly showcased Kenya's military prowess after its Navy killed and arrested suspected Somali pirates. In the story, Kenyan authorities were keen to project Kenya as a worthwhile partner to the European Union in the fight against Somali piracy. By running the publication, Kenya was drawing attention to itself by depicting herself as a reliable ally to the European Union. The story was geared to ensure that European countries

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<sup>782</sup> Editorial, "Pirates Are a Danger to Our National Security," *Daily Nation*, Nairobi, February 16, 2011, 12.

<sup>783</sup> Ibid.

<sup>784</sup> John Girachu, "Kenya Praised for Fighting Sea Crime," *Daily Nation*, Nairobi, November 16, 2010.

continued giving socio-economic support to Kenya for her developmental programmes as the economically weak African countries are reliant on the advanced foreign economies in funding of their projects.

Kenyan media's inextricable interweave with business and political elites could be discerned in Patrick Mayoyo's article in the *Daily Nation* that claimed that Kenya had been turned into a hub of Somali piracy ransom money.<sup>785</sup> As much as Mayoyo cast the story as a threat to Kenya's security, connotations of perceiving Somalis as business competitors to Kenya's business elites could be deduced. The supposed seeping of Somali piracy money into the Kenyan economy caused alarm amongst local business elites who were dominating business in the country. Their fear was that the huge ransom monies could give the largely business-minded Somalis an edge over them in clinging business opportunities. While Kenya's security apparatus cracked their heads to comprehend the security impact of ransom money entering and getting absorbed into the country, business elites were in trepidation of the probability of Somali pirates-in reality Somalis capturing a share of Kenya's economy.<sup>786</sup> According to the story, the then continuous flow of ransom money into Kenya's economy was destined to disadvantage Kenyans as Somalis (herein depicted as pirates) were set to acquire a substantial segment of the country's economy.<sup>787</sup> The ransom money was invested in a wide spectrum of Kenya's economic sectors ranging from real estate to forex bureaus to stock brokerages and transport, a scenario that was poised to disrupt the existing 'economic elitism' of few individuals controlling those key aspects of the economy.

Ordering of Kenyan media as a mouthpiece of business elites was seen in two articles published by the *Daily Nation*. Abdiwahid Biriq wrote a story which depicted Kenya's housing boom as having being partly caused by piracy money but with the piracy declining, the sector was staring at a probable collapse.<sup>788</sup> By inadvertently outstretching the purchasing power of Kenya's middle class families in and around the capital city, the boom had become a preserve of very rich individuals who included Somali piracy's entrepreneurs. The drift of the story was that Kenyan property businessmen had partly been elbowed out of the lucrative construction industry by

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<sup>785</sup> Mayoyo, "Kenyan Firms Make Killing from Piracy."

<sup>786</sup> Ibid.

<sup>787</sup> Ibid.

<sup>788</sup> Abdiwahid Biriq, "Why Kenya is headed for Property market collapse," *Daily Nation*, Nairobi, November 2, 2013.

individuals who were armed with huge ransom monies. A similar cry can be deciphered from Githua Kihara article on Kenyan cattle exports to Mauritius.<sup>789</sup> Kihara explained how Mauritius had opted to import cattle from South Africa instead of Kenya, her traditional market due to piracy. The Mauritian government lamented how pirate attacks off the Somalia coast had turned importation of cattle from Kenya an expensive and inconveniencing exercise. Mauritius decision was unwelcome news to Kenyan cattle exporters who had now lost a major market for their products. While the story is informative about Kenya-Mauritius cattle trade relations, it simultaneously highlights how the piracy was a cause of loss of business to Kenya's elite cattle exporters. Similarly, Kennedy Senelwa's article on oil imports to Kenya is another exposure of how the Kenyan media helped in accentuates the business loses incurred by elite Kenyan businessmen due to Somali piracy.<sup>790</sup> Senelwa's amplifies Kenya's oil importers concerns on the profitability of their businesses due to the requirement of paying more premiums to get their products to Kenya as a consequence of Somali piracy.

In an echo of the power and influence that elites in Kenya wield in pulling strings behind the scenes in their interests, Patrick Mayoyo and Abdulkadir Kalif's article described Kenyan authorities' culpability in allowing illegal structural modification of aeroplanes that were being used to facilitate Somali pirate activities.<sup>791</sup> This structural plane changes happened without approval from Kenya's air transport regulator, Kenya Civil Aviation Authority not only exhibited systemic weaknesses of Kenyan authorities but affirmed the sway held by Kenyan elites. The same sway was applied to remotely fashion and direct Kenya's media outlets. However, the article earns credit for courageously portraying Kenya as an enabler of Somali pirate activities at the cost of her national security. Western chastisement of African states and their inherent weaknesses is not farfetched.

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<sup>789</sup> Githua Kihara, "Kenya Loses Out in Cattle Export Deal over Piracy," *Daily Nation*, Nairobi, December 1, 2010.

<sup>790</sup> Kennedy Senerwa, "Oil Marketers Feel Heat as Ship Owners Raise Fees over Piracy," *Daily Nation*, November 16, 2010.

<sup>791</sup> Patrick Mayoyo and Abdulkadir Kalif, "Seized Planes 'Modified to carry out tasks for Pirates,'" *Daily Nation*, Nairobi, June 1, 2011, 10.

### 5.3 Convolution of Narratives of Nationalism and Instrumentalization of Disorder in Somali Media

On its part, Somali media largely weaved nationalist and functional disorder narratives in their publications on the piracy. As a matter of fact, Somali media outlets packaged the launch of attacks against foreign intruders along Somalia's coastal waters as a nationalist narrative particularly at the incipient stage of the piracy. Nationalist arguments were a consequence of Somali people's long-standing experience of foreign exploitation of their resources as well as a history of foreign interventions that predated 19<sup>th</sup> century European colonialism of African territories. Colonialism gave way to illusionary African states where elites have informalized and criminalized affairs within the states for personal gain.<sup>792</sup>

A story run by Kenya's *Daily Nation* brought out the convolution. A Somali Member of Parliament in a nationalist stance argued that foreigners were fueling the piracy so as gain from the piracy's big ransom fortunes.<sup>793</sup> In his take, foreigners were pulling strings behind the scenes in perpetuating the piracy for personal gain at the cost of naive Somali youth, a reality that makes rationalizing developments in African states unfathomable.<sup>794</sup> He questioned the advanced organization that was associated with hijacking of vessels and subsequent professional ransom negotiations which he reasoned were a demonstration of the participation of the more advanced and resourced foreign entities. He went ahead to exonerate the Somali youths from the piracy menace arguing that the youths had no capability of orchestrating such sophisticated attacks on vessels in the midst of powerful navies that patrolled the sea.<sup>795</sup> Accordingly, Mohammed Omar Dalha, the Lower Shebelle Member of Parliament, asked the world to target the international cartels that had infiltrated the Somali coastal waters if the fight against the piracy menace was to succeed. This call confirmed Somalia as a delusional state where criminal enterprises thrived.<sup>796</sup> In other words, he was asking the world to contextualize the piracy menace broadly and not to be blinded by foreign journalists who predominantly projected it as a Somali issue. Dalha's views

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<sup>792</sup> Chabal and Daloz, *Disorder as Political Instrument*, 3-16.

<sup>793</sup> Mathias Ringa, "Foreign Cartels blamed for piracy," *Daily Nation*, Nairobi, January 24, 2011, <http://www.nation.co.ke/news/Foreign-cartels-blamed-for-piracy-/1056-1095294-format-xhtml-56ixw6/index.html>.

<sup>794</sup> Mbembe, *On the Postcolony*.

<sup>795</sup> Ringa, "Foreign Cartels blamed for piracy."

<sup>796</sup> Bayart, Ellis & Hibou, *The Crimination of the State in Africa*.



were at variance to Western media's routine picturing of Africans as their own enemies due to their inadequacies to particularly conjure up functional states.

Likewise, Radio Garowe, a private radio station in Garowe, the administrative capital of the autonomous Puntland region in northeastern Somalia painted the Somali pirates as a selfless people who were protecting the Somali coast from foreign infiltration.<sup>797</sup> Their broadcasts depicted the pirates as patriots and nationalists who risked their lives by challenging the powerful foreigners who were exploiting the Somali coastal resources to the disadvantage of Somali citizens. In the same breath, the pirates were presented as pious Muslims who had gone out of their way to protect their land, a latter day *Dar-al-Islam*.<sup>798</sup> In other words, Somalia, a Muslim land, was being protected from discretion by foreign infidels. These infidels included foreign fishermen, merchants and seafarers who were illegally and unlawfully exploiting Somali coastal resources. Radio Garowe's anchored their nationalist stance on religion by presenting the pirates as Muslim heroes who were standing up to protect Islam from discretion. This presentation was a retaliation to the western world's nebulous connection of Islam to terrorism, a connection which had been extended to piracy. In their eagerness to shield Islam from what they perceived as negative characterization by the mainly Christian western world, the radio abrogated itself the role of defending their religion within the realms of existing circumstances.

Adding its voice to the convoluted interpretations of the piracy, a new Somali media outlet sculpted the phenomenon as a mutative activity whose initial objective was to protect Somali coastal waters from exploitative foreigners.<sup>799</sup> Initially, Somali nationals of goodwill had converged with a desire to fill Somalia's coastal security void that had been created by disintegration of the Somali state into chaos in 1991. The 1991 loss of state power of President Siad Barre resulted in the total collapse of Somalia's security agencies including her fledgling

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<sup>797</sup> Radio Garowe media broadcast was cited in Joshua E. London's "Somali Pirates and the Islamist Jihad," *The Cutting Edge*, April 20, 2009, <http://www.thecuttingedgenews.com/index.php?article=11267>.

<sup>798</sup> *Dar-al-Islam* as used here denotes a country or land either under the rule of Islam or, a country where Muslims represent the majority of the population, and so the government promises them protection. Even though its coinage is neither reflected in the *Quran* nor in the *Hadith*, the main sources of texts of Islamic jurisprudence, the phrase has been used by many Muslim scholars as well as Islamic Jihadists. See Abu Ismael al-Beirawi, *Understanding 'Dar al-Kufr' and 'Dar al-Islam'*. *Islamic*, May 17, 2012, <http://islamicsystem.blogspot.com/2012/05/it-is-unfortunate-that-islamic-concepts.html>.

<sup>799</sup> Hassan M. Hussein, "The Devastating Price of Piracy on Somali Youth, Communities," *Sabahi Online*, Galkayo, October 10, 2012, [http://sabahionline.com/en\\_GB/articles/hoa/articles/features/2012/10/10/feature-01](http://sabahionline.com/en_GB/articles/hoa/articles/features/2012/10/10/feature-01).

navy. Characteristic of functional disorder in Somalia, there emerged an ad hoc territorial coast guard which was largely dominated by exasperated fishermen who targeted foreign vessels and levied them for illegally traversing the Somali coastal waters. While portraying the ad hoc coast guard as a patriotic self-defense mechanism for the protection of Somalia's coastal wealth, the new media styled the ad hoc coast guard's growing appetite and receipt of higher fees from the foreign vessels as the reason for its transformation into outright piracy. Such transformation is a classic example of instrumentalization of disorder. This nuancing projected Somali piracy as an issue whose initial innocuous course had culminated into an outright hijack driven piracy enterprise and whose adversities should not have solely been pinned on Somalia. Besides Somali people's role in the piracy, the story was alluding to the need to examine foreign players, a matter was glossed over by regional and international media outlets.

Lamentation against foreign atrocities in Somalia's coastal waters played out again when Somalia transitional government questioned a decision by Russian Navy to leave suspected pirates adrift to meet their apparent death.<sup>800</sup> A transitional government official was appalled by the cold blooded act of snapping the lives of their nationals in disregard of dictates of law and respect of human rights.<sup>801</sup> Whereas the official did not dispute the culpability of the individuals as criminals, he emphasized the need of taking them through a due process of law. Many may have expected the transitional government to ignore the ignominious death of the piracy suspects who had negatively painted Somalia as a lawless land beyond the administrative grip of Somali authorities. However, in a contrary stand, the transitional government demanded an explanation from the Russian Navy on the happening that led to the apparent death of their citizens.

Eager to connect foreigners to the Somali piracy and exonerate Somalis, Somali authorities projected Western countries as covert perpetrators of the piracy menace while conveniently and unfairly singling Somali nationals as the culprits. Anchored in a nationalist manner, the story was about the arrest of six foreigners at the Mogadishu's Aden Abdulle International Airport on suspicion of engaging in piratical work after a huge amount of cash was found on them.<sup>802</sup> While the story was coloured in a way that magnified the alleged participation of Western nationals in

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<sup>800</sup> Editorial Team, "Russia told to explain pirate attack," *Saturday Nation*, Nairobi, May 15, 2010.

<sup>801</sup> *Ibid.*

<sup>802</sup> Peter Leftie, "Westerners 'Behind Attacks on Ships,'" *Daily Nation*, Nairobi, June 13, 2011.

the menace, it also shrank Somalia's involvement in the piracy. Responding to the long running depiction of Somalis as the driving agents of the piracy by westerners, a Somali government official queried the eerie quietness of Western media outlets in publishing the story of the arrested foreigners. The story showed that piracy had ensnared many players beyond Somalia coastal waters and the blame for the menace did not need to be pinned on Somalia alone.

In a while, Somalia's new *Sabahionline* media not only queried accepted interpretations of Somali piracy but also analyzed the roles of various players in the criminal enterprise. For example, *Sabahionline* began to question disorder in Somalia by contextualizing the place of the Somali youth in the piracy, openly wondering whether their involvement was advantageous or disadvantageous to them.<sup>803</sup> Steadily, *Sabahionline* began to poke holes in the widely held view or myth that piracy was a lucrative enterprise for the Somali people. In a counter demonstration, *Sabahionline* intimated that in place of the wealth, the piracy had brought financial, humanitarian and natural resource losses to the Somali people. *Sabahionline* concluded by insisting that piracy was an unsuitable enterprise that needed to be brought to a halt. It was on the basis of the piracy's unsuitability that *Sabahionline* asked the Somali people to frown on the practice and have a complete break from it. Of particular concern to the online paper, was the damage the piracy had brought to Somali young men including death in the sea, arrests and lengthy jail sentences in local and foreign prisons<sup>804</sup> which had left families destitute and broken. The paper further questioned the depiction of piracy to Somali youth as an allure to quick riches as a wrongly popularized fallacy that did not hold truth as the real beneficiaries of the enterprise were pirate masters. Moreover, the trade had wrongly diverted Somali young men from worthwhile nation building engagements into activities with substantial security ramifications.

Abdi Moalim highlight on the alternative methods adopted by Somalia government authorities to counter the piracy echoed a nationalist narrative which projected Somali traditions as an alternative to the western world's military campaign to curb the piracy. One such method that the government of Somalia advocated for was forgiveness and acceptance of former pirates.<sup>805</sup> In a

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<sup>803</sup> Hussein, *The Devastating Price of Piracy on Somali Youth*.

<sup>804</sup> Ibid.

<sup>805</sup> Abdi Moalim, "Somali Charts New Course in Battle against Piracy," *Sabahi Online*, Mogadishu, April 16, 2013, <http://sabahionline.com/en-GB/articles/hoa/articlesfeatures/2013/04/16/feature-01>.

functional state, the law is allowed to take its course and those found in folly of it made to pay for their crimes. Once they were into the rehabilitation process, government authorities were to accustom them to acceptable lifestyles through creation of alternative employment opportunities to keep them away from the piracy vice.<sup>806</sup> Due to the substantial amount of money that was required for the rehabilitation and empowerment initiatives, the international community was called upon to finance the initiatives bespeaking of Africa's economies as a tragedy that can't survive without the support of the international community. However, to complement the non-military initiatives, the Somalia government employed coercive security tactics to make piracy untenable.<sup>807</sup> In a semblance of state orderliness, authorities in Somalia sealed security gaps that fuelled piracy thereby forcing pirates and their potential recruits to seek lawful economic engagements for their survival.

An attempt to sanitize Mohamed Abdi Hassan 'Afweyne,' of his piratical notoriety along central Somalia's coastal waters made Abdi Moalim to interview him and broadcast wholesome his exonerative sentiments from his previous piratical life. This brought to the fore both pictures of nationalism and functional disorder in Somalia. While Moalim overlooked *Afweyne's* participation in pirate hijackings between 2009 and 2012 which had turned him into feared pirate figure, he eagerly applauded his renunciation of his pirate as from January 2013. *Afweyne's* subsequent decision to turn himself into an anti-piracy crusader in Somalia's central regions of Mudug and Galgaduud resulted in Moalim gifting him with a nationalist badge. *Afweyne's* denial of having taken sailors hostage nor received ransom money was tacitly presented as gospel truth while his explanation of having been a fisherman who organized a self-defense movement to keep away intruding foreign vessels was loudly shown as a nationalistic exercise. In addition, Moalim did not contextualize nor sieve *Afweyne's* claims of abandoning the self-defense movement when it morphed into outright piratical activities for clarity.<sup>808</sup> Despite his open and infamous notoriety of practical engagements, *Afweyne* was presented as a moral and nationalist who took to the sea to fight for the sovereignty and preservation of the Somali coastal resources before turning to the anti-piracy fight in Somalia. The interview and subsequent publication

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<sup>806</sup> Ibid.

<sup>807</sup> Ibid.

<sup>808</sup> Abdi Moalim, "Somali Ex-Pirate Kingpin Now Leads Anti-Piracy Fight," *Sabahi Online*, Mogadishu, October 8, 2013, [http://sabahionline.com/en\\_GB/articles/hoa/articles/features/2013/10/08/feature-02](http://sabahionline.com/en_GB/articles/hoa/articles/features/2013/10/08/feature-02).

highlights how instrumentalization of disorder had pervaded the Somali state to the extent of whitewashing known criminals who should be held in disdain. Moalim's professional expectation to correctly illuminate the ugly skeleton that was Somali piracy got caught up in normalized views on Somalia's disorder.

In a fervent display of her nationalist capabilities, Puntland administration used a Radio Ergo's broadcast to project itself as having the zeal that was to successfully end piracy in her autonomous region. Abdirizik Mohamed Dirir, Puntland's Counter-Piracy Director enumerated the administration's significant strides towards ending the piracy menace.<sup>809</sup> By applying divergent measures, some pirates had been arrested, a development that forced others to flee the region to escape impending arrests. With the administration's effective anti-piracy mechanisms denying them room for maneuverability, a number of pirates opted to renounce the practice and applied to be reformed. Once the completed the reform process, the former pirates were recruited into the Puntland's military and civil service. The radio broadcast depicted Puntland's administration as wielding the capacity and resolve to extinguish the piracy vice, at least within her territory and coastal waters. The foregoing paints Puntland as an authority that had triumphantly rediscovered her footing in as far as developing a functional state was concerned. As a matter of fact, the administration's claim of wiping out three pirate strongholds contrasts with the Western world's (mis)representation of African states as disorderly entities.<sup>810</sup>

In a publication that was seemingly pushing a Somali nationalist idea, *Sabahi Online* outlined how the newly established autonomous region of Galmudug was eagerly projecting itself as having qualities of a functional state.<sup>811</sup> The region of Galmudug was established as an autonomous entity on 14th August, 2006 with Galkayo being declared its capital. The story showcases Galmudug as a stable 'state' with a president who was fully in charge of its affairs. President Abdi Hassan Awale is shown to be supervising goings on in different parts of the autonomous region. In a visit to Hobyo, a former pirate den, President Awale is quoted to have asked pirates to cease their criminal activities. In the same breath he marketed his administration

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<sup>809</sup> Editorial, "Puntland 'Wipes Out' 3 Pirate Strongholds," *Sabahi Online*, Mogadishu, May 30, 2013, [http://sabahionline.com/en\\_GB/articles/hoa/articles/newsbriefs/2013/05/30/newsbrief-05](http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2013/05/30/newsbrief-05).

<sup>810</sup> Ibid.

<sup>811</sup> Editorial, "Galmudug President Requests Support to Fight Piracy," *Sabahi Online*, Mogadishu, August 26, 2012, [http://sabahionline.com/en\\_GB/articles/hoa/articles/newsbriefs/2012/08/26/newsbrief-056](http://sabahionline.com/en_GB/articles/hoa/articles/newsbriefs/2012/08/26/newsbrief-056).

as effectively governed entity with the necessary wherewithal to wipe out the piracy menace if it was to be accorded support. In a further illustration of Galmudug progress as a ‘state,’ and aware of centrality of traditions amongst the Somali people, the president was reported to have organized a meeting with Hobyo’s elders to ventilate with them on ideas on cultural mechanisms that could be adopted to deal with the piracy menace.

But Somalia’s entrenched functional disorderliness could not be erased by a singular regional campaign to curb piracy. In a report that revealed the long walk ahead to end instrumentalized disorder, a Radio Dalsan broadcast reported of the arrest of two Somali journalists with western heritage without a clear explanation for their arrest by Puntland regional authorities in Garowe.<sup>812</sup> While the authority was trumpeting its successes in reengineering a working state, the journalists’ irregular arrest cast aspersions on the authority’s narrative, reconfirming that realization of a functional state in Africa is a mirage. In states that function well, journalists are licensed and then given freedom to pursue their journalistic work within known parameters. Arresting journalists who were carrying necessary documents besmirches of state that is ruled by law and order. It is probable that the two journalists were arrested to derail their pursuit of piracy stories that the authority felt were uncomfortable and capable of tainting their newly created anti-piracy posture. This development aroused thoughts of the administration being keen to orchestrate a stage managed narrative as is the norm in dysfunctional states for own selfish interests.

Puntland’s patriotic fervor continued when the authority’s police unit was depicted by Abdulkadir Kalif as a professional unit with capability of successfully raiding a pirate base and arresting suspected pirates with their assortment of automatic guns in northern Puntland.<sup>813</sup> The story presented the unit as a unit driven by good intelligence that helped to unravel the identities of the pirate gangs that were responsible for pirate kidnappings and hostage taking in the region.<sup>814</sup> As expected of an orderly society, the law was allowed to take its course by charging the arrested pirate suspects with different charges with one Mohamed Hassan alias ‘Dhafoor,’ a pirate leader

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<sup>812</sup> Editorial, “Puntland Authorities arrest journalist, Photographer,” *Sabahi Online*, Mogadishu, October 8, 2013, <http://sabahionline.com/en-GB/articles/hoa/articles/newsbriefs/2013/05/30/newsbrief-05>.

<sup>813</sup> Abdulkadir Kalif, “*Somali Forces Storm Suspected Pirate Base*,” *Daily Nation*, Nairobi, May 29, 2012, 20.

<sup>814</sup> *Ibid.*

getting a murder charge for his suspected role in the killing five Puntland security forces during their attempt to rescue a Danish family that he was suspected of holding in captivity.<sup>815</sup> Even before Puntland forces concluded their buoyant feelings for a meticulous operation, other Somali pirates executed an audacious raid on the forces in a maneuver to fend them off from the pirates' operational bases.<sup>816</sup> The attack was a quick remainder that Puntland was to free herself from the shackles of functional disorder.

#### **5.4 Conclusion**

The centrality of the media was witnessed in the reportage of Somali piracy. This is because the media remains an important agent in influencing perceptions of people particularly in a subjective issue such as Somali piracy. Among those who were keen to shape narratives on Somali piracy were its principal actors such as pirates and Somalia government(s) authorities. In this circle were other associated parties such Kenyan business and government elites with close linkages to the piracy. All actors, other associates and their partners in and out of Somalia had close (mostly selfish) interests on how the piracy was reported which made them pull their weight on media outlets. Expectedly, the weight flipped acclaimed media objectivity and turned the presentation of Somali piracy into a subjective issue.

As a phenomenon that had international echoes and reverberations, Somali piracy was picked up by western media outlets who went ahead to represent it in a partisan manner to suit their interests. Western journalists often portrayed the piracy as consequence of African incapability to conjure up functional states. The incapability was subtly wrapped in racist undertones. Similarly, Somali piracy interested Kenya's media houses due their entanglement with country's business and government elites who had inconspicuous links with the piracy. The elites remotely influenced the reportage by the Kenyan media so as not to only shield their interests but further them as well. In some cases, the elites interests and Kenya's interests were wrapped as one as business and government elites in Kenya are inseverable. As if responding to the foregoing, local Somali media reportage was dominated by a nationalist fervor that countered the western world media misrepresentation of the phenomenon. Somali journalists viewed the western media's

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<sup>815</sup> Ibid.

<sup>816</sup> Abdulkadir Kalif, "Somalia Pirates Attack Puntland Forces," Daily Nation.

description of Somali pirate attacks as a conspiracy to malign and taint the good and nationalistic deeds of Somali fishermen. They subsequently abrogated themselves the role of sanitizing Somalia's image whose general thread revealed a contestation of the term 'pirate.' In the words of western media, pirate attacks off the coast of Somalia were criminal and repugnant whereas to the Somali people, the attackers were Somalia's new coast guards and not pirates.<sup>817</sup> Still, Somali reporting on the issue carried aspects of how disorder had been instrumentalized in Somalia, a norm that was amplified in the narratives of pirates and captives.

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<sup>817</sup> Editorial, "Somalis Speak Out: Why We Don't Condemn Our Pirates," *Huffington Post*, April 13, 2009, 5, [http://www.huffingtonpost.com/michael-vazquez/on-pirates\\_b\\_186015.html](http://www.huffingtonpost.com/michael-vazquez/on-pirates_b_186015.html).



## Chapter Six

### Somali Piracy: Culprit and Victim Voices

#### 6.0 Introduction

As seen in Satish Saberwal's examination of India's social crisis, Somali piracy can be contextualized as a social crisis fuelled by different situational circumstances of its perpetrators and their victims.<sup>818</sup> While most scholars have used 'standard' developed world's lenses to decipher Somali piracy, a phenomenon that thrived in a unique society that has for long been underpinned by disorderly local realities. But in a deliberate decision to provide light to the 'standard' lenses, the realities are better revealed by its victims and culprits who are largely a product of Somalia's geography, identity and religion.

Preceding and successive chapters have largely relied on regional and global governmental and inter-governmental agencies, anti-naval officers, government, journalists and scholars to draw a portrait of Somali piracy. Although chapter two pontificates that Somalia's coastal communities gradually cultivated a piratical enterprise that morphed into the indiscriminate capture of vessels for ransom as a repulsion towards illegal foreign fishing along their coast,<sup>819</sup> there is need to supplement the views with pirate voices on their reasons for joining piracy. As a hallmark of Somali piracy, the capture, detention, release of vessels and crews needs its perpetrators and victims' voices. As much as other chapters have illustrated the piracy's numerous obstacles and hitherto new threats, a take by its perpetrators and victims will complement the picture.

A large part of this outcome depicts Somali society as being engulfed in greed, desire and anxiety as well as fear, expectation and hopefulness. Nonetheless, this narrative about Somali piracy appears incomplete without the experiences of pirates and captives being incorporated into it. A tale of these participants of Somali piracy goes a long way in elucidating a phenomenon that has been dominated by numerous 'eras' whose players have employed different modus operandi as per their prevailing circumstances which in the process unearthed a motley of experiences.

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<sup>818</sup> Saberwal Satish, *Roots of Crisis: Interpreting Contemporary Indian Society* (New Delhi: Thousand Oaks: Sage Publications, 1996).

<sup>819</sup> Oral Interview, Mohamoud Said Abdi, Shimo la Tewa Prison, March 13, 2015.

This chapter is thus an attempt at narrating the Somali pirates' and captives' experiences. The chapter begins with an interrogation of insider views on the inducements that led Somalis into the piracy and those of the captives that made them to join the maritime world before delving into the pirates and captives experiences on Somali piracy's operational procedures. The chapter will then go on to highlight the pirates and captives take on the issue of the capture of crew and vessels and their eventual release before revealing the pirates and captives fears during the capture process and the tactics they adopted to survive the ordeal. These pirates' and captives' accounts allows us to contrast the Somali piracy phenomenon which not only reveals the character of the Somali piracy but also helps to provide a truer portrait of the piratical enterprise.

### **6.1 Inducements for Culprit Participation in Piracy**

By 2004, hijacking of ships and ransom demands/taking had become a norm in Somali piracy. Once ransom piracy emerged and became public knowledge amongst the Somalia's coastal communities, young men jostled to join the fray. The jostling was partly aided by violent clan based political contests whose major participants were young men. The young antagonists' favourite weapon was the assault rifle whose familiarity turned Somalia's young men into experts in gun use. Consequently, pirate groups not only recruited and operated along clan identities but similarly adopted the assault rifle as the weapon of choice in an endeavor to stay ahead in the piracy business. Thus, by default, Somalia's youth ordinarily owned and knew how to use guns.<sup>820</sup>

It was a routine practice for young men to carry guns for self-protection as nobody knew when and how a violent confrontation would break out. So, when stories about the capture of sea vessels and ransom payments began to filter and became public knowledge, the armed young men joined in so as to also get a piece of the ransom proceeds. Generally, a gun was a critical weapon in the capture and custody of vessels. It was also a tool of necessity during the process of payment of the ransom money for security reasons.<sup>821</sup>

Besides the chaotic security situation, access to money obtained from dealing in piracy attracted young people to engage in piratical activities. This desire was conveniently camouflaged under a communal desire to stop the dumping of toxic waste and illegal fishing along Somalia's coastal

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<sup>820</sup> Oral Interview, Hassan Hussein Mohammed.

<sup>821</sup> Ibid.

waters. It is for the latter reason that Somali pirates with a fishing background<sup>822</sup> undertook pirate attacks as a revenge mission to protest against depletion of their fish stocks. Pirate attacks served as a scare tactic to keep away illegal foreign vessels that had economically disenfranchised coastal fishing communities. As such, the preceding survivalist considerations were at the centre of the pirates' mind as they toyed with the choice of either joining or not joining the pirate gangs.<sup>823</sup>

As mentioned in earlier chapters, multiple factors influenced Somalis to join pirate gangs but the pirates thought that their desire to earn quick money was the core reason that influenced them to join the enterprise. There was attraction to engage in piracy for purposes of money because the proceeds did not just come quick but were also big. A jailed pirate explained,

I had heard about the piracy and its huge returns. People used to talk on how pirates were making so much ransom money as fines for releasing captured vessels. So, when an opportunity arose for recruitment, I didn't think twice about it as I was also eager to earn the big money from the piratical attacks. Moreover, I had seen a few people that I knew transform their lives after they successfully hijacked a vessel and received ransom money for its release. And I believe these were the same reasons that fuelled other young men to join pirate gangs.<sup>824</sup>

Notwithstanding the above and earlier elucidation of multiple explanations for the rise, growth and escalation of Somali piracy,<sup>825</sup> the capture of *MV Golden Wave* provides a hitherto unarticulated illumination of the undercurrents that fuelled the piracy. The hijacking of *MV Golden Wave* revealed the roles that Somalia's neighbouring countries such as Kenya played in fueling the piracy. Though alluded to in chapter two as fishing, closer analysis provides new insights into the issue. A *MV Golden Wave* crew and captive noted,

Sometime in September 2003, our fishing vessel was hijacked and ordered to sail deep into Somali waters. Our vessel, the *MV Golden Wave*, was owned by a Korean firm and had a Korean captain. Although it was a Korean vessel, it carried a Kenyan fishing license. The vessel had set off from Mombasa in

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<sup>822</sup> A good number of pirates came from fishing communities.

<sup>823</sup> Oral Interview, Abdi Mohammed Ali, Shimo la Tewa Prison, March 15, 2015.

<sup>824</sup> Oral Interview, Hasssan Issa Musa, March 13, 2015.

<sup>825</sup> See Chapter two for an explanation of the motives.

search of crabs—a popular sea food. Since the Kenyan waters are not rich in sea foods, the captain headed for the Kenyan–Somalia border at Kiunga to target a heavier catch of the crab fish. Since the captain was eager for a quicker catch of the sea food, he encouraged us to throw the fishing nets into Somali waters which have a richer supply of the sea food. This unlawful fishing gave way to our entry into Somali waters at night to fill our fishing nets. It is this greed for unlawful fishing in Somali waters that exposed us to Somali pirates.<sup>826</sup>

Under Somalia’s collapsed state structures and subsequent lawlessness, Somali coastal waters remained vulnerable to exploitation by foreign vessels that illegally entered the waters to the chagrin of the Somali coastal communities. It was this anger against the illegal foreign fishing vessels that contributed to the outbreak and escalation of Somali sea piracy.<sup>827</sup> This co-relation between foreign fishing and growth of piracy was ably captured by a *FV Golden Wave* crew member and captive,

After our vessel got to Kiunga on the Kenya-Somalia border, we began to illegally throw our nets on the Somali waters targeting a heavier catch of the crab fish. A few hours into our border breaching, the Kenyan Navy made contact with our fishing vessel, telling us not to move further as we were almost into Somali waters which had earned notoriety of being dangerous. Unnerved by the warning and blinded by greed for a plentiful catch of crabs, we continued to direct our nets into Somali waters. Dissatisfied with just throwing nets into Somali waters, we entered Somali coastal waters looking a quicker catch of crabs. For three days, we darted our vessel into Somali coastal waters and then returned to the Kenyan waters. Our actions didn’t go unnoticed as Somali pirates sailing in boats captured us on the fourth day.<sup>828</sup>

Pirate gangs such as the one that captured *FV Golden Wave* were made up of members with requisite qualifications that endeared them to pirate masters for recruitment as narrated in chapter four.<sup>829</sup> In addition to possession of certain qualifications, accomplished and regular sea-faring pirates acted as intermediaries who scouted for individuals whom they felt had the requisite experience and passion for a pirate job to their pirate masters.<sup>830</sup> In most cases but not in all the times those recruited were fellow clansmen as Somali people socially organize around the clan.

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<sup>826</sup> Oral Interview, Omar Mwawema Mwalimu, former captured sailor on *FV Golden Wave* in 2003, Kenya Seafarer’s Association office, Mombasa, April 15, 2017.

<sup>827</sup> See Chapter two, sub-chapter six for a detailed explanation of illegal foreign fishing.

<sup>828</sup> Oral Interview, Omar Mwawema Mwalimu.

<sup>829</sup> See chapter four, sub-chapter three.

<sup>830</sup> Oral Interview, Hassan Hussein Mohammed.

This system ensured that the pirates who made up a gang knew one another due to familiar and/or clan relations. Familiar and clan relations were critical in ensuring unity and reduction of disputes within a pirate gang. Keen to ensure success in their pirate attacks, the intermediaries ensured they brought on board young men with traits of courage, passion, hard work, knowledge and use of the gun, swimming skills, fishing knowledge and capability to read the stars and use the compass.<sup>831</sup> A number of Somali young men met these prerequisites, thus turning the process into a reservoir of and ingredient to Somali piracy.

Once someone showed interest to join a pirate group, the recruiter had to confirm that the potential recruit had good gun knowledge.<sup>832</sup> “From engagements with my gang members, I came to realize that almost all of them were hired into the group due to their deep knowledge about the gun and ease in its use.”<sup>833</sup> In most cases, there was no training after recruitment. The young recruits were told how to undertake fruitful hijack missions as well as how to deal with the attendant challenges. In few incidences, they were told of the possible percentage they could receive at the end of a successful hijack process.

In contrast to the above ‘barometer’ of gun knowledge as a prerequisite for recruitment into a pirate gang, the process of one becoming a pirate was arbitrary, particularly during the peak of Somali pirate attacks. Exuberant young Somali men congregated at the sea shore with their firearms ready to be recruited into pirate action in the high seas. In this sense, pirate operations were a spontaneous activity and not well strategized as commonly portrayed. The haphazard recruitment may have been the probable reason for the substantial pirate casualties recorded in the seas. Jailed Hassan Issa Musa remembered,

At some point, during the high piracy season, droves of armed and financially expectant young men flocked to the shores in anticipation of being recruited into a pirate group. Pirate masters then arbitrarily picked some boys into their groups and in no time the assembled group was set off into the seas to seek and capture a vessel.<sup>834</sup>

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<sup>831</sup> Ibid.

<sup>832</sup> Oral Interview, Hassan Issa Musa.

<sup>833</sup> Ibid.

<sup>834</sup> Ibid.

Expectation for monetary gain from piratical activity made young Somali men to ignore the disdain towards piracy from Somalia's older generation with even a louder displeasure from their parents. Somalia's young people including pirates and others who were not deeply rooted in Islamic doctrines believed that 'money rules the world.' Their main drive was the acquisition of money which was more important than socio-religious gratification. To them, money allowed them to get anything in the world.<sup>835</sup> A jailed pirate elaborated,

According to Somalia's younger generation, money was everything in this world despite its method of acquisition. Others may have disapproved how pirates acquired their money but that does not take away the centrality of money in our lives. After getting the substantial ransom money, a pirate got the means to purchase a car, construct a house, establish a business and/or marry a beautiful girl. It is these benefits amongst others that pushed Somali men to join piracy.<sup>836</sup>

Monetary gain was what drove them into participating in the business. The emergent assumption was that money would lift them out of their peasantry life into refined and wealthy lifestyles. Although, this dream was fulfilled amongst a few pirates particularly the top cadre pirates, it was a mere illusion to a greater percentage of the pirates.

In comparison to the foregoing inducements to become pirates, Somali piracy Kenyan captives joined the shipping industry under different circumstances and influences. Some sailors were fulfilling a childhood dream of working in the industry due to their proximity to the breathtaking vessels that made majestic entries into and exits from Kenya's Kilindini harbor. Another group of sailors ended in shipping by default as it happened to be the only available opportunity of earning a livelihood enabling them to take care of their families. The last group took to the sea as sailors in search of good money that purportedly came the way of sailors in the course of their engagements. Although sailors were purely men in Kenya and other African countries, it was not uncommon to have women sailors in Europe and other parts of the developed world.

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<sup>835</sup> Ibid.

<sup>836</sup> Ibid.

## 6.2 Culprit and Victim Experiences with Pirate Operations

While Somali piracy was a risky and untoward business, its culprits and victims voices bore witness to an interesting facet which dovetailed into fairly moral realms of both its perpetrators and their victims. These relative moral realms are embedded in the pirates and victims acquaintances with pirate operations which were further elaborated by the sojourn's fears and survival antics. It is the foregoing that made Somali pirates to develop operational procedures that were characterized by a hierarchical order and a loose set of code of regulations that both culprits and victims attested to. A Somali pirate gang's leadership structure was secretive with the lower cadre pirates being limited to only knowing their immediate superiors.<sup>837</sup> This shadowy strategy was probably adopted by founders of pirate gangs to shield themselves and their top employees from possible reprisals and prosecution by anti-piracy and government authorities. By embracing anonymity, pirate gang founders who also doubled up as pirate masters remained in the background of their gang's activities. It is also believed that founders of pirate gangs practiced anonymity as a way of deterring sea-faring pirates' from demanding for a higher pay at the end of successful ransom negotiations. In addition, this obscurity did not only shield pirate masters from irate rank and file pirates during misunderstandings but also enabled them to dodge arrest from anti-piracy navies.

Despite the pirate gangs' shadowy leadership structure, a standard pirate attack entailed seven to ten gang members under the leadership of an experienced pirate. After a successful pirate attack and ransom negotiations, the pirate master(s) took 75% of the money while the sea-faring pirates got 15% of the loot.<sup>838</sup> This 15% came to different amounts for each pirate as that was determined by the amount of ransom received and the number of pirates who were to share the 15%. However, 15% was still substantial money in a dilapidated Somalia economy as it was used by pirate masters to modernize their weaponry and equipment as while simultaneously spending the balance on leisure activities and investment opportunities just other gang members.<sup>839</sup>

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<sup>837</sup> Oral Interview, Hassan Hussein Mohammed.

<sup>838</sup> Ibid.

<sup>839</sup> Ibid.

Once pirate gangs successfully hijacked a vessel and concluded ransom negotiations, they dictated convenient procedures through which the ransom money would be delivered to their bases as described in chapter four, sub-sections five, six and seven. The other important issue was the type of currency in which the ransom money was to be paid. According to Hassan Hussein Mohammed, the pirates only allowed ransom money to be delivered in US dollars. This was to ensure smooth business transactions as the currency was widely used in Somalia and beyond.<sup>840</sup> However in a few circumstances the pirates allowed the use of the Somali currency as ransom payment in case the hijacked vessel was local or had local interested parties for its release.<sup>841</sup>

Payment of ransom and other piracy's operational issues elicited constant suspicions amongst pirate gang members which therefore forced pirate masters to design mechanisms that ensured that hijack processes as well as ransom negotiations and payment happened without hitch. To this end, pirate masters incorporated close family members in their pirate gangs to man the hijack processes to minimize frictions that consistently characterized the process.<sup>842</sup> While it was noted in Chapter four, sub-section three that pirate masters of the big and professional gangs transcended clan considerations in the recruitment of gang members, they concomitantly preserved sensitive positions to close family relations.<sup>843</sup> Family relations were placed there to protect the interests of the pirate master.

The collapse of law and order in Somalia occasioned moral degradation which turned piracy into a dangerous exercise whose execution was dominated by unruly and unpredictable individuals. Eager to circumvent this noxious nature so as to execute successful piratical undertakings, pirate masters deftly developed codes of conduct for their gangs. These 'set of rules' not only smoothed operations and relations amongst gang members<sup>844</sup> but also applied to regulate relations between and beyond the pirate gangs to minimize disruptive inter-gang disagreements as highlighted in sub-section three of chapter four. These rules touched on several aspects of the pirate enterprise with the more critical of the regulations detailing on the sharing of the received

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<sup>840</sup> Ibid.

<sup>841</sup> Ibid.

<sup>842</sup> Ibid.

<sup>843</sup> Ibid.

<sup>844</sup> Ibid.



ransom.<sup>845</sup> This narrative illustrates how sensitive the matter of handling captives was and this required the pirate master to clearly state to his charges before the launch of an attack. These rules are well captured by Hassan Mohammed,

Captured sailors were not mistreated as pirates were expected to treat them well at all times. For instance, the captives were supplied with food and water as well as other basic necessities. For those who got sick, the pirates brought health workers to attend to them on board the hijacked vessel. This considerate handling of the captives was a way of ensuring that ransom money was paid and the taking care of captives was bait by pirates to negotiate for good ransom payments. Pirates were not to discriminate between Muslim and non-Muslim captives, as a way of ensuring that the pirates were not distracted from their core desire of securing ransom at the end of a hijack process as religious stereotyping could have led to an international outcry and a subsequent linking of Somali piracy to religious extremism. To ensure their own safety, the pirates were expected to keep, cook and eat their own food so as to minimize chances of captives poisoning their food to attain their freedom. All these measures were taken to ensure that there was minimal disruption of hijack processes.<sup>846</sup>

The operational rules were necessary because piracy by its nature was antithetical to Islam. Pirates were overly alien to Islamic dictates such as offering of daily prayers which is one of the five pillars of Islam. Despite the requirement that every Muslim should pray five times in a day facing Mecca, the pirates, who were all Muslims did not offer the daily prayers.<sup>847</sup> And when they offered prayers, the prayers were sporadic and only self-serving. In most cases they scrambled to pray when they were facing an apparent attack or they were in an imminent danger.<sup>848</sup> Thus, like any other criminal grouping, religion didn't play any role in their activities.<sup>849</sup> Somali pirates relegated religious considerations to the back banner when they chose to mistreat captives they perceived as uncooperative and problematic in contradiction to the above accommodative narrative portrayed by Hassan Mohammed.

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<sup>845</sup> Ibid.

<sup>846</sup> Ibid.

<sup>847</sup> Oral Interview, Abdirahman Hassan Ali, Shimo la Tewa Prison, March 14, 2015.

<sup>848</sup> Ibid.

<sup>849</sup> Ibid.

Incidents of mistreatment of captives by pirates included non-provision of food items, beatings and intimidation.<sup>850</sup> Pirates intimidated captives by shooting in the air and assigning heavy chores to anybody who tried to challenge them so as to send a message to the victim and the rest of the captives on what would befall them if they did not adhere to the strict instructions given to them. The punishment was also meant to intimidate the captives so as not to get close to the pirates as such rapport could have been used by the captives to counter the hijack and ransom process. Rashid Juma Mwatuga noted,

After the capture of our vessel (*MV Semlow*) on 27<sup>th</sup> June, 2005, our colleague Ogotu alias Abdullahi who was always daring, got bored with our confinement and hatched a plan to try and befriend the pirates. He feigned stomach sickness to have a chance to talk to them. His endeavor to explain his stomach condition to them only infuriated them as they read mischief in his request for medical attention. And in truth, Abdullahi was keen to use his stomach upset to strike a bond of friendship with the pirates. He was also craving for *Khat* which he loved and which he had seen the pirates enjoying. The pirates readily took him to the bridge where they threatened him with several gunshots. Moreover, the pirates slapped ‘Abdullahi’ with the punishment of washing the entire vessel. His continual lamentation about the punishment and stomach upset saw the pirates take him to the shore where he was made to run around and whipped in the process. He was later brought back to the vessel and the pirates question on whether there was any other sick person was met with pin drop silence.<sup>851</sup>

The initial tension during and after the hijack process and uneasiness of the pirates towards the captives was intermittently broken by bursts of gunfire as pirates shot in the air to cover the captives into submission.<sup>852</sup> These apparently irresponsible sporadic shootings were a tacit message to vessel owners to conclude the ever winding ransom negotiations. Sounds of gunfire also implied the gravity of a vessel’s captivity as well the harm that awaited captives if the owner did not cooperate and hasten the delivery of the ‘agreed’ ransom.

In a further attempt to deter captives from executing counter-maneuvers, Somali pirates spelt out rules on what was accepted and prohibited on hijacked vessels as ransom negotiations trudged

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<sup>850</sup> Check section on Somali piracy captives’ narratives for more details.

<sup>851</sup> Oral Interview, Rashid Juma Mwatuga, former captured sailor on *MV Semlow* in 2005, Kenya Seafarer’s Association office, Mombasa, April 15, 2017.

<sup>852</sup> Oral Interview, Ali Mgeni Juma, former captured sailor on *MV Bahari Kenya* in 2001, Kenya Seafarer’s Association office, Mombasa, April 15, 2017.

on.<sup>853</sup> As a measure of their self-preservation, pirates decreed that curtains were to be drawn at all times in a move of not only concealing the number and positioning of pirates around the vessel but also blocking prying eyes from ascertaining the exact number of people on the vessel. Keen to deflate any captive counter strategy plan against them, pirates only allowed captives minimal interactions amongst themselves. Pirates also restricted captives in their day to day chores such as cleaning and cooking to minimize the probability of captives converging and refining their anti-pirate ideas.<sup>854</sup>

There was also a regulation that guided gang members on the issue of sleep. Pirate masters drew up a timetable on how their gang members were to sleep. At any given time, be it day or night, a percentage of the pirates were required to be alert and on the lookout.<sup>855</sup> This alertness ensured that a potential vessel to be hijacked was not missed or they were not caught with their guard down when guarding a captured vessel by anti-piracy navies or rival pirate gangs. Another regulation was that pirates were not permitted to touch or steal a captured vessel's merchandise.<sup>856</sup> However, the practicability of these regulations is contestable since captured sailors claimed to have lost both their personal belongings and vessels' merchandise to 'rogue' pirates,<sup>857</sup> a practice that was seemingly the norm rather than the rarity.

While pirates were guided by aforementioned codes and regulations, they at times disagreed, quarreled and fought amongst themselves. The fights in some cases led to deaths and long-term enmities. Disagreements were particularly prevalent during sessions of sharing ransom money as the pirate masters sometimes defrauded sea-faring pirates while the sea-faring pirates instantaneously demanded for their rightful ransom share. Disagreements at times, degenerated into violence that involved shootouts, which culminated in some deaths and injuries.<sup>858</sup> In some other cases, rival pirate gangs fought each other over ransom proceeds. Such fights were messy when they involved pirate gangs with a large membership or when two or three gangs were

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<sup>853</sup> Oral Interview, Mwijuma Juma Pembe, former captured sailor on *MV Semlow* in 2005, Kenya Seafarer's Association office, Mombasa, April 15, 2017.

<sup>854</sup> Ibid.

<sup>855</sup> Oral Interview, Abdulaziz Ali Abdullahi, Shimo la Tewa Prison, March 13, 2015.

<sup>856</sup> Ibid.

<sup>857</sup> Oral Interview, Omar Mwinyi, former captured sailor on *MV Zaid* in 1999, Kenya Seafarer's Association office, Mombasa, April 15, 2017.

<sup>858</sup> Oral Interview, Abdirahman Isse Mohammed, Shimo la Tewa Prison, March 13, 2015.

contesting and angling for the same ransom pay. Nevertheless, in most cases, pirates were able to share their ransom without disputes as it was an ingredient of cementing a pirate gang's togetherness which in turn acted as a springboard for more pirate attacks and ransom monies.<sup>859</sup>

Likewise, to avoid distraction and infightings during the hijack processes and possibly in tandem with their (then muted) socio-cultural orientation, Somali pirate masters prohibited their gang members from sexual relations with female captives. As such, a pirate was not supposed to admire and solicit for sexual favours from captured female sailors. Anybody who went against the requirement met severe reprisals. A jailed pirate explained,

I remember of a case where a pirate tried to rape a French woman captive. The woman had been captured alongside other sailors including her husband who was the ship's captain. The pirate had forcibly taken away the woman from the captain's room to an isolated room so as to force himself on her. The alarmed husband shouted to the other pirates about what was happening. His cries prompted a quick reaction from the other pirates who found their colleague struggling with the woman. Though he had not yet raped the woman, his colleagues promptly pumped bullets into him, killing him instantly.<sup>860</sup>

In a further aspiration to avoid distraction from their primary objective of capturing sea-faring vessels for ransom purposes, Somali pirates claimed their restraint from snatching their captives' personal items alongside the vessels merchandise.<sup>861</sup> This claim was nonetheless countered by sections of former captives who retold how pirates ransacked their personal possessions<sup>862</sup> while pirates reaffirmed a belief that pirates snatched items of interest from captured vessels as it happened in southern Somalia.<sup>863</sup> On the contrary to this pirate affirmation of seizure of hijacked vessels merchandise in southern part of the country, pirate interest to grab merchandise from seized vessels tinkered on an impossibility in the face of non-existence off-loading equipment in Somalia's underwhelming port infrastructure.<sup>864</sup>

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<sup>859</sup> Ibid.

<sup>860</sup> Oral Interview, Ahmed Hassan Adow, Shimo la Tewa Prison, March 14, 2015.

<sup>861</sup> Oral Interview, Hassan Hussein Mohammed.

<sup>862</sup> Oral Interview, Omar Mwinyi, former captured sailor on *MV Zaid* in 1999, Kenya Seafarer's Association office, Mombasa, April 15, 2017.

<sup>863</sup> Oral Interview, Hassan Hussein Mohammed.

<sup>864</sup> Ibid.

Somali pirates reportedly further restrained themselves from hijacking vessels belonging to African countries, a claim that is yet to be substantiated by other sources. “We didn’t target African ships and if any was hijacked, we quickly released it,”<sup>865</sup> narrated a jailed Somali pirate. And for such vessels to be released, there were some form of negotiations between the concerned African government and pirates or their affiliated political entity. It was however difficult to ascertain the degree to which this was practised since it was difficult to find out the exact ownership of a maritime vessel as the process is wrought in complexities that included that included third party registration and flying of third party country flags. Pirates expected that their consideration to African ships would be reciprocated by African governments refusing to prosecute captured pirates in their countries.

Inability of the pirates to expound reasons for their partisanship gesture towards African vessels did not stop them from lamenting about the irreciprocity of some neighbouring countries such as Kenya. “We are happy that Djibouti and Yemen refused to try Somali suspects in their courts while Kenya opened its courts for the trial of the suspects.”<sup>866</sup> Kenya’s acceptance angered them even as they argued that Kenya should have turned down the western nations request to allow its courts to try Somali piracy suspects. However, it should be noted that while both Djibouti and Yemen regional geo-political considerations and social interests dissuaded them from accepting to try Somali piracy suspects, Kenya’s national and international interests and obligations favoured a close collaboration with the international community in trying the suspects. The pirates viewed the request as another form of European imperialism. “These western anti-piracy navies just picked anybody in the high seas and then transported them to Kenya to face trumped up charges,”<sup>867</sup> lamented a jailed pirate. Moreover, “the arrested piracy suspects were tossed from one foreign port to another before finally getting to Mombasa for the court trials.”<sup>868</sup>

Kenya’s inconsiderate acceptance to try suspect Somali pirates after capitulation to western governments cajoling did not distract the pirates from seeking success in hijack processes as they mastered stealthy maneuvers in their seizure of targeted vessels. The crew of *MV Semlow* only

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<sup>865</sup> Oral Interview, Abshir Salat Elmi, Shimo La Tewa Prison, March 15, 2015.

<sup>866</sup> Oral Interview, Abshir Salat Elmi.

<sup>867</sup> Ibid.

<sup>868</sup> Ibid.

realized that they were under attack after being startled by the presence of pirates in their vessel. The pirates' effortless entry into their ship was well captured by one of the vessel's crews,

Our vessel had been contracted by the World Food Programme (W.F.P) to deliver rice to Somali ports of Bossasso and Berbera. After loading about 800 tonnes of rice in Mombasa, we began our journey to Bossasso. On the evening of 23<sup>rd</sup> June 2005 at around 7.45 PM after eating supper and taking duty positions, the vessel's chief engineer told the rest the crew that he was smelling Somali perfumes in the vessel. On a closer examination of the vessel, we saw the Somali pirates already on the deck. We had gone past Mogadishu and we were hundreds of kilometers from the shore. We were at about 12 to 13 Nautical Miles.<sup>869</sup>

The hijacking of vessels was not always discreet and stealth. Rather, there were incidents when the process was openly undertaken but with a lot of zeal. "The pirates who hijacked our vessel in 2012 initially circled our vessel several times before planting a powerful spotlight on our vessel<sup>870</sup> stated a *MV Petra I* crew member. The pirates hijack attempt failed as Belgian security officers guarding the vessel had instinctively ordered the crew to hide in the citadel and lay in ambush for the pirates. Once the pirate boat was close to the vessel, the Belgium officers took out all the pirates.<sup>871</sup> Our vessel, owned by Alfa logistics, and flying a Sierra Leonean flag had been contracted by the UN to transport military vehicles from Mogadishu to Djibouti for Djibouti peacekeeping forces.<sup>872</sup> Due to the vessel's nature of luggage, fourteen armed Belgian officers had been contracted to guard the vessel and its luggage. The incident illustrates the pitfalls that befell the Somali pirates in their pursuit to capture vessels. Some of them, like those who attempted to hijack a vessel with armed officers on board were killed at sea. Such perils underwrote the dangers that some of the pirates met in their pursuit for ransom monies.

Notwithstanding these perils, Somali pirates' exceptional maritime knowledge and operational capabilities continued to show as they took charge of captured vessels. For instance, after successfully hijacking *MV Petra I* in 2002 and taking strategic positions, the pirates assembled

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<sup>869</sup> Oral Interview, Rashid Juma Mwatuga.

<sup>870</sup> Oral Interview, Shem Shilingi, former captured sailor on *MV Petra I* in 2012, Kenya Seafarer's Association office, Mombasa, April 15, 2017.

<sup>871</sup> Ibid.

<sup>872</sup> Ibid.

all crew at the bridge after searching all the vessel's rooms.<sup>873</sup> Not taking chances, pirates demanded for the vessel's crew list from the captain with which they used to counter-check with the then captured crew members in the bridge.<sup>874</sup> On realization that there were names of people who were in the list and not among the crew, the enraged pirates descended on the captain for answers.<sup>875</sup> It is after the captain explained that some crew members in the crew list had disembarked in the previous port. It was only after the captain's follow up assurance that the missing persons were not in the vessel that the pirates moved on to something else.

As further confirmation of Somali pirates' sophistication, their captives highlighted the pirates' considerable expertise in maritime issues and processes. A *MV Victoria* crew and captive noted,

From the moment the pirates took charge of the vessel, they seemed to be knowledgeable about the vessel's operations. They took strategic positions as they arrested and assembled us at a central place. Only the captain and engineer were left in their work rooms as their presence was critical for continued running and maneuvering of the vessel. They also demanded for the vessel's crew list to counter-check the exact number of crew members in the vessel. They also carried out a quick question session of what each one did in the vessel as a guide on how to handle us in the duration of the captivity. As they commandeered the vessel to their preferred holding port of Itala, which is located between Hobyo and Mogadishu, we noted their deep understanding of the Somali coast and its attendant directions. Seemingly, some Somali pirates such as those who captured us were experts in navigational matters with a good mastery of maritime workings.<sup>876</sup>

Somali pirates' operational capabilities were embodied with deadly resoluteness in their approach to secure ransom. This meanness was demonstrated in such instances as when captured vessel officials either declined, delayed or resisted the pirates' demands to open communication with the vessel's owner or owners. Somali pirates were always ready to kill any crew who stood on the way in their hijacking and ransom processes. A member of the crew of *MV Bahari Kenya* which was captured in 2001 states that "The pirates ordered the chief officer to open communication with the owner. His hesitation to the demand saw the pirate commander order his

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<sup>873</sup> Ibid.

<sup>874</sup> Ibid.

<sup>875</sup> Ibid.

<sup>876</sup> Oral Interview, Yusuf Mohammed Musa, former captured sailor on *MV Victoria* in 2008, Kenya Seafarer's Association office, Mombasa, April 15, 2017.

gang members to shoot the chief officer dead. It is only his swift response to the demand that saved his life as the pirates were already positioning themselves to execute the order.”<sup>877</sup>

Quintessential to their operational sophistication, pirates cut off a vessel’s communication gadgets to deter foes such as anti-piracy forces from identifying their direction and/or location. They also stripped captives of their communication gadgets. Only a ransom centred communication system was allowed in captured vessels. As a result, captives were denied any channels of getting in touch with the outside world. The resultant incommunicado turned captives into prisoners with no idea of what was happening around the world creating a deprivation that accentuated the captives’ anxiety as they did not have an idea about what was happening with their families. According to Ali Mgeni juma,

On gaining entry onto our vessel, the pirates grabbed our personal belongings including our phones. This deprived us the capability of communicating with the outside world. It was through pirates’ call to our vessel’s owner’s office that our families got to know our plight. This brought anguish, both to us and our families. The communication deprivation was exacerbated by lack of any form of entertainment. There was no radio or music. There was nothing to break our anxiety and monotonous daily routine.<sup>878</sup>

Somali pirate operational instincts showed on the captured crew members as the pirates took steps to ensure that the crew didn’t have a chance to pull a surprise move and turn tables on them. Thus, the pirates monitored every move of the captives particularly those perceived to be capable of pulling a surprise attack on them.<sup>879</sup> So, to forestall a captives’ attack, they held the crew members separate from the officers in different sides of the vessel’s bridge to minimize their interaction which could have provided an opportunity to the crew members to share thoughts on how to launch a counter-attack on the pirates to earn their freedom.<sup>880</sup> The pirates also followed up on any item that may have given the captives a chance of launching a counter attack. This is what forced them to threaten *MV Bahari Kenya* captives to produce a radio after

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<sup>877</sup> Oral Interview, Musyoka Gregory Mulinge, former captured sailor on *MV Semilow* in 2005, Kenya Seafarer’s Association office, Mombasa, April 15, 2017.

<sup>878</sup> Oral Interview, Ali Mgeni Juma.

<sup>879</sup> Oral Interview, Musyoka Gregory Mulinge.

<sup>880</sup> Ibid.



stumbling on an empty radio box.<sup>881</sup> Moreover, at some point, the pirate commander assigned three pirates to guard a captive whom he perceived as the smartest and most influential.<sup>882</sup> Similarly, pirates were cognizant of the diverse threats that came their way as they attempted to hijack vessels at sea. By 2012, vessels that sailed within the Somali pirates range began to contract armed guards to protect their vessels from the pirates. In response to the new development, pirates attempted to use spotlights to check the presence of armed security personnel on board.

Once they took over a vessel, pirates inspected its luggage for purposes of estimating its worthiness so as to bargain for ransom from a strong and informed position. An estimation of a vessel and its luggage worth was always central in determining the amount of ransom to be asked for. The higher the value of the captured vessel and its luggage, the higher the ransom demanded. In addition, a well secured vessel with its attendant cargo and crew contributed in ensuring a faster and pricier ransom payment. In reverse, a battered vessel, looted cargo and an injured, mistreated and killed crew elongated ransom negotiations with chances of making the owners to abandon the ransom negotiations all together. It was probably the same thinking of endeavoring to make high ransom demands that made pirates to inquire about the captives religious affiliations. Some pirates desired to earmark Christian captives as a negotiation bait to attract more ransom. It was easy for pirates to blackmail vessel owners for high ransom by exploiting the captive's Christian faith in a Muslim dominated environment. However, sensing the danger therein, captives did not take chances with such segregation bait. Thus, in a quick survivalist response, Christian captives were instantaneously baptized Muslim names where Ogotu became Abdullahi while Musyoka became Isaaca during the capture of *MV Semilow* in 2001.<sup>883</sup> The 'new' Muslims were always pushed to the back when the pirates met the captives so as to conceal their fake Islamization. There was a perception that Somali pirates were soft on fellow Muslim captives. The reality though may have been different as the pirates were Muslims in name and not deed and cared less about Muslim dictates.

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<sup>881</sup> Ibid.

<sup>882</sup> Ibid.

<sup>883</sup> Oral Interview, Mwijuma Juma Pembe.

Over time, new dimensions cropped up in the piracy business. Gradually, Somali pirate attacks began to happen in Somalia's ports and not out in the sea as was the case before. For example, *MV Miltzow* was seized in 2005 by Somali pirates as it anchored at the port of Marka.<sup>884</sup> Pirates stormed into the vessel after the crew had completed offloading the WFP cargo. After taking charge of the vessel at about 4.00 PM, the pirates remained in the port as the owner was contacted for negotiations and delivery of ransom. Unlike other long ransom negotiations that ran into weeks and months, *MV Miltzow* ransom was paid in a record 24 hours for reasons that the captives did not get to know.<sup>885</sup>

One of the reasons that enabled the capture of vessels by Somali pirates was the occurrence of mechanical problems in vessels. Vessels were forced to move in slower speeds due to mechanical problems. Slow speeds exposed the vessels to the roaming pirates who easily pursued, caught up and attacked the vessels. For instance, sometime in 1999, a charcoal laden cargo vessel, *MV Zaid* developed a mechanical problem as it sailed in Ras El Channel on its way to deliver charcoal to Abu Dhabi from Kismayu.<sup>886</sup> The slow speed attracted pirates who attacked and hijacked it at about 10.00 AM.<sup>887</sup> In essence, not all hijack attacks were meticulously planned but rather some of the hijackings were opportunistic. There were further opportunistic attacks on slow moving fishing vessels as their almost static speeds made them easy targets to the pirates. A captured and released *Bahari Kenya* crew explained,

Fishing vessels were very slow once they switched to their fishing mode. Once they got to the fishing ground, the vessels barely moved. They were as good as static. This inertia attracted pirates who knew the vessels were most venerable at that situation. Once in the vicinity of the vessel, the pirates discreetly boarded the vessel and took over its command.<sup>888</sup>

Some pirates explained their capture of vessels as legitimate arrests undertaken by the Somalia 'Coast Guard.' Referring to themselves as 'Coast Guard' members, the pirates argued that the

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<sup>884</sup> Oral Interview, Joseph Juma, former captured sailor on *MV Miltzow* in 2005, Kenya Seafarer's Association office, Mombasa, April 15, 2017.

<sup>885</sup> Ibid.

<sup>886</sup> Oral Interview, Omar Mwinyi, former captured sailor on *MV Zaid* in 1999, Kenya Seafarer's Association office, Mombasa, April 15, 2017.

<sup>887</sup> Ibid.

<sup>888</sup> Oral Interview, Hamisi Salim Mwachengo, former captured sailor on *MV Bahari Kenya* in 2001, Kenya Seafarer's Association office, Mombasa, April 15, 2017.

capture of the vessels was a responsibility they were carrying out with a view to stopping the then ongoing exploitation of Somalia's coastal resources.<sup>889</sup> As observed in chapter two, this defensive narrative was common in the early days of Somalia's nascent piracy enterprise. The narrative was popular amongst pirates as it camouflaged their other motives when explaining the piracy in the immediate years of President Said Barre's fall.<sup>890</sup> This explanation by a crew member who was captured and held in captivity for 60 days in 1999 affirmed the pirates view on their reasons for participating in piratical activity.

Culprit and captive voices unearthed an impression that part of the curse of Somalia which became a boom to piracy was the lack of debriefing of former Somalia military and police officers after the collapse of Said Barre's regime whose expertise reverberated in pirate operations. Once Somali pirates successfully attacked and took control of a vessel, they sought to know the exact number of the crew members. They subsequently assembled all crew members in a central point to ascertain the actual numbers by cross-checking with the vessel's crew list.<sup>891</sup> Thereafter, the crew members turned captives were restricted in their movements to deny them an opportunity to strategize for a possible counter-attack. The inhibition also aided the pirates to have a firm control of the captives and the vessels. During initial captive assemblies, pirates inquired on the individual roles of the crew members in a bid deal with each on the basis of their knowledge and strengths. The import of the restrictions was that captives developed eye sight problems which cleared days into their release and exposure to the sun.<sup>892</sup>

In conformity to military instincts and operational maneuvers, Somali pirates operated in shifts while holding captured vessels. So as to ensure constant alertness of the pirates in their protection and surveillance duties, pirates on captured vessels were regularly rotated. Such rotations or shifts ensured that there was no lapse in the vessel's protection as it also enabled the pirates to bring on board supplies including weapons. In the long run, pirate masters kept on rotating their gang members to limit them from developing familiarity with the captives, a development that potentially negated the ransom seeking business: "The pirate shifts brought in

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<sup>889</sup> Ibid.

<sup>890</sup> Check chapter 2 on defensive piracy

<sup>891</sup> Oral Interview, Yusuf Mohammed Musa.

<sup>892</sup> Ibid.

new and eager faces whose first instinct was to treat us as enemies before coming round to see us as subdued prisoners,”<sup>893</sup> explained a *MV Bahari Kenya* crew and captive. However, before this rapport blossomed between a set of pirates and the captives, a new shift of pirates was brought into the vessel.<sup>894</sup>

Again, in acquiescence to other chapters that have illustrated that Somali piracy was more than the popular image that its sea-faring pirates were largely teenage boys, its victims gave new nuances on the same. Not all pirates were young as it was generally told to the world audience that closely followed Somali piracy. As noted by Mwachengo, a sailor captured in 2008, “the pirates who hijacked and held us were of mixed ages, some were grown up men while others were young people.”<sup>895</sup> This was also confirmed by a *MV Bahari Kenya* captive who stated that the pirates who captured them looked to be in their 20s, 30s and 40s.<sup>896</sup> It is probable that pirate masters paired teenage boys with the more mature and experienced pirates to ensure effective pirate operations.

Somali pirates were also practical by taking advantage of their surroundings to ensure success of their hijackings. As much as the pirates used fast motor boats and motherships to pursue vessels for capture, they at times exploited Somalia’s innumerable small fishing boats to launch a pirate attack. Besides finding cover in the multiplicity of the fishing vessels, the pirates camouflaged as authentic fishermen. A *FV Golden Wave* captive noted,

The pirates who hijacked us approached in fishing boats. We initially thought they were on a fishing expedition just like us. It is only after they got close to our vessel that they dropped their fishing nets and took their guns that we knew we were under attack. After subduing us, they commandeered us into Somali waters up to the port of Barawa. We stayed in Barawa’s general waters for about two months. During this period, the pirates used our vessel to target other vessels, most of which were fishing vessels. We only went to the shore for the pirates to change shifts and pick food items after exhaustion of our food stocks. Thereafter we were taken to Al Maana area where they continued to target other vessels. We didn’t know what happened to the newly captured vessels. But after about five months, they took us back to Barawa and released

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<sup>893</sup> Oral Interview, Hamisi Salim Mwachengo.

<sup>894</sup> Ibid.

<sup>895</sup> Oral Interview, Yusuf Mohammed Musa.

<sup>896</sup> Ibid.

us. We were not sure whether they received ransom money or they hijacked us to use our vessel as a camouflage to capture more vessels.<sup>897</sup>

The hijacking of *MV Bahari Kenya* in 2005 along Somalia's coastal waters not only unraveled the deep intricacies of piracy in Somalia but further cemented the label of 'Somali piracy.' The vessel had set off from Durban, South Africa en-route to Somalia on a fishing trip. After refueling in Djibouti, the vessel called at Bossasso police boss to contract Puntland government policemen to escort the vessel in its fishing expedition along the Somalia coastal waters. The captain was given four officers to escort the vessel to Mogadishu, but after two weeks of sailing from Bossasso, the officers turned against the crew by shooting several times in the air to cower them into submission. They then forcibly took charge of the vessel before about twenty other pirates came onboard a day later.<sup>898</sup> Apparently, the police and the twenty pirates had been in communication. This attack demonstrated the infiltration of pirates within Somalia government agencies. Though isolated, the officers' decision to hijack a vessel they were contracted to protect reveals the close collaboration that existed between government officers and pirates. While the captives exonerated the Bossasso police boss who assigned the four officers to guard the vessel for involvement in the hijack process stating that he had organized other similar security missions for other vessels without any breach of contract,<sup>899</sup> the incident confirmed the penetration of piracy into Somalia's federal and autonomous government institutions. The hijack process started at about midnight of the 27<sup>th</sup> July 2001. After taking charge of the vessel, the hijackers commandeered it to the port of Eyl.

Captivity ordeals unknowingly exposed pirates and captives to details on how Somali piracy had become a way of life whose intricate operational organization, logistical efficiency and seamless negotiation for ransom bespoke of a deep rooted and sophisticated Somali political economy. At the initial stages of captivity, captives and in some cases pirates used a vessel's food stock to prepare their meals. But prolonged ransom negotiations depleted the stocks necessitating supplies to be sourced onshore before being supplied to the captured vessel. Suppliers of food items were retailers who had positioned themselves along coastal fishing villages to profit from

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<sup>897</sup> Oral Interview, Omar Mwawema Mwalimu, former captured sailor on *FV Golden Wave* in 2003, Kenya Seafarer's Association office, Mombasa, April 15, 2017.

<sup>898</sup> Oral Interview, Hamisi Salim Mwachengo.

<sup>899</sup> Ibid.

the piracy.<sup>900</sup> Among the items sourced by pirates were rice, water and sugar.<sup>901</sup> Somali political economy is discussed in detail in the subsequent chapter. All food was prepared by the vessel's cook. In the early days of their captivity, the captives shared their meals with the pirates. However, the pirates stopped sharing the meals after they began supplying rice, wheat and sugar for preparation of meals as the rice was dirty and required two days of picking before cooking.<sup>902</sup> But still, eating the food was problematic as the rice had extraneous particles that forced everyone to carefully pick what to put into the mouth. To supplement their meals, the captives opened the vessel's freezers for fish.

In a clear plan to avoid distractions, quarrels and fights from other pirates, hijacked vessels were anchored away from the coastal villages' sight. "We docked in an area that was out of view of Eyl residents as we could not see any villages and people in the horizon,"<sup>903</sup> remembered Abdallah Khamis Kitupa of *MV Bahari Kenya*. For 40 days, *MV Bahari Kenya* crew was held captive in the same area until ransom was negotiated, agreed and paid for them to earn their freedom. Pirates were deliberate in their choices of coastal ports to anchor their captured vessels as a plan to minimize disputes and fights between pirate gangs and other people on the shore.

In an action that highlights the centrality of Somali clan considerations for a person's or group's mutual prosperity, Somali pirates were sensitive in their dealings with vessels which had links to Somali companies or individuals. For instance, upon hijacking of *MV Victoria*, a laden cargo vessel headed to Mogadishu from Dubai in 2008, the pirates phoned and talked to the Somali owner of the merchandise besides the vessel's Dubai-based proprietor. Phone calls to the vessel's owner were dominated by demands for ransom payment for the release of the vessel and its crew. However, upon exhaustion of the vessel's reserve food items - milk and rice, the pirates went out of their way to seek permission from the Somali cargo owner to allow them to pick and use milk powder that was part of the vessel's merchandise.<sup>904</sup> This was uncharacteristically new as ordinarily, Somali pirates picked whatever they wanted from the captured vessels. By going

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<sup>900</sup> Mary Harper, "Chasing the Somali Piracy Money Trail: Piracy off the Coast of Somalia has Made Many People Very Rich," *BBC News*, May 24, 2009, <http://news.bbc.co.uk/2/hi/africa/8061535.stm>.

<sup>901</sup> Oral Interview, Bakari Hamadi Mwakilamba.

<sup>902</sup> Ibid.

<sup>903</sup> Oral Interview, Abdallah Khamis Kitupa, former captured sailor on *MV Bahari Kenya* in 2001, Kenya Seafarer's Association office, Mombasa, April 15, 2017.

<sup>904</sup> Oral Interview, Yusuf Mohammed Musa.

out of their way to call the cargo owner to seek approval illustrates the pirates' desire to have a somewhat warm association with the cargo owner and his affiliations. This showed the pirate's unwillingness to orchestrate a dispute with the cargo owner. In resonance with pirates' gesture, the owner allowed them to pick only powdered milk from amongst the many food items that were in the vessel.<sup>905</sup> Once the ransom was paid and the vessel was released, the cargo remained intact and untouched except for the milk powder packets that the pirates had been allowed to use. In return, the pirates escorted the captives into the high seas before disembarking into their motorboats and letting the vessel resume its journey towards Mogadishu.

Talks about payment of ransom money were initiated by pirates through the captain once they had secured the vessel and its crew. The negotiations were a preserve of the top pirates and the captain as not everybody was involved. Hamisi Salim Mwachengo explained,

We, the captives did not know who was negotiating but we got news on the negotiation's progress by default. At times, the pirates could angrily shoot in the air lamenting that our boss, the vessels owner was not cooperating by releasing the required ransom for our release. We then got to know that there were ransom talks between the pirates and the owner of the vessel but we never got to know amount that was under discussion.<sup>906</sup>

Once pirates received, checked and confirmed the agreed ransom money, they informed the crew about their impending release. On the agreed day and time, the pirates escorted the vessels into the deep sea before disembarking and turning back to the shoreline in speed boats.<sup>907</sup> The seeing off of the vessels was part of the bargain between themselves and the vessel owners. As such, they escorted the vessels to ensure they did not fall prey to other pirates, a development which could have broken the agreement between the two parties.<sup>908</sup> Yet, the good gesture was slighted by the pirates' common decision of setting off vessels and their crew without any food.<sup>909</sup> "In our case, our release was followed by seven anxious days before we got to Mombasa as we only survived on glucose and some small remnants of rice and wheat,"<sup>910</sup> narrated Abdallah Kitupa.

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<sup>905</sup> Ibid.

<sup>906</sup> Oral Interview, Hamisi Salim Mwachengo.

<sup>907</sup> Oral Interview, Abdallah Khamis Kitupa.

<sup>908</sup> Ibid.

<sup>909</sup> Ibid.

<sup>910</sup> Ibid.

As byproducts of Somalia's criminality, Somali pirates were largely lawless in their actions with killing each other upon disagreement being a norm, a reality that forced them to be in constant suspicion of each other. Outbreak of endless fights was a constant feature of their escapades into the sea. And since pirates did not respect human life, their fights sometimes degenerated into killings and counter killings.<sup>911</sup> The pirates' gangster-like characteristics showed on their treatment of the dead as bodies of victims of such pirate disagreements were abandoned in the captured vessels or were thrown over-board.<sup>912</sup> This pirate indifference to human life continued to show as those who made it back to the shore never bothered to inform the parents of their slain colleagues about their deaths.<sup>913</sup> It is as if they were guided by the mantra of 'every one for himself and God for us all.'

Pirate gangs had hierarchical leadership structures for smooth operations. Small pirate gangs were headed by a captain and a vice captain. The two leaders were in charge of the pirate vessel and gave direction on what needed to be done. The two leaders consulted with pirate masters who remained on shore. However, the number of members in groups varied from one group to another on basis of their sizes. Pirate groups also had varied leadership structures for various reasons. These leaders played pivotal roles in promoting focus and unity of a pirate gang. Gangs with weak leaders faced many challenges in organizing pirate operations while competent leaders contributed to the hijack and ransom success of a pirate gang. In most cases, pirate gangs remained professional as they understood that focus and unity was an ingredient for success in a pirate operation while disunity and distraction was a catalyst for disaster and lose of ransom money.<sup>914</sup> This pirate professionalism was tested during the captivity of the hijacked vessels and their crews.

### **6.3 Narrations on the Capture and Release of Crew and Vessels**

Treatment of captives by Somali pirates varied from open hostility to cordial interactions. Though popular perception was that Somali pirates were harsh to their captives, some of them established friendly relations with their captives. This was the case with the pirates who captured

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<sup>911</sup> Oral Interview, Sandane Abdullahi Yakub, Shimo la Tewa Prison, March 13, 2015.

<sup>912</sup> Ibid.

<sup>913</sup> Ibid.

<sup>914</sup> Oral Interview, Abdi Dahir Ahmed, Shimo la Tewa Prison, March 14, 2015.



*MV Semlow* in 2005 who constantly told their captives that their interest in holding them was the ransom money that they expected from the vessel owner.<sup>915</sup> As much as the pirates gave harsh rules to their captives, they simultaneously explained to them their objectives and targets: “The pirates who captured us were generally nice to us despite the tough conditions they imposed on us. They constantly informed us that they were only holding us to actualize their goal of receiving ransom money. At the end of our 120-day hijack ordeal, no captive had been injured or killed,”<sup>916</sup> noted a *MV Semlow* captive.

Another highlight of the pirates’ cordial interaction was when *MV Zaid* captives were treated with care and consideration as they were held in Ras Ely for 60 days. An *MV Zaid* crew and captive remembered,

The pirates regularly brought food and food items to cook from the shore. They also allowed us to freely worship without much restriction and religious profiling. Upon exhaustion of our water in the vessel, they took us to the shore to collect water for our use. They also informed us (the crew) on the progress of the ransom negotiations. This is how we came to know that the vessel owner had paid ransom of 45,000 US \$ to the pirates which subsequently facilitated our release. They only asked us to cooperate and not play or try any tricks.<sup>917</sup>

In retrospect, the kind treatment that was given to the *MV Zaid* captured crew members was as a result of its cargo ownership. The vessel was carrying charcoal which was owned by a Somali, a revelation that may have contributed to the cordial treatment of the crew.<sup>918</sup> It was possible for a Somali vessel or cargo owner to identify pirates who had hijacked his/her vessel and use the clan system to negotiate its release due to Somali people’s elaborate clan structure. In such a case, the pirates were careful not to harm clan relations as such a scenario would have haunted them later. Thus, pirates were always keen not to ‘burn bridges’ of collegiality as they needed more friends than enemies to succeed in their piratical engagements. Again, pirates’ generally targeted foreign vessels as attacks on Somali vessels may have opened unnecessary war fronts.

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<sup>915</sup> Ibid.

<sup>916</sup> Ibid.

<sup>917</sup> Oral Interview, Omar Mwinyi.

<sup>918</sup> Ibid.

Cordial relations between pirates and captives were partly fostered by the fact that some Somali pirates spoke Kiswahili, a language mainly spoken by Kenyans and Tanzanians. Usage of Kiswahili between the Kiswahili speaking pirates and captives considerably minimized tensions the two groups as they communicated with relative ease. Kiswahili, a language that is Kenya's and Tanzania's lingua franca may have been picked by Somali pirates due to historical interactions between Kenyan and Somalia coastal communities.<sup>919</sup>

Happenings during captivity of vessels and crews confirmed that piracy like all other human activities took a trajectory which was in tandem with its social context. Captives were a witness to this recurring theme when Islam and Piracy intersected. This was the case when religious considerations broke otherwise neighborly relations when some pirates ordered captives to recite some common Koranic verses in an exercise to isolate non-Muslims for ulterior intentions. As shown earlier, this threat was diffused by Muslim pirates 'baptizing' non-Muslims Muslim names. To further placate the pirates, the 'new' Muslims were forced to attend Islamic prayers and mimic common creeds to be seen to belong. Likewise, real Muslims positioned themselves in the front during meetings with pirates to occasion higher chances of being chosen to recite the requested Koranic verse.<sup>920</sup> Interestingly, despite calling themselves Muslims, Somali pirates were Muslims in name but not in deed. For instance, as much as they allowed interested captives to pray, they did not conduct any prayers themselves. Even during the holy Muslim month of *Ramadhan*, the pirates did not observe the fasting rules as they ate their food just like the captives they were holding.<sup>921</sup> Nonetheless, there were isolated cases of some pirates praying in their own quarters.<sup>922</sup> While this religious discrimination was seemingly intermittent, it was not the only discrimination perpetrated by the pirates.

Pirates also prejudiced captives on racist lines. "Upon capturing our vessel, *FV Golden Wave* in 2003, the pirates separated us (the crew) on the basis of colour, Africans were lumped together and violently pushed into one corner of the fishing vessel while our Korean colleagues were directed to a different corner where they were humanely treated. Afterwards, they totally ignored

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<sup>919</sup> Oral Interview, Joseph Juma.

<sup>920</sup> Ibid.

<sup>921</sup> Oral Interview, Ali Mgeni Juma.

<sup>922</sup> Oral Interview, Omar Mwawema Mwalimu.

our presence as they only spoke to the Koreans,”<sup>923</sup> explained a *FV Golden Wave* former captured crew member. Though the reason for this apparent racist treatment is not clear, it is probable that the pirates knew that Koreans came from a rich country compared to Africa and they had a high chance of influencing the payment of good ransom vis-à-vis the generally poor African captives who stood no chance of influencing the payment of ransom for their release. At times, the pirates referred to the African captives as ‘kaffir’, a derogative term used to refer to non-Muslims though a majority of the *FV Golden Wave* captured crew members were Muslims.

Somali pirates’ prejudices gave way to a treacherous act of desiring to sell luggage of captured vessels even after ransom had been paid. This was the case of *MV Semlow* which had left Mombasa on 23<sup>rd</sup> June, 2005 carrying World Food Programme (WFP) cargo for Bossaso but was captured two days later, on the 25<sup>th</sup> of June. The pirates decided to sell rice which was part of the vessel’s cargo even after they had received the agreed ransom from the vessel owner. They further made a new demand for a separate ransom for the vessel’s cargo. After making a series of phone calls, the pirates got a buyer in the port of Al Maani. They quickly exited Haradhere for Al Maani to offload the rice to the buyer. However, upon discovering that the sellers of the rice were pirates, the buyer developed cold feet in proceeding with the transaction.<sup>924</sup> Another round of phone calls from the pirates yielded a new willing buyer in Mogadishu. *MV Semilow* was consequently put back into the high sea and directed towards Mogadishu. An opportunity to negotiate with the potential buyer was scuttled by the port’s authority decision to expel the hijacked vessel. Refusal of the Al Maani buyer and the Mogadishu port authorities to transact business with pirates disabuses the notion that all Somalis supported the pirate activities or were willing to engage in transactions with the pirates. It is not clear from the narratives of the convicted pirates who were interviewed for this study the fears behind the two parties’ refusal to do business with the pirates.<sup>925</sup>

#### **6.4 Culprits and Victims Fears and Survival Tactics**

Executing and surviving pirate operations was wrought with both foreseeable and unforeseeable challenges that not only elicited fear amongst pirates but also actioned captives into optimistic

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<sup>923</sup> Ibid.

<sup>924</sup> Oral Interview, Rashid Juma Mwatuga.

<sup>925</sup> Ibid.

endurance. While pirates were destined to lengthy sojourns in the sea for scouting, hijacking, guarding purposes, they inadvertently condemned their culprits into boundless bouts of anxiety and hopelessness. Both captors and their victims' anxieties included declining food stocks whose depletion exposed them to starvation.<sup>926</sup> Unlike the other risks that swayed like a Diocletian sword, starvation fears were ameliorated by receipt of aid from other brothers in crime while pirate networks availed more onshore food supplies.<sup>927</sup>

Efforts to increase chances of capturing vessels caused Somali pirates to patrol the seas day and night, an exhausting undertaking that was compounded by malfunctioning of vessels whose result was heightening of stress which in turn escalated internal feuds.<sup>928</sup> Both culprits and their victims had to uncharacteristically excrete on hijacked vessel decks whose aftermath was presence of a disgusting eyesore and nauseating smell. This situation was only remedied when captives were forced by pirates into day long cleaning of such vessels.<sup>929</sup> To counter attendant fatigue during high sea patrols and protection of captured vessels, Somali pirates routinely chewed *khat* to keep alert.<sup>930</sup> *Khat* is a detrimental addictive stimulant when used for a long time.

The expansive sea posed another challenge to the pirates as they sometimes lost direction and subsequently got lost in the high seas. Other pirates who lost their bearing in the sea found themselves on far away waters that included Indian and Malaysian waters.<sup>931</sup> International anti-piracy navies also attacked and arrested Somali pirates while some overzealous officers summarily and extra judicially executed suspected pirates off the coast of Somalia. For instance, Russian naval officers' were accused of letting loose suspected Somali pirates on a leaking boat which people believe led to their death.<sup>932</sup> Also targeting the pirates were armed foreign fishermen who saw the pirates as a nuisance and a threat to their interests.

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<sup>926</sup> Oral Interview, Bakari Hamadi Mwakilamba.

<sup>927</sup> Oral Interview, Mahat Mohammed Adan, Shimo la Tewa Prison, March 13, 2015.

<sup>928</sup> Oral Interview, Abdi Dahir Ahmed, Shimo la Tewa Prison, March 14, 2015.

<sup>929</sup> Oral Interview, Said Hamadi Mwakilamba.

<sup>930</sup> Oral Interview, Mahmoud Said Abdi.

<sup>931</sup> Ibid.

<sup>932</sup>The Telegraph, "Somali pirates captured and released by Russian navy 'have died,'" January, 20, 2018, <http://www.telegraph.co.uk/news/worldnews/piracy/7713375/Somali-pirates-captured-and-released-by-Russian-navy-have-died.html>.

In an ironical twist to international anti-piracy naval units' security roles, Somali vessels that plied their coast and surrounding waters prayed that they neither fell into the hands of the marauding Somali pirates nor those of international anti-piracy naval units. Anti-piracy navies uncharacteristically treated all Somali seafarers as piracy suspects whom they readily attacked and arrested. This was an irreconcilable development as the Somalis general expectation was that the international navies were there to secure the waters off the Somalia coast for legitimate trade and travel. Such a conjuncture befell *FV Intimacy 6*, a Taiwanese but Kenyan registered vessel as noted by its crew member and captive,

We set off from Mombasa for a fishing excursion around the Kenyan waters. After four months of fishing, we were transferred to *FV Taharik I*, a sister fishing vessel to allow *FV Intimacy 6* to return to Mombasa to review its fishing license. However, after two months of fishing with *FV Taharik I*, it began to experience navigational challenges which made us to lose bearing. We got lost and after some days we found ourselves on Tanzania coastal waters. A regional anti-piracy tag boat approached and took control of our vessel. The officers promptly accused us of piracy activities and threatened to take us to South Africa to face charges. The Taiwanese captain inability to speak English further fueled confusion and misunderstanding between us and the officers. We eventually ended up in a Tanzanian court where we were charged with piracy and illegal fishing. After two years (2009-2011) of hearings, the court found us innocent of the piracy charge and released us and thereafter everyone was taken to their respective embassies and flown to their respective countries.<sup>933</sup>

Somali pirates' problems were further compounded by their rigid, violent and opportunistic character. They incessantly turned against each other over flimsy reasons, a situation that exposed them to both internal turmoil and external attacks. This vulnerability was exhibited when the captured *MV Semilow* was expelled from Mogadishu around August 2005 by port authorities after a transaction involving the vessel's cargo collapsed. As the vessel sailed back to its initial anchorage at the pirate town of Haradhere, its fuel ran out, a development that necessitated examination of available options to refuel it.<sup>934</sup> Instead and without much thought, the pirates uncharacteristically ordered the vessel to continue sailing. As a result, the vessel exhausted all its fuel and began to calamitously drift on the high sea.<sup>935</sup> The vessel's drifting

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<sup>933</sup> Oral Interview, Jackson Siria Thoga, former captured sailor on *FV Intimacy 6* in 1990, Kenya Seafarer's Association office, Mombasa, April 15, 2017.

<sup>934</sup> Oral Interview, Rashid Juma Mwatuga.

<sup>935</sup> Ibid.

attracted other scouting vessels whose pirates boarded *MV Semilow* and subsequently facilitated supply of fuel to it. However, the fuel debacle exposed *MV Semilow* to an attack by an opportunistic set of pirates who were keen to wrestle and take control of the vessel.<sup>936</sup> In the ensuing fight, captives were ordered to lie down in their rooms as the two sets of pirate gangs squared off for the control of the vessel.<sup>937</sup> The successful expulsion of the invading pirates quickened the *MV Semilow* pirates resolve to release the vessel and its crew.

In a Strategy to overcome the dangers and harsh realities of going out to the sea to scout and capture vessels, pirates played ‘Karata dunla,’ a cards game they played when they were idle.<sup>938</sup> The game distracted them from the constant perils that swirled around them. When the pirates got close to the shore, they fastened radios to their vessels so as to receive news and enjoy some entertainment.<sup>939</sup> This practice kept them alert while raising their spirits as they went about their activities. In hindsight, the cards and the radio smoothened their inter-personal relations which consequently tried to cement the otherwise elusive unity which was crucial in the business of scouting, hijacking, protecting sea vessels and eventually receiving negotiated ransom monies.

Victims of Somali piracy underwent varied personal experiences during their captivity. While some Somali pirates were impolite to their captives, others treated their captives to chilling and frightening experiences. This was the case with *MV Victoria* crew who were unceremoniously robbed of their personal belongings at gun point in the initial day of capture. “They took us to our cubicles one after another at gun point to ransack our belongings and pick any valuables that pleased them.”<sup>940</sup> Our experience of a man pointing a gun at you while the other searches the cubicle was quite unnerving, noted Yusuf Mohammed Musa, a *MV Victoria* crew and captive. “Moreover, they guarded us with guns as we assembled for meals and as we went to relieve ourselves in the toilet.”<sup>941</sup>

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<sup>936</sup> Ibid.

<sup>937</sup> Oral Interview, Musyoka Gregory Mulinge.

<sup>938</sup> Oral Interview, Dahir Warsame Sabriye, Shimo la Tewa Prison, March 14, 2015.

<sup>939</sup> Ibid.

<sup>940</sup> Oral Interview, Hassan Issa Musa.

<sup>941</sup> Ibid.

Elsewhere, in chapter three, it was observed that there were links between Somalia's regional government authorities and pirate masters. Oblivious of this arrangement pirates thought otherwise,

There was no connection between pirates and Somalia government authorities. Pirates did not associate with government and other political entities as they were better off keeping away from local governments as it did not tie them down once there was change of government. Pirates preferred operating independently to realize their dreams. Similarly, pirates did not have any links to terrorist groups that were operating in Somalia as pirates had nothing in common with groups such as Al Shabab. Terrorists and pirates were distinct and ideologically divergent entities that were pursuing different interests. The two groups' paths rarely crossed and thus there was no working relationship between Somali pirates and terrorist groups.<sup>942</sup>

Robre's narrative shows that the rank and file sea-faring pirates were not privy to all information about of pirate gangs' dealings. As shown in Chapter Three, Somali pirates had links with the political class, particularly the regional governments.<sup>943</sup> Such links enabled the pirates to go about their activities without harassment from the authorities. It looks like dealings with the authorities officials were a preserve of pirate masters who were keen to grease their palms to ensure that their piracy business run smoothly. Thus, ordinary pirates were in the dark about these relations since the relations were mostly beneficial to the government officials and pirate masters and ranking pirates.

Indeed there were situations where pirates received maritime intelligence alerts from individuals within Puntland government authority and international anti-piracy navies.<sup>944</sup> The alerts were critical in helping the pirates to know the positioning of potential vessels for capture as well as the location and direction of international anti-piracy forces and therefore plan in advance to nab targeted vessels and escape the international navies' dragnet.<sup>945</sup> These claims of collaboration particularly between western anti-piracy navies and pirates were not elaborated but they imply existence of some dealings between western anti-piracy navies and some Somali pirates.<sup>946</sup> Such arrangements may have been a preserve of the pirate masters and some wayward international

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<sup>942</sup> Oral Interview, Abdullahi Salat Robre, Shimo la Tewa Prison, March 15, 2015.

<sup>943</sup> Check Chapter Three's Somalia's State Collapse and its Attendant Growth of Piracy sub-chapter.

<sup>944</sup> Oral Interview, Yusuf Mohammed Musa.

<sup>945</sup> Ibid.

<sup>946</sup> Ibid.

anti-piracy navy officers who instead of arresting the pirates were keen to receive part of the ransom money.

As much as both chapters Two and Four highlight the centrality the clan in the Somali piracy, they also provide the piracy's nonconformity to the clan in its operations. Pirates provided further examples of this nonconformity as noted by Abdi Dahir Ahmed,

Somali piracy was simply work to the pirates throughout all its hierarchical levels. Though the Somali society is generally organized along clan lines, pirate operations transcended the clan lines as pirates were generally driven into piracy for the attainment of ransom money. In our gang and other pirate gang's I knew about, members were not interested in each other's clans. In fact, all members in our gang were just employees of the pirate master determined to succeed in the assignment we had been recruited for; that is the hijacking of a vessel and contributing to the receipt of ransom money. These were my observations in our gang though I've heard similar stories from other pirate gangs.<sup>947</sup>

## 6.5 Conclusion

Both the perpetrators and victims of Somali piracy had incise illuminations which went a long way in casting an enlightened portrait of the phenomenon. The narratives are important because they provide a rich and diverse understanding of Somali piracy. The tales further illuminated how individual situations and local realities got interwoven into the piracy as propounded by Irving Louis Horowitz.<sup>948</sup> The piracy's culprits and victims' different experiences during the capture, detention, release of vessels and crews supplemented the picture as laid out in the preceding and successive chapters. Their experiences further nuanced the thesis portrait as laid out from scholarly, journalistic, governmental, inter-governmental, regional and international governmental and non-governmental agencies, anti-piracy naval officers' sources. In interrogating the culprit voices, the thesis unraveled hitherto untold personal inducements that led them into the piracy. And by contrasting the culprits' unknown considerations with the captives' journeys, we are able to paint a bigger but rather personal interlinking picture for the two sides. Both culprits and victims enriched this study's representation with their eye witness accounts of the pirate operations including personal blow by blow details on the capture and

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<sup>947</sup> Oral Interview, Abdi Dahir Ahmed, Shimo la Tewa Prison, March 14, 2015.

<sup>948</sup> Irving Louis Horowitz, *Three Worlds of Development: The Theory and Practice of International Stratification*.



release of crew and vessels. Finally, both the culprits and victims first hand experiences allowed us to have a glimpse of their fears during the capture process and the tactics they adopted to survive the ordeal. These personal accounts built a truer portrait of the piratical enterprise, an idea that resonated well with concept of appreciating the piracy as a market for profit seekers.

## Chapter Seven

### Somali Pirate Economy, 2007-2011

#### 7.0 Introduction

In chapter four, reference was made of Somali piracy as a business enterprise. In this sense, pirates mobilized in a businesslike manner with the objective of making money.<sup>949</sup> This is borrowing from a ‘war economy’ approach to understanding piracy and its central formulation is that money obtained in the process, self-financed piracy itself and had an economic bearing on those engaged in piratical activities.<sup>950</sup> In other words, piracy at its golden age became an economic web that weaved local and regional shadowy and criminal activities that got integrated into the global economic system.<sup>951</sup> The web was characterized by different economies whose participants’ denominator was profit.

While a war economy approach captures Somali piracy’s economic objective, it misses to nuance the various segments of this economy. A war economy approach has it that economic activities in a war time in fact serve different functions for different participants<sup>952</sup>. This may not necessarily be the case - war economies are segmented - and in fact, have within them, ‘other economies.’ As much as it is easy to use economic lens to describe war economies in a phenomenon such as piracy, a political economy approach is helpful in revealing the piracy’s broader economic landscape. A political economy approach thus unravels these other economies within a piracy economy. A political economy approach goes further and provides a more nuanced understanding of piracy by breaking down the functions of piracy. A political economy approach then breaks down a piracy economy to better understand who the key actors are, what the activities are and why people engage in these activities. The approach also unravels the profiteers and losers in the piracy. It is within the political economy framework that Somali piracy is discussed in this chapter. The chapter begins with a domesticated version of Jonathan Goodhand’s table on economies, actors, motives and activities during armed conflict.<sup>953</sup> So as to

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<sup>949</sup> Ballentine and Sherman (eds.), *The Political Economy of Armed Conflict: Beyond Greed and Grievance* (Boulder: Lynne Rienner Publishers, 2003), 2-3.

<sup>950</sup> See Chapter 4, 140-141 on self-financing nature of Somali piracy.

<sup>951</sup> Ballentine and Nitzschke, *The Political Economy of Civil War and Conflict Transformation*, 17.

<sup>952</sup> *Ibid*, 7.

<sup>953</sup> *Ibid*.

contextualize Somali piracy within the war economies concept, Goodhand's table is herein consequently renamed as follows.

### 7.1 Economies of Somali Piracy

	The Combat Pirate Economy	The Shadow Pirate Economy	The Coping Pirate Economy
Who (Key actors )	<ul style="list-style-type: none"> <li>- Armed pirate gangs</li> <li>- Arms dealers</li> <li>- Community Elders</li> <li>- Government officials</li> <li>- Militia bosses</li> <li>- Pirate commanders/masters</li> <li>- Regional governments</li> <li>- Remnants of President Said Barre's security officers</li> <li>- Suppliers of military hardware</li> <li>- Wealthy piracy investors</li> </ul>	<ul style="list-style-type: none"> <li>- Armed security guards</li> <li>- Banks</li> <li>- Businessmen</li> <li>- Communication equipment suppliers</li> <li>- Financiers</li> <li>- Insurance companies/brokers</li> <li>- Khat importers</li> <li>- Law firms/Lawyers</li> <li>- Military uniform makers</li> <li>- Piracy trainers</li> <li>- Pirate gangs</li> <li>- Ransom delivery company owners</li> <li>- Ransom Negotiators</li> <li>- Ransom talks interpreters</li> <li>- Security company owners</li> <li>- Security entrepreneurs</li> <li>- Small enterprises</li> <li>- Stock brokers</li> <li>- Suppliers of maritime piracy infrastructure</li> <li>- Young pirate gangs without affiliation</li> </ul>	<ul style="list-style-type: none"> <li>- Alcohol/cigarette sellers</li> <li>- Carpenters</li> <li>- Cooks</li> <li>- Family and clan members</li> <li>- Guards</li> <li>- Hunger stricken families</li> <li>- Mechanics</li> <li>- Pirate crews</li> <li>- Prostitutes</li> <li>- Restaurants/eateries</li> <li>- Sea port villages</li> <li>- Sellers of cereals</li> <li>- Small scale businessmen</li> <li>- Water suppliers</li> </ul>
Why (Motivation)	<ul style="list-style-type: none"> <li>- Criminality and greed for riches</li> <li>- Desire to accrue profit</li> <li>- Fear of loss of</li> </ul>	<ul style="list-style-type: none"> <li>- Benefit from continuation of piracy</li> <li>- Facilitating piracy</li> <li>- Investment to receive ransom</li> </ul>	<ul style="list-style-type: none"> <li>- Interested in ending piracy so that they engage in long-term activities</li> <li>- Surviving the vagaries</li> </ul>

	<ul style="list-style-type: none"> <li>- power and authority</li> <li>- Interest in not ending piracy</li> <li>- Maintain power through violence</li> <li>- Monetary purposes</li> <li>- Thrive on anarchy</li> </ul>	<ul style="list-style-type: none"> <li>- Profiteering on the fringes of piracy</li> <li>- Safe guarding of seafarers and vessels</li> <li>- Safe guarding of Somalia's coastline</li> <li>- Thriving on the fringes of piracy</li> <li>- To make money</li> </ul>	of piracy
How/What	<ul style="list-style-type: none"> <li>- Aid manipulation</li> <li>- Corruption proceeds</li> <li>- Criminality and greed for riches</li> <li>- Extortions on business people</li> <li>- Investment of money and time</li> <li>- Military wares</li> <li>- Offering mediation services</li> <li>- Pillaging of ship contents</li> <li>- Protection Fees</li> <li>- Provision of finances, ideas and manpower for the piracy</li> <li>- Ransom</li> </ul>	<ul style="list-style-type: none"> <li>- Aid distribution</li> <li>- Aid diversion/manipulation</li> <li>- Banking services</li> <li>- Hiring of vehicles</li> <li>- Huge payment on legal fees</li> <li>- Import and export businesses</li> <li>- Insurance brokerage</li> <li>- Khat business</li> <li>- Living on payments out of telling authentic 'pirate' stories</li> <li>- Manipulation of businesses for self-interest</li> <li>- Money changers</li> <li>- Paying rent to use pirate towns</li> <li>- Protection of captured vessels</li> <li>- Stock brokerage</li> <li>- Supply of food and water to captured vessels</li> </ul>	<ul style="list-style-type: none"> <li>- Engaging in multiple small-scale businesses to spread risks</li> <li>- Local pirate supportive supply of goods and services</li> <li>- Organizing of complementary businesses</li> </ul>

**Source:** Adapted from Jonathan Goodhand, "From War Economy to Peace Economy? Reconstruction and State Building in Afghanistan," *Journal of International Affairs*, 58, no. 1, 155-174, 2004.

As shown in the table, Somali piracy had complex dynamics and multiple participants which reveal the piracy as armed criminal enterprise with international credentials that complicate an attempt to understand it. The table indicates the piracy was a convergence of complex forces represented by arms deals, banks, insurance companies, law firms, media outlets and private security and transport agents. Yet again to fully identify these dynamics and participants, one needs to scratch beyond the surface to reveal both the known and shadowy players. Anyone interested in any analysis to end the criminal enterprise should be able to enumerate all the principal actors in the enterprise and the incentives for their participation in the enterprise. Moreover, it is important to ascertain how the participants went about seeking benefits from the enterprise. Knowledge about the activities they engaged in the enterprise will go a long way in understanding criminal enterprises such as Somali piracy. In an attempt to assess the entire Somali piracy economic contraption, this study adopted Jonathan Goodhand's war economies table and his taxonomy that has been renamed as the combat pirate economy, the shadow pirate economy and the coping pirate economy. While these taxonomies are herein analyzed individually, they have linkages amongst them. This sometimes blurs the three taxonomies as their complex networks overlap each other. Nonetheless, an individual analysis of these taxonomies will not only amplify our knowledge of Somali pirate economy but also the profiteering therein.

## **7.2 The Combat Pirate Economy**

While Somali piracy is not a war between belligerents that can be gleaned through a political economy approach, its armed nature qualifies it to be analyzed by use of the approach. Therefore, Somali piracy's combat economy can be demonstrated by profitable transactions amongst its top actors that sustained the pirate enterprise. These top actors included pirate gangs and their respective commanders, arms dealers, militia bosses, former President Said Barre's security officers and government security personnel. These actors were either substantially armed or had access to notable military weaponry - either or both scenarios sustained Somali pirate attacks. Besides, benefits accrued by actors from the combat pirate economy enabled them to maintain their military dominance and execute military objectives.

Use of a political economy approach unravels Somali piracy's other economies as shown by Keinan Abdi Warsame a.k.a K'naan quote that "a one man's pirate is another man's coast guard." This was the case with Isse Yuluh, a pirate master of Marjerteen's Ali Saleban sub-sub-clan who masterminded a bloody inter-clan feud against the Marjerteen's Ali Saleban and Muse Saleban sub-sub-clans into conflict for economic gain.<sup>954</sup> Motivated by raw desire to become a dominant pirate master and have ease in acquiring more ransom money, Isse Yuluh ignited quarrels and fights to destabilize competing pirates. Initially, he took cognizance of the centrality of clans amongst the Somali which he exploited to emerge as a dominant pirate. After falling out with his Muse Saleban Partners about sharing of some piracy ransom, Isse Yuluh attacked, shot and killed his Muse Saleban allies after feeling cheated by them.<sup>955</sup> Inability to attract his sub-sub-clan's sympathy and support, Isse Yuluh is suspected to have clandestinely ambushed a Muse Saleban truck that was driving within Ali Saleban area in a cold-blooded ploy to arouse a sub-clan fight. The attack succeeded in sucking the two sub sub-clans - Marjerteen's Ali Saleban and Muse Saleban into his designed fight against his former Muse Saleban pirate allies for three years.<sup>956</sup> While the two sub-clans fought against each other, Isse Yuluh maintained his dominant position in local piracy issues which directly economically benefitted to him and his close allies.

Also gaining from Isse Yuluh instigated fight were Marjerteen and other Puntland elders who mobilized to end the deadly conflict. As they offered themselves to reconcile the two feuding sub-sub-clans, they initiated a months-long peace process which brought them personal emoluments and favours.<sup>957</sup> Thus, as the elders commiserated with the grieving families and bitter sub-sub-clan members, they, at the same time jostled for mediation roles for their personal monetary and material gain. Inversely, as the Marjerteen sub sub-clan individual instigated wars spiralled out of control, elders directly benefitted from the same by offering by constituting conflict resolution mechanisms.

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<sup>954</sup> An Urbina, "U.S. Announces Plans to Combat Illegal Fishing and Other Steps to Protect Oceans," *New York Times*, October 5, 2015, <https://www.nytimes.com/2015/10/06/world/us-announces-plans-to-combat-illegal-fishing-and-other-steps-to-protect-oceans.html>.

<sup>955</sup> Awet T. Weldemichael, "Dalhousie Marine Piracy Project: When Elephants Fight, the Grass Suffers: A Report on the Local Consequences of Piracy in Puntland," Marine Affairs Program Technical Report, No. 12, 2014, 30-31, January 28, 2018, [https://cdn.dal.ca/content/dam/dalhousie/pdf/faculty/science/marine-affairs-program/Technical\\_series/Dalhousie-Marine-Affairs-Program-Technical-Report-%2312.pdf](https://cdn.dal.ca/content/dam/dalhousie/pdf/faculty/science/marine-affairs-program/Technical_series/Dalhousie-Marine-Affairs-Program-Technical-Report-%2312.pdf).

<sup>956</sup> Ibid, 31.

<sup>957</sup> Ibid.

Among key profiteers of Somali piracy were the aggressive, ambitious and wealthy individuals who discerned lucrative opportunities in the enterprise. Strategically operating in the background, these individuals built strong pirate gangs by using their money to substantially invest in implements, manpower, time and weapons with expectations to make profit.<sup>958</sup> Mainly motivated by a desire to accrue profit from their investments, they established regional and international networks to ensure that their piratical operations run smoothly. These networks roped in air transport companies, banks, lawyers and security companies in the region and beyond.<sup>959</sup> On the basis of trust derived from clan influence, they gave huge sums of money to the pirate masters on the understanding that once ransoms were paid, they would recoup their money and earn profit on it. Aware of the retributions of their criminal piratical enterprise, both pirate masters and their financing allies engaged in secret operations to ensure that they were not exposed as such an exposure was detrimental to their business interests. They also operated in opaque ways to protect their identities.<sup>960</sup> They mostly operated in Somalia's big towns and regional capitals such as Dubai, Mombasa, Nairobi and Sanaa.<sup>961</sup>

As pirate gangs' political influence and military capabilities grew, other political players took note and began to hatch plots on how they could gain from the new political muscle that the pirates possessed. Indeed, after executing a series of successful vessel hijackings and ransom payments, pirate gangs had transformed themselves into reputable military outfits with substantial firepower. Stampeded with swelling gang numbers and sophisticated weaponry, pirate gangs became entities that local government administrations and functionaries wanted to be in good books with. Local administrations extended a hand of friendship to the pirate gangs so that they could in turn bolster their grip on their regions occasioning marriages of convenience that were isolated and intermittent. For example, Ismael Haji Noor, a local administration official in Hobyo, asked for collaboration with the port town's pirates because was fearful of the advancing Al Shabaab fighters who were poised to easily overrun the local administration.<sup>962</sup>

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<sup>958</sup> Stig Jarle Hansen, "Piracy in Greater Gulf of Aden: Myths, Misconceptions and Remedies," *Norwegian Institute for Urban and Regional Research*, 2009, 23.

<sup>959</sup> Harper, "Chasing the Somali piracy money trail."

<sup>960</sup> *Ibid.*

<sup>961</sup> Dominic Wabala, "Police Monitoring Pirates-Linked Company, Nairobi," *The Star Newspaper*, August 29, 2011, 1 & 6.

<sup>962</sup> Jeffrey Gettleman, "In Somali Civil War, Both Sides Embrace Pirates," *The New York Times*, September 1, 2010, <http://www.nytimes.com/2010/09/02/world/africa/02pirates.html>.

The subsequent collaboration and strategic maneuvers stalled Al Shabaab's march on Hobyo and thus gave local administrators not just an opportunity to continue their administrative roles but also a chance to continue to draw benefits from the same. Such collaborative relationships allowed local administrators to continue serving people and at times the two groups jointly performed security duties such as patrols.<sup>963</sup>

While Hobyo's pirate masters were finalizing their partnership with Ismael Haji Noor, another set of pirates in Harardhere were charting an unlikely cooperation of convenience with Al Shabaab and Hizbul Islamist groups.<sup>964</sup> The two groups had cut for themselves an image of sticklers of Islamic practices whose ruthlessness enforcement zeal could not be ignored by the pirates. Fearful of the groups' massive numbers, military firepower and anti-piracy messages which declared piracy as an un-Islamic activity they wanted to shut. But in a strategic scheme to sustain their beneficial piratical engagements, Harardhere's pirates opted to befriend rather than confront the Islamic groups. This extension of a hand of friendship to the Islamists by the pirates was not only beneficial to the pirates but the Islamists as the pirates as correctly predicted by the pirates. In their prediction, pirates envisioned that the Islamists would not mind looking away in exchange for a share of pirate loot. Desirous of sustaining this reciprocal and unholy alliance forced the pirates to share their ransom with the Islamist groups.<sup>965</sup> Though viewed as an exercise of appeasing the Islamists, the unexpected arrangement allowed to the pirates to concentrate on their piratical enterprise as the Islamists received money to fund Islamist campaign. This study was unable to tell the finer details of this arrangement and its aftermath.

Acquisition of substantial ransom money gave some pirate masters a desire to build strong armed units with an eye for economic and political gain.<sup>966</sup> This was after their realization that a strong armed unit in Somalia was a panacea to accessing and exploiting her resources due to her militarized nature. This reality of happenings in Somalia was augmented by the well-known fact that indeed, a powerful armed group was not only critical in dominating criminal economic enterprises but was also a tool for amassing personal wealth. Thus, emboldened with ransom

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<sup>963</sup> Ibid.

<sup>964</sup> Ibid.

<sup>965</sup> Ibid.

<sup>966</sup> Ibid.



money, certain politically ambitious and inclined pirates built sizable armed units to muscle their way into opportunities that were beneficial to them. With the aid of their powerful armed units, the pirates were able to threaten or forcibly evict other entities from contested resources. Control of new resources enabled the pirates to diversify their material accumulation avenues beyond ransom money. In Hobyo, for instance, Mohammed Garfanji, a pirate master used ransom proceeds to establish a sizable armed unit of hundreds of men who were backed with domesticated anti-aircraft like trucks with mounted machine guns.<sup>967</sup> In an attempt to ‘militarize’ his armed unit, Garfanji bought his men jungle military fatigue uniforms and restricted recruitment into the unit to those with battle field reputation and ‘military’ passion.<sup>968</sup> Garfanji’s designs were not isolated as other ambitious pirate masters followed in his tracks.

In no time, Garfanji-like armed gangs jostled to enter protectionist businesses where they used their ‘military’ capabilities to bulldoze and acquire lucrative deals. Though in principle, the military-like pirate gangs were expected to safeguard their piratical interests such as guarding captured vessels and captives, they in turn diversified their interests into other beneficial spheres where a military-like force was a prerequisite.<sup>969</sup> Besides, such armed units ‘military’ capabilities made other armed entities to shy from either confronting or demanding tribute them which in turn shielded their acquisitions from unwelcome interference. Proliferation of such protectionist businesses by armed units further eroded the authority of Somalia’s fragile state structures which entrenched the country’s governance vacuum whose attendant lawlessness was gleefully exploited by the armed gangs for material gain. This gain included payments for the protection roles that the armed gangs provided.

Soon, the pirate armed gangs followed other armed militias by extending their unsolicited ‘protective’ roles to humanitarian aid agencies by forcefully embedding themselves into aid convoys as security providers. In their defense of their self-invitation to the unease agencies, the armed gangs claimed having seen a security gap and they could competitively fill. As a compensation for the security offered, the aid agencies were forced to pay huge fees to the gangs.

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<sup>967</sup> Ibid.

<sup>968</sup> Ibid.

<sup>969</sup> Ryan Jablonski, “The price of piracy in Somalia, Africa at LSE,” *Blog Entry*, April 20, 2015, <http://blogs.lse.ac.uk/africaatlse/>.

Moreover, the gangs further squeezed other material benefits from the aid agencies by diverting part of the aid for the personal use. Laura Hammond and Hannah Vaughan-Lee described this manipulation as the rise of political economy of aid and conflict which was more discernable when armed pirate gangs blockaded seaports so as to receive access fees.<sup>970</sup> Beyond the armed gangs other beneficiaries of this ‘aid economy’ included transportation companies, hotels and other accommodation providers. The subsequent rush and jostling for protection opportunities unintentionally caused armed clashes amongst them which disrupted and halted delivery of humanitarian aid to and within Somalia by the international community. Moreover, the fact that about 90% of the aid to Somalia was delivered by sea, a transport corridor that was the pirate gangs playground.<sup>971</sup> The resultant stoppage of aid delivery exposed Somalis to starvation. Reports of the unfolding humanitarian crisis that was partly fueled by pirate gangs soon captured the world’s attention, prompting the international community to re-evaluate its support to Somalia. Major world powers decided to donate more aid to people of Somalia despite the attendant hurdles.<sup>972</sup> In response, pirate gangs simply spruced up their weapons and continued to exploit delivery of humanitarian aid in Somalia.

Similarly, continuation of violence in central Somalia forced the Darood clan to break away and establish an autonomous administration in Puntland so as to chart their own social, economic and political progress. Since the separation was initiated in 1998, Puntland has operated with all the hallmarks of a state except its inability to receive recognition. As such Puntland can be seen as a ‘state’ within the Somalia state. The administration’s territory soon became a sanctuary for persecuted Darood clan members who were moving away from other parts of Somalia. Puntland viewed the rise and growth of piracy along her coastal centres and towns as an economic blessing such that while piracy and its attendant activities caused and exacerbated problems across Somalia, it was an important ingredient to the wellbeing of Puntland’s political class. Somalia’s pirate economy availed the region’s administration corruption proceeds that

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<sup>970</sup> Laura Hammond and Hannah Vaughan-Lee, “Humanitarian Space in Somalia: A Scarce Commodity,” *HPG Working Paper, Humanitarian Policy Group* (London: Overseas Development Institute, April, 2012).

<sup>971</sup> Mark Tran, “Piracy hampers delivery of aid to Somalia,” *The Guardian, International Edition*, August 11, 2011, <https://www.theguardian.com/global-development/2011/aug/11/piracy-hampers-aid-delivery-somalia>.

<sup>972</sup> Gittleman, “For Somali Pirates, Worst Enemy May Be on Shore.”

strengthened its grip on power.<sup>973</sup> Monies from piracy enabled the Puntland administration to bolster its army to deal with problematic peoples within the region. Thanks to piracy, Puntland's regional army was able to fortify its territory and keep at bay radical Islamic groups that were on an expansionist campaign in other parts of Somalia. Thus, piracy contributed in sustaining Puntland's regional administration in power.

Unlike individuals and groups that initiated mechanisms to exploit Somali piracy's economic opportunities, other parties sat pretty and waited for benefits to come to them without much effort. Having mastered Somalia's corrupt systems, government officials (both federal and regional) and notable militia bosses only sent subtle messages to pirates for a cut of the ransom money. After taking cognizance of weight of the matter, pirates responded to the messages by sending the government officials and militia bosses reasonable cuts of the ransom monies.<sup>974</sup> The payment enabled the pirates to go about their activities without interference from the two groups.<sup>975</sup> The message was easy to decipher for the pirates as they were required to give a cut of their ransom to the officials and warlords to enjoy non-interference from the two groups. Pirates were always fearful that the government officials and militia bosses had the capacity to interfere and disrupt their piratical enterprise. Gradually, the two sets of parties-giver and recipients developed a smooth working relationship. At the height of Somali piracy, the two entities were supportive of the piracy as received ransoms directly benefited them. And to ensure that the ransom kickbacks kept flowing their way, both the government officials and militia bosses constantly mobilized their charges to show their ability to disrupt piratical activities in case the pirates reneged on sending them the ransom.

Somali piracy was also bolstered and sustained by some degree of armed combat. Somali piracy's combat economy actors included armed young pirates, pirate commandos and pirate masters. Whereas Somalia was already proliferated with guns, the emergence of piracy necessitated acquisition of newer and advanced guns by the pirates. The resultant demand resulted in the expansion of weaponry purchases throughout the entire period that Somali piracy

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<sup>973</sup> James Kraska, "Freakonomics of Maritime Piracy," *Brown Journal of World Affairs*, 16, no. 2, June 1 (2010), January 16, 2018, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1830200](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1830200).

<sup>974</sup> Barret Sheridan, "Somali Pirates Take Their Biggest Prize Yet," November 18, 2008, <http://www.newsweek.com/somali-pirates-take-their-biggest-prize-yet-84903>.

<sup>975</sup> *Ibid.*

thrived.<sup>976</sup> These arms were supplied by arms dealers to pirate masters and/or commanders but in other times, pirate groups such as Hobyo-Haradhere regularly trafficked arms from Yemen to pirate ports of Haradhere and Hobyo.<sup>977</sup> The dealers operated inside and outside of Somalia. These suppliers and other brokers in the arms chain profited from their engagements.<sup>978</sup> While arms suppliers and brokers profited from the arms trade, Somali pirate gangs attained the requisite military power to attack, hijack and detain vessels for ransom purposes. Both young field pirates and their masters used either personal funds or ransom money to purchase better on newer weapons. Somali piracy's arms trade was transacted at the regional arms markets as well as arms markets within Somalia where interested individuals could purchase arms for pirate work.<sup>979</sup>

The competitive nature in the piracy business did not only necessitate acquisition of advanced arms but also occasioned a desire by newly formed pirate groups to seek military-like jungle uniforms for differentiation purposes.<sup>980</sup> This new desire for uniforms opened a new income generating stream to its importers, distributors and retailers. This study believes that the uniforms were important as they promoted a sense of belonging and unity. Moreover, the adoption of uniforms and the resultant popularity and demand from other pirate gangs expanded the chain of uniform makers and traders within and without Somalia all of whom got tapped into the piracy economy. Continued desire for uniforms by new pirate gangs and need for replenishing old or torn ones steadily turned the uniform business into a profitable engagement.<sup>981</sup> Associated with the adoption of uniforms amongst pirate gangs was the need for 'military' and maritime training.

Keenness to retain well trained sea-faring pirates for vessel hijack operations pushed pirate masters to routinely contract former military and naval officers who served in the fallen President Said Barre's regime to impart and reinforce crucial military naval skills on their

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<sup>976</sup> See details in the last paragraph of chapter four's Pirates Apparatus and Weapons section.

<sup>977</sup> Mary Harper, "Chasing the Somali piracy money trail: Piracy off the coast of Somalia has made many people very rich," *BBC News*, May 24, 2009, <http://news.bbc.co.uk/2/hi/africa/8061535.stm>.

<sup>978</sup> Kumalo, *1766 (2007)*, S/2008/274, 6.

<sup>979</sup> Oral Interview, Hassan Issa Musa.

<sup>980</sup> Jeffrey Gettleman, "In Somali Civil War, Both Sides Embrace Pirates," *New York Times*, September 1, 2010, <http://www.nytimes.com/2010/09/02/world/africa/02pirates.html>.

<sup>981</sup> *Ibid.*

recruits.<sup>982</sup> Ambitious pirate masters also contracted experienced civilian experts on maritime issues to train their gang members on tactical maritime maneuvers and use of maritime implements and technology. While this training gave pirate gangs an edge in vessel hijack processes and onshore engagements, it provided new avenues for considerable financial gain to the military and civilian trainers as they were lucratively paid for their advanced skills.

Though the ‘combat’ piracy activities were largely funded by ransom money, pirate gangs still ran extortion syndicates to supplement their revenues for arms purchases and retention of expensively paid trainers. These extortions were mostly imposed on business people who imported goods into Somalia and exported agricultural products through pirate controlled ports.<sup>983</sup> In addition, pirates engaged in human trafficking by collaborating with criminal networks to smuggle people and weapons between Somalia and surrounding countries.<sup>984</sup> Pirates viewed the trafficking as a mechanism to survive piracy’s low seasons. Apparently, there exists two major illegal migrant routes with one ending up in the Gulf States through Yemen while the other ends up in Europe through Sudan and Libya.<sup>985</sup> Migrants along these routes paid huge amounts of money to smugglers and armed gangs in numerous roadblocks. Not to be left behind, the pirate gangs immersed themselves into the business particularly at coastal areas and in departure ports. A World Bank report indicates that pirates asked for US \$9,000 for 12-hour skiff trip between Yemen and Bossasso. The collaboration happened because criminal networks do not work in isolation of each other as their illegal activities feed into other illegal systems for their own survival.<sup>986</sup> The nature of criminality of piracy forced criminal groups to build extensive networks amongst themselves despite their different engagements with only areas of operations separating them.<sup>987</sup> The human trafficking also saw girls transported from Somalia’s interior to pirate towns ostensibly for pirates’ entertainment.<sup>988</sup> All these criminal activities of extortion and trafficking were meant to accrue capital to pirates to finance their activities.

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<sup>982</sup> Oral Interview, Hasssan Issa Musa.

<sup>983</sup> IRIN, “Somali Pirates are Back; They Never Really Left,” *The East African*, July 25, 2017, <http://www.theeastafrican.co.ke/news/Somali-pirates-are-back-they-never-really-left/2558-4031400-10rnfvz/index.html>.

<sup>984</sup> World Bank, *Pirate Trails, Tracking the Illicit Financial Flows from Pirate Activities off the Horn of Africa*, 66.

<sup>985</sup> IRIN, “Somali Pirates are Back.”

<sup>986</sup> Ibid.

<sup>987</sup> Ibid.

<sup>988</sup> World Bank, *Pirate Trails*, 66-67.

Actors that dominated the ‘war’ markets were motivated in maintaining criminality in the community so as to sustain an anarchical situation as an avenue to sustaining illicit activities that they had normalized for profiteering purposes. Participants of the ‘war’ markets thrived on anarchy which informed their manipulation or disruption of communal order to maintain the chaotic status quo. Besides, ‘war’ market actors continuously armed and rearmed themselves as a shield of protecting their authority and power which they didn’t want to lose. Further, by ensuring that they were militarily powerful, ‘war’ markets actors were keen to use violence to maintain or attain a firm grip of power through violent means. Beneath and core to all the activities undertaken by ‘war’ markets actors was a calculated strategy for monetary gain amongst other benefits. While they were not left unscathed in their strategic maneuvers for profiteering purposes, they had no interest in ending piracy. Beyond the dangerous ‘war’ markets economy, there existed shadowy markets whose reach went beyond Somalia.

### **7.3 The Shadow Pirate Economy**

Along Somalia piracy’s discernable high stakes combat economy lay illicit shadowy economies that were interlocked within the chaotic Somali economy but with regional and international tentacles that revealed the profiteering manifestations of the piracy’s international syndicates. The shadow economies were broadly made up of informal relationships that operated outside of state institutions and requirements. Actors in these economies sought to benefit from the multiple unregulated business opportunities that sprang up with the rise and escalation of Somali piracy in an already chaotic Somalia.<sup>989</sup> Like other armed conflicts, Somali piracy only entrenched shadowy economies as they were already existing in Somalia after the collapse of the state in 1991. Among notable players who dominated these economies were businesspeople such as financiers, importers and suppliers who grabbed emerging opportunities as well as service providers. Somali piracy as a business enterprise required banking, communication, delivery, insurance, interpretation, legal, negotiation and security services. The common denominator of both the businesspeople and service providers was a desire to accrue profit from their roles. Somali piracy’s shadowy economy transactions transcended both formal and informal economies in Somalia and beyond. Besides straddling Somalia’s socio-economic and political networks, the shadowy economy dealings infiltrated the country’s ‘state’ structures. Similar state infiltration

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<sup>989</sup> Ballentine and Nitzschke, *The Political Economy of Civil War and Conflict Transformation*, 8.

was replicated elsewhere in the region and in the world where some players operated from. Profits from the transactions benefitted individuals and sometimes communities.

Piracy brought about wealth to Somalia's pirate-allied communities. Having been denied meaningful economic activities due to political chaos, piracy emerged as a blessing as it brought them the much needed income.<sup>990</sup> According to Scott Carney piracy was a choice that would not be turned down by both the pirates and the Somali population.<sup>991</sup> Seeing it as a sound economic choice, Somalia pirate-allied communities eyed the huge ransoms that were pouring into their communities. The ransom money revitalized local communities as it created employment opportunities by fuelling growth of small enterprises to complement the piracy business. These employment and business opportunities availed some income to the people involved which in turn created a trickle-down effect on their immediate families and communities. In total, approximately 10,000 to 15,000 people were directly and indirectly employed by ransom fuelled business activities.<sup>992</sup>

As Somali piracy grew and expanded, pirate towns began to demand to be compensated by pirate gangs that were operating in their areas. It was a form of tax that was imposed on the pirates as compensation for using their ports to do business. As astute businesspeople who did not want disruption to their piratical enterprise, the gangs agreed to pay a certain percentage of ransom to the town elders after successful payments. Nevertheless, the elders' centrality in the Somali society compelled the pirates to accept the request and part with some percentage of the ransom so as to receive the elders support and protection when need arose. This tax arrangement was more pronounced in Haradhere where there was a public agreement between the town's elders and pirates. In the arrangement, Haradhere's elders bargained and got the agreed percentage from the town's pirates after every successful ransom. As the perceived custodians of the port and its resources, Haradhere elders waved their 'ownership rights' to lay claim for a share of the ransom money. To ensure that arrangement was acceptable across the town and surrounding community, the elders invoked the idea that the tax was to be used to improve the town's public

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<sup>990</sup> 361 Security, "How Piracy Saved Somalia: The Unintended Positive Consequences of Somalia Piracy," December 2, 2016, <https://www.361security.com/analysis/how-piracy-saved-somalia>.

<sup>991</sup> Ibid.

<sup>992</sup> Ibid.

infrastructure such as hospitals, schools and roads.<sup>993</sup> The elders may have given this explanation to shield themselves from communal reprisals as piracy was an unIslamic activity that they were unexpected to get entangled in. Moreover, Haradhere's elders deftly invoked communal projects to show that their push for tax was the community's position. We were unable to establish the authenticity of the story particularly on the bit that money given to the town's elders as tax was invested in its public projects. It is highly possible that the money was paid out but was not used for the quoted purpose. This push to have a share of the ransom proceeds happened after piracy emerged as a dominant and profitable economic activity in pirate coastal centres such as Haradhere.

As the piracy business grew other business exchange cleavages rose as well. For instance, pirates put up a 'stock exchange' in Haradhere to raise money for their maritime attacks and co-opted the local community into their activities.<sup>994</sup> The local community enthusiasm saw the 'maritime companies' that had 'listed' in the 'stock exchange' rise from the original 15 to 72.<sup>995</sup> The community's excitement was partly due to the fact that anybody would buy the shares and they could be bought with weapons or any helpful maritime implements besides money.<sup>996</sup> Eager to enjoy the good monetary gain like their pirate kith and kin, the community fully embraced the 'stock exchange' idea thus aiding the pirates in their endeavor to make piracy a communal enterprise. So as to maximize profits and sustain enthusiasm, the 'stock exchange' was opened 24 hours daily. At the height of the 'stock exchange' business, 'shareholders' such as Sahra Ibrahim who had invested a rocket-propelled grenade she had acquired from her husband after divorce lined up to receive their 'dividends' as others streamed into the 'stock exchange' offices to seek information about their missing kin who had gotten lost at sea.<sup>997</sup>

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<sup>993</sup> Mohamed Ahmed, "Somali sea gangs lure investors at pirate lair," *Reuters*, December 1, 2009, <https://www.reuters.com/article/us-somalia-piracy-investors/somali-sea-gangs-lure-investors-at-pirate-lair-idUSTRE5B01Z920091201>.

<sup>994</sup> Jeremy Hsu, "Somali Pirate Exchange Lets Investors Bet on Hitting a Ransom Jackpot: Now Somali civilians can invest cash or weapons into pirate companies and hope for a share of the ransom money," December 2, 2009, <https://www.popsci.com/technology/article/2009-12/pirate-exchange-lets-investors-bet-hitting-ransom-jackpot>.

<sup>995</sup> Ahmed, "Somali sea gangs lure investors at pirate lair."

<sup>996</sup> *Ibid.*

<sup>997</sup> *Ibid.*



Other unintentional Somali piracy dividends benefitted Somali fishermen as the pirate attacks gradually scared foreign fishing vessels from Somali coastal waters.<sup>998</sup> As shown in chapter two, foreign fishermen had stormed Somali waters after the collapse of Said Barre's regime and had ruthlessly elbowed away Somali fishermen. But now with foreign fishermen unable to access the Somali coast, Somali pirates unexpectedly got a chance to access their coast's abundant fish stocks which had been a preserve of the more powerful foreign fishing vessels. Somali fishermen began to make bigger and quality fish harvests, a development that brought them more money as they began to make about US \$ 280 a day as compared to the US \$ 7 in the past.<sup>999</sup> While this boom lasted, Somali fishermen viewed piracy as an economic blessing and wished for its continuation despite the fishing boom coming in the midst of attacks and harassment from the pirates as the two groups crisscrossed each other's paths at sea. Both Somali pirates and fishermen had a complex love-hate relationship where they viewed each other favourably and at other times unfavourably as dictated by changing circumstances. Pirates used fishermen as a camouflage against anti-piracy forces while at sea while fishermen silently applauded the pirates for expelling the foreign fishermen. However, the fishermen detested harassment from pirates as they sometimes hijacked and used their vessels to pursue vessels for capture. The new found fish boom and its lucrative returns never lasted as pirate harassment and mistaken suspicions by anti-piracy navies conspired against the fishermen and shortly scared them away from the brief and lucrative opportunity.

Somali piracy also fuelled the emergence of pirate entrepreneurs who earned a living by telling 'authentic' pirate stories in Nairobi, Kenya's capital city. As Somali piracy stories captured the world's imagination, hordes of journalists' scoured Somalia and the Eastern African region as a whole for more and new piracy narratives. On learning of the piracy craze among media outlets, enterprising Somali men in Nairobi hatched plans to exploit the journalists' hunger for piracy stories. The plans were augmented by the journalists' inability to authenticate genuine pirates from fake ones which in turn gave the entrepreneurs a chance pass themselves off as real pirates. A group of young Somali men - both Kenyan and immigrants from Somalia took up a

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<sup>998</sup> 361 Security, *How Piracy Saved Somalia*.

<sup>999</sup> Ibid.

pretentious identity of being former pirates.<sup>1000</sup> Operating in Nairobi's Eastleigh area, a Somali dominated location, the 'former pirates' were on 'stand by' to provide stories about their experiences as pirates.<sup>1001</sup> These 'former pirates' operated as part of a wider syndicate that was out to exploit opportunities that had emerged with the rise of Somali piracy.

Keen to appear as authentic pirates, these 'former pirates' invested their time to create a 'real' pirate image. To arouse as much interest as possible from news hungry journalists, the 'former pirates' played hard to get by accepting and postponing meetings for several days.<sup>1002</sup> Eventually after days of cat and mouse games, the 'former pirates' struck a deal to narrate their piratical experiences or feature in documentaries. After the pens and cameras went silent, the stories found their way into reputable newspapers, magazines and televisions across the world. As compensation for their 'hard work,' the former pirates made about US \$ 200 a day. A major catalyst for the scam was the desperation of journalists to write and record stories for their audiences. Thus, motivated by sheer rush for captivating stories, the journalists fell into the well laid scams by enterprising and calculating by both Kenyan Somalis and Somalis immigrants in Eastleigh, Nairobi. In contrast, the 'former pirates' analyzed the Somali piracy and decided to play a game of falsified identity to make money. In their consideration, they hoped for a continuation of Somali piracy to spur their pretentious games that brought them good money.

Since Somali piracy was a physical manifestation of Somali coastal people's anger towards illegal foreign fishing and dumping of waste, it followed that pirates were part and parcel of those safe guarding the Somali coast from foreign exploiters. In addition, the presence of pirates contrastingly emboldened Somali business people who took advantage of their acknowledged exploits to normalize their regional and international trading activities.<sup>1003</sup> As such, Somali business people felt that piracy was not a hindrance to their activities but rather a blessing.

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<sup>1000</sup> Majority were Somali while others came from the Borana and Gabbra communities.

<sup>1001</sup> Jamal Osman, "The 'Somali Pirate' Who Never Was," *Channel 4 (UK)*, February 13, 2018, <http://www.channel4.com>.

<sup>1002</sup> Ibid.

<sup>1003</sup> Carrie Byrne, "Analysis: The two sides of the Somali piracy coin - An examination of the rise and perpetuation of piracy in Somalia," *Consultancy Africa Intelligence, Defence Web*, May 30, 2011, [http://www.defenceweb.co.za/index.php?option=com\\_content&view=article&id=15738:analysis-the-two-sides-of-the-somali-piracy-coin-an-examination-of-the-rise-and-perpetuation-of-piracy-in-somalia-&catid=51:Sea&Itemid=106](http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=15738:analysis-the-two-sides-of-the-somali-piracy-coin-an-examination-of-the-rise-and-perpetuation-of-piracy-in-somalia-&catid=51:Sea&Itemid=106).

Indeed, they regarded the marauding pirates as a people who could secure their vessels particularly after consideration of Somali people's intricate clan system that ordinarily disallowed pirates from interfering with the Somali owned or affiliated vessels or merchants. This was to avoid unnecessarily disruptive inter-clan feuds. Thus, as Somali piracy thrived so did business people who were engaged in import and export businesses, each dominant in their separate ports. Interviews conducted among former pirates confirmed that they seldom set out to attack and capture Somali owned or affiliated vessels. Such attacks could have precipitated an inter-clan war that the pirates were not keen to engage as such a war could have been detrimental to their interests. It is this dissuasion that Somali business people took advantage of to engage in import and export trade that in turn earned them good profits.

While Somali businessmen exploited the presence of pirates for business opportunities, entrepreneurs from Europe designed counter opportunities by establishing security companies to fend off the Somali pirates. The brains behind the new initiative were former senior military officers who took this as an economic opportunity. After analyzing the vulnerabilities of maritime vessels in Somalia's coastal vicinity, the security entrepreneurs formed security companies to escort the vessels as they sailed in waters within the Somali pirates striking range. These new entities came to be commonly referred to as Private Maritime Security Companies (PMSC). The vessels carried contracted ex-military officers whose work was to counter the pirates and guide the maritime vessels into following safer routes.<sup>1004</sup> Typhon, one of such companies carried ex-royal marines whose job was to defend contracted vessels. Established by a former French foreign legionnaire and a former UK chief of the General staff, Typhon attracted former military generals as non-executive directors.<sup>1005</sup> Typhon's board's substantial military experience was complimented by a marine insurance expert whose expertise was critical during signing of agreements between the security company and their maritime clients.

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<sup>1004</sup> Jonathan Sibun, "Typhon Fights Back Against Pirates," *The Telegraph*, January 15, 2015, <https://www.telegraph.co.uk/news/worldnews/piracy/9016188/Typhon-fights-back-against-pirates.html>.

<sup>1005</sup> Martin Plaut, "Private patrol boats to tackle Somali pirates," *BBC World Service Africa Edition*, May 30, 2012, <http://www.bbc.com/news/world-africa-18209357>.

Offering protection to maritime vessels at a charge that ranged between US \$ 20,000 and US \$ 50,000 per trip, the PMSC's were engaged in relatively lucrative business.<sup>1006</sup> At the beginning, the security companies began to position their armed operatives on board in the contracted vessels but the maritime companies need to secure more vessels in a single voyage caused the introduction of armed patrol vessels to accompany their vessels.<sup>1007</sup> Thus, a new security unit of small vessels with armed guards emerged as they threw a defensive ring around the big vessels they were protecting. As an informal, fluid and highly customized business, there are no records on the number of armed personnel contracted to man maritime vessels but estimates indicate that they were in their thousands. All the considerations that were put into account in the establishment of PMSC's were driven by desire to make profits. While giving protection to the pirate threatened vessels, PMSC's were calculating their profits therein.

Also eyeing to profit from the Somali piracy were insurance companies who inflated the premiums for vessels transiting in and around Somali coastal waters. For instance, the cost of insuring a voyage against kidnap through the Gulf of Aden and the coast of Somalia while excluding the Strait of Malacca grew tenfold from US \$ 1,600 to US \$ 16,000 per voyage between 2009 and 2011.<sup>1008</sup> In the designs of insurance companies such as UK-based Jardine Lloyd Thomson, Somali pirates made them to increase their insurance premiums on the basis of potential pirate attacks.<sup>1009</sup> Although the increase was fuelled by Somali pirates perpetrated pirate attacks, the insurance companies also seized the opportunity to double their profits. As experts of the insurance business, the new importance for maritime insurance gave them an edge over and above the worried maritime companies and vessels in determining the premiums.

In their secure board rooms, insurance analysts and actuaries furiously calculated the expected profits to their companies as a consequence of higher insurance premiums due to the Somali

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<sup>1006</sup> Dennis Lukhoba, "Pirate Insurance: Thee Next Big Thing," *Abacus*, September 23, 2012, <https://abacus.co.ke/pirate-insurance-the-next-big-thing/>.

<sup>1007</sup> Ibid.

<sup>1008</sup> Leonard Remondus van der Meijden, *The Influence of Modern Piracy on Maritime Commercial Transport*, MSc Degree in Urban, Port and Transport Economics, (Erasmus University Rotterdam, November, 2008), 45-46, March 30, 2018, <file:///C:/Documents%20and%20Settings/user/My%20Documents/Downloads/Masterthesis%20Modern%20Piracy.pdf>.

<sup>1009</sup> Lukhoba, "Pirate Insurance."

piracy menace. There have been unsubstantiated claims that while insurance companies provided cover to vessels susceptible to Somali pirate attacks, they hoped for the continuation of Somali piracy so as to continue selling higher premiums and in the process accumulate lucrative profits.<sup>1010</sup> According to a report done by the German Institute for Economic Research (DIW), insurance companies' desired continuation of Somali piracy as it had become an avenue for increased revenue.<sup>1011</sup> As a strategy to continue enjoying the lucrative profits, insurance companies were reluctant to ask their clients to implement new shipping security guidelines such as having armed guards aboard, sailing in groups and fitting of security barriers in the vessels to keep away the pirates. They were simply unenthusiastic to demand for the new security guidelines as they were comfortable issuing high premiums as they were good to their insurance business. As if to confirm the lucrative opportunities occasioned by Somali piracy, insurance companies went beyond their core functions of determining and issuing insurance premiums to maritime vessels and began to partner with security companies to provide protection to maritime vessels.<sup>1012</sup> Protection of maritime vessels was a new business and insurance companies wanted a bite of its cherry too.

Just like insurance companies, anti-piracy international navies subtly wished for the continuation of Somali piracy as their participation in countering the pirates was weighed against reciprocal benefits that the campaign accrued to their countries. The opportunity to undertake anti-piracy operations operates on waters off the coast of Somalia gave the concerned navies chances of raising their military profiles both domestically and globally.<sup>1013</sup> Elevation of profiles had attendant benefits that included securing of higher budgets at home and receiving international accolades. In addition, being sent out to counter Somali pirates gave the concerned militaries an occasion to test their military capabilities. A perusal of military history indicates that militaries have over the centuries entered wars, not just to defeat their enemies, but also to test the maneuverability and capability of their weapons. Weapons are better tested during active combat

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<sup>1010</sup> Sarah Percy and Anja Shortland, "The Business of Piracy in Somalia," (Berlin, German Institute for Economic Research, August, 2011) 27, accessed February 10, 2015, [https://www.diw.de/documents/publikationen/73/diw\\_01.c.358500.de/dp1033.pdf](https://www.diw.de/documents/publikationen/73/diw_01.c.358500.de/dp1033.pdf).

<sup>1011</sup> Z Blogs, "Why Insurance companies and Western Navies Love Somali Pirates," October 31, 2011, <https://zcomm.org/zblogs/why-insurance-companies-and-western-navies-love-somali-pirates-by-phil-mcelhinney/>.

<sup>1012</sup> Lukhoba, "Pirate Insurance."

<sup>1013</sup> Z Blogs, "Why Insurance companies."

to gauge their real prowess and Somali piracy was an opportunity in that context.<sup>1014</sup> In the midst of the ‘noble’ anti-piracy operations in the eyes of many in the world, the world’s leading militaries on their part were focused on the earned critical military experience - both in operations and in the use of weapons.

Upon noticing existence of a gap between pirates and owners of captured vessels that would be exploited to generate profit, enterprising individuals established ransom delivery companies to bridge the gap. Delivery of ransom was mostly undertaken by airplanes and sometimes by use of maritime vessels, a fact which implies that the delivery companies were established by individuals with high technical capabilities. Such high professional capabilities meant that the individuals had a background either aviation or security which enabled them to foresee the opportunity and create the companies so as to share in the huge ransoms.<sup>1015</sup> Individuals who established these delivery companies correctly foresaw that filling the gap as intermediaries would earn them part of the ransom money. The individuals’ professional experience helped them to access the right people to deal with to the extent of flying illegally modified planes in their ransom transportation errands to agreed destinations in Somalia’s extensive coastline.<sup>1016</sup> Available evidence shows that some of the companies at least the aviation ones operated out of Kenya.<sup>1017</sup> Nonetheless and perhaps to reconfirm the international manifestations of Somali piracy, some of the staff who flew the planes that delivered ransom to pirates were European nationals.<sup>1018</sup>

Requirements of transferring ransom monies to the pirates brought out the internationalizing credentials of Somali piracy as multiple companies sprang up in the region to offer banking services with an aim of sharing the ransoms.<sup>1019</sup> Such companies were registered in Kenya where they camouflaged as consultancies on maritime security matters.<sup>1020</sup> Operating as money

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<sup>1014</sup> Ibid.

<sup>1015</sup> Harper, “Chasing the Somali piracy money trail.”

<sup>1016</sup> Patrick Mayoyo and Abdulkadir Khalif, “Seized Planes ‘Modified to Carry Out Tasks for Pirates,’” *Daily Nation*, Nairobi, June 1, 2011.

<sup>1017</sup> Ibid.

<sup>1018</sup> Foreign Staff, “Brits arrested in Somalia with ‘£2.2 million ransom for pirates,’” *The Telegraph*, May 26, 2011, <https://www.telegraph.co.uk/news/worldnews/piracy/8539542/Brits-arrested-in-Somalia-with-2.2-million-ransom-for-pirates.html>.

<sup>1019</sup> Wabala, “Police Monitoring Pirates-Linked Company,” 1 & 6.

<sup>1020</sup> Ibid.

launderers, these shadowy companies corrupted security institutions where they operated to ensure that their laundering activities were neither intercepted nor exposed. Keen to maintain a low profile, the companies, some wholly Kenyan owned existed and operated side by side with the other companies that were foreign owned. It is believed such Kenyan companies dealt with vessels that were either Kenyan or regionally owned while their more professional foreign-owned companies clientele was that of vessel owners that were beyond the region.<sup>1021</sup> The companies sought and contracted pirate agents in Kenya's Nairobi and Mombasa cities whom they did business with. They also solicited for pirate agents in Somalia and other regional financial capitals with whom they worked with. Majority of these Kenyan companies were jointly founded by Kenyan Somalis and Somali immigrants from Somalia. The founders established them by taking advantage of the Somali clan system which transcended international boundaries. Moreover, Somali clans have an entrenched trust system which was an enabler in the complex and sensitive ransom transactions.

It is believed that the ransom money passed through major cities in Kenya and UAE and as well as some European countries for onward transmission and delivery to pirates in Somalia in the shadowy ransom transfer system. Being a sensitive operation, aviation and shipping companies discretely tried to get the money to the pirates without raising suspicion from authorities. As a consequence, banks that were involved in the transmission of the ransom money went about the transactions in a secretive manner as they knew the processes were illegal as they bordered on the criminal money-laundering business. Despite the risks involved, banks willingly engaged in the unconventional but lucrative ransom money transactions which turned them into accomplices in the Somali piracy business.<sup>1022</sup>

While some individuals exploited ransom transfer opportunities to rake profits, another set was gazing at the piracy induced surge in *khat* consumption as a chance to profit.<sup>1023</sup> As a popular inducer of a degree of euphoria and stimulation, *khat* is said to have been an incentive that kept

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<sup>1021</sup> Ibid.

<sup>1022</sup> Patrick Mayoyo, "Kenyan Firms make Killing from Piracy," *Daily Nation*, July 18, 2010, <https://www.nation.co.ke/News/Kenyan%20firms%20make%20killing%20from%20piracy/-/1056/960260/-/i017v6/-/index.html>.

<sup>1023</sup> Stefan Tafrov, *Report of the Panel of Experts on Somalia Pursuant to Security Council Resolution 1425 (2002)*, S/2003/223, United Nations, March 25, 2003, <https://www.undocs.org/S/2003/223>.

the pirates alert during their long sea sojourns.<sup>1024</sup> As a consequence, the pirates' high appetite for *khat* led to a higher demand for the stimulant which led to a steep rise of its prices. Going for between US \$ 1 and US \$ 5 for a pack of five bundles in Somalia's urban centres in 1990s, the price shot up to US \$ 50 between 2009 and 2012.<sup>1025</sup> Due to its high demand, pirates willingly paid as much as US \$ 150 for the same *khat*.<sup>1026</sup> The higher prices simultaneously fuelled larger volumes of *khat* to be imported into Somalia from both Kenya and Ethiopia as it had been turned into a lucrative business.

Due to the necessity for fast means of transport to ensure that the perishable leaf got to the customers before getting stale, *khat* business became a preserve of wealthy individuals with the capacity of hiring planes to deliver the leaf to Somalia.<sup>1027</sup> Similarly due to its cash-based nature, the business attracted people who had substantial liquid cash such as the moneyed businessmen and ransom-rich pirate masters who pumped thousands of dollars of the ransom money into the *khat* business. Besides giving them attractive profits, the *khat* business provided them with opportunities of laundering the ransom money.<sup>1028</sup> Reports indicate that Mohamed Abdi Hassan alias Afweyne and Cisse Yulux were some of the pirate masters who invested in the *khat* business and consequently changed the character of business by phasing out cooperatives that initially dominated it.<sup>1029</sup> Being a leaf that should be consumed while fresh, its investors signed flexible contracts with airlines to quicken transportation of the leaf to Somalia.<sup>1030</sup> The onset and surge of Somali piracy also allowed other inventive individuals to invest their money in importation of motor boats known as skiffs that were Somali piracy's popular operational craft as elucidated in chapter four's sub-section on apparatus and weapons.<sup>1031</sup>

Also operating in the shadows of Somali piracy were foreign law firms who equally cast their eyes on the ransom monies. While they gave legal assistance to shipping companies whose vessels had been hijacked on insurance issues on one hand, they increasingly immersed

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<sup>1024</sup> Weldemichael, "Dalhousie Marine Piracy Project."

<sup>1025</sup> Ibid.

<sup>1026</sup> World Bank, *Pirate Trails*, 72.

<sup>1027</sup> Tafrov, *1425 (2002)*, S/2003/223, 37.

<sup>1028</sup> World Bank, *Pirate Trails*, 72.

<sup>1029</sup> Ibid, 72-73.

<sup>1030</sup> Weldemichael, "Dalhousie Marine Piracy Project," 37.

<sup>1031</sup> World Bank, *Pirate Trails*, 63-64.



themselves in ransom negotiations and payments on the other. Though reluctant to diverge much information of their degree of engagement in ransom negotiations and transactions, the affected law firms gave advice on the legality and illegality of payment of ransom to shipping companies and conducted ransom negotiations.<sup>1032</sup> As pursuers of the law, law firms routinely engaged in legitimate legal work and defended cases so as to protect the law. At the same time, these law firms engaged in not very legal transactions in the matter of Somali piracy whereby they put forth self-insulating arguments when asked to reveal their clients.<sup>1033</sup> All in all, the law firms engaged in piracy ransom negotiations as a conduit of benefitting from the ransom proceeds. As the piracy exploded, the law firms were happy to share the approximate US \$339 - US \$413 ransoms that were paid out to Somali pirates between 2005 and 2012.<sup>1034</sup>

Law firms were joined by ransom negotiators with an interest of sharing the ransom proceeds. Somali piracy ransom negotiators were mostly well educated individuals which advanced skills in the art negotiating. Contracted by pirates and shipping companies to get them the best deal possible, negotiators gave their best in return for substantial compensation. It was reported that the negotiators at times received as much as 5% of the total ransom.<sup>1035</sup> Once a hijacking was successful, concerned parties called out their negotiators to argue their case and strike a good ransom deal. Hired negotiators had to understand the existing conundrums for the involved parties and knit a plan of weaving through the conundrums<sup>1036</sup> which involved attempts of ‘opposing’ negotiators trying to outmaneuver each other by highlighting each other’s weaknesses and leveraging on their strong positions.<sup>1037</sup> Negotiators endeavored to keep the ransom talks flowing to avoid a risky communication breakdown scenario. Negotiators were also diplomatic to ensure good outcomes for their clients as well as themselves. An indication of the benefits that accrued to negotiators is the fact that a former FBI agent took up a Somali negotiation role, an

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<sup>1032</sup> Ibid, 39-40.

<sup>1033</sup> Ibid, 40.

<sup>1034</sup> Ibid.

<sup>1035</sup> UNODC, *Transnational Organized Crime in Eastern Africa: A Threat Assessment*, (Vienna: UNODC, September, 2013): 44, March 13, 2018, [https://www.unodc.org/documents/data-and-analysis/Studies/TOC\\_East\\_Africa\\_2013.pdf](https://www.unodc.org/documents/data-and-analysis/Studies/TOC_East_Africa_2013.pdf).

<sup>1036</sup> William A. Donohue, Franziska Pugh, Sharmaake Sabrie, “Pirate Ransom Negotiations: Resolving the Paradoxes of Extortionate Transactions with Somali Pirates,” *Piracy-studies. Org*, October 28, 2014, <http://piracy-studies.org/ransom-negotiations-how-to-resolve-the-paradoxes-of-extortionate-transactions-with-somali-pirates/>.

<sup>1037</sup> Spiegel Online, “Negotiating with Somali Pirates: ‘They know it’s a successful Business Model’” March 13, 2018, <http://www.spiegel.de/international/world/negotiating-with-somali-pirates-they-know-it-s-a-successful-business-model-a-620292.html>.

indicator of the returns of the position.<sup>1038</sup> In cases where there was no common language between pirates' and vessel owners' negotiators during ransom talks, interpreters were incorporated to smoothen the negotiations. Like negotiators, interpreters were mostly educated individuals who were based in foreign countries. As Somali piracy grew and reports about ransoms spread, pirate masters easily convinced them to go back to Somalia to take up interpretation roles.<sup>1039</sup> With an average US \$10,000 to US \$ 30,000 as payment for their services, interpreters took up their jobs with gusto even as more interpreters flocked pirate towns seeking interpretation opportunities. These pirate interpreters were attracted by the handsome reward that would come their way once there was a successful ransom payment. On a balance of scales, potential interpreters opted out of their normal work and moved to Somalia to take up interpretation roles.

All the shadow profiteers of Somali piracy within and outside of Somalia eyed the piracy's lucrative ransoms. As they strategized, planned and executed their various roles, the profiteering individuals and entities invested substantial amounts of money in the hope of making profits at the conclusion of the hijack processes. Somali piracy profiteers, in full knowledge of the criminality of their engagements, manipulated or corrupted concerned enforcement agencies in Somalia and in complicit foreign countries to have their way. When they were unable to manipulate or corrupt enforcement agencies, the profiteers exploited and hid within layered bureaucratic systems to undertake their transactions. Eager to emerge unscathed from their activities, profiteers made use of sophisticated platforms to make seamlessly execute ransom transactions so as to keep their side of the bargain and profit. Knowing that their transactions were criminal, the profiteering individuals and entities pretentiously knitted them with professional clothing to protect their backs and ensure a continued bite at the estimated US\$339 - US\$413 million worth of ransoms between 2005 and December 2012.<sup>1040</sup> During this period, 2011 was the most lucrative for Somali pirates and their profiteering partners as about US \$ 151.1 and US \$ 151.7 million was given as ransom money.<sup>1041</sup> As a multi-million dollar

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<sup>1038</sup> Ibid.

<sup>1039</sup> La'Nita M. Johnson, "The Consequences of Somali Piracy on International Trade," *Global Tides*, 8, Article 5, (2014): 7, January 28, 2018,

<https://digitalcommons.pepperdine.edu/cgi/viewcontent.cgi?article=1118&context=globaltides>.

<sup>1040</sup> World Bank, *Pirate Trails*, 40.

<sup>1041</sup> Ibid.

enterprise, piratical operations ignited coping economic mechanisms/activities especially within Somalia and pirate towns in particular.

#### **7.4 The Coping Pirate Economy**

Even before eruption of piracy as a tangible ‘war’ economy, Somalia had experienced civil war whose resultant war economy had destroyed the formal economy and communities’ traditional livelihoods.<sup>1042</sup> As a consequence, Somalia’s civilian population was forced to latch onto available economic opportunities for its survival. And once piracy grew into a visible economy, Somalia’s average and poor population particularly along her coastal belt began to adapt and transform its economic livelihood as a survival tactic of fitting into the new opportunities created by piracy. The new opportunities were simply survival economies to the vast majority of Somalia vulnerable coastal communities. This survival economies were characterized by informal relationships whose coping economic features were intertwined and incorporated to both Somali piracy’s shadow and combat economies. Somalia’s pirate economy thus had multi-layered actors and activities that provided opportunities to almost every section of Somali life and consequently no one was left out in its web. Operating and surviving the web’s lowest echelons were lowly actors such as cooks and ‘hoteliers,’ traders in alcohol, cigarettes and *khat*, suppliers of cereals and water as well providers of guarding, mechanical and prostitution services. While these actors accrued income from their small-scale businesses, they were largely pushed by survival instincts to provide for themselves and for their families.

In pursuit of income for sustenance purposes in a country of limited economic options, some local individuals with an entrepreneurial spirit set up eateries - mistakenly referred to as ‘hotels’ to serve the burgeoning pirate community.<sup>1043</sup> Mostly concentrated in coastal pirate towns or centres, the ever multiplying eateries serve an equally corresponding number of numbers of pirates. Despite pirates being their main clientele, the eateries also served members of the local community. Although food items are perishable and are better transacted in cash, eateries owners were forced by circumstances to give food to pirates on credit and wait for payment once

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<sup>1042</sup> Ballentine and Nitzschke, *The Political Economy of Civil War and Conflict Transformation*, 9.

<sup>1043</sup> Percy and Shortland, “The Business of Piracy in Somalia,” 17.

ransoms were paid.<sup>1044</sup> Besides food, eateries also provided drinks and other attendant services such as lodging services. In many incidents, these establishments were either put up by people who had prior experience in the business or new people who wanted to capitalize on the opportunity.

Other individuals capitalized on the pirates abandon indulgence in alcohol to build retailing business in alcoholic beverages and cigarettes. While the importation (smuggling) of these prohibited products in Somalia was a preserve of powerful and wealthy businesspeople, their distribution was undertaken by secretive middlemen with local retailers being at the last tier of directly supplying the products. Impoverished by dire economic conditions and attracted to the prohibited businesses enticing returns, the retailers similarly overlooked Islamic principles to become the foot soldiers in the business.<sup>1045</sup> An illicit, secretive and largely underground trade, retailers of alcoholic drinks and cigarettes charged exorbitant prices but purchases from pirates kept on increasing. This increase which hit a crescendo during Somali piracy's Golden Era of 2007 to 2011 was backed by the pirates' excitement, naivety, sheer wildness and the power of ransom money.<sup>1046</sup> These hefty prices in turn gave retailers lucrative profits which they invested elsewhere. Individuals in this alcohol and cigarettes retailing business were momentarily grateful to piracy for improving their economic status but they longed for a return to normalcy for them establish long-term business enterprises.

Alike of the alcohol and cigarette business web, wealthy and secretive businessmen respectively imported and distributed *khat* into Somalia with impoverished locals becoming direct vendors of the same. The retailers acquired the stimulant leaf from the discreet distributors and then availed it to the 'thirsty' pirates and other local consumers in pirate dominated towns along Somalia's coastline. An increase in successful ransom payments influenced a reciprocal growth of pirate numbers which resulted in an increased demand for the leaf as the drug was believed to have power to keep one alert by suppressing sleep. This forced both importers and distributors to increase their daily deliveries leading to a demand for more vendors. *Khat* retailing turned into a lucrative business as the retailers sold about 300 bundles in a day at the onset of piracy as

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<sup>1044</sup> World Bank, *Pirate Trails*, 46-47.

<sup>1045</sup> Weldemichael, "Dalhousie Marine Piracy Project," 22-23.

<sup>1046</sup> *Ibid*, 22.

compared to only 20 bundles they sold before the outbreak of piracy.<sup>1047</sup> While initially dominated by men, the relatively cheap business venture to start was later taken up by women after the rise and escalation of piracy. Indeed, the women not only dominated the *khat* retail business but they went ahead to revolutionize it by sticking out their necks in it despite their clientele's violent and unpredictable nature. The lucrative nature of business amongst other advantages prompted the women to abandon their previous activities and take up *khat* retailing.

Yet, another set of locals capitalized on the necessity of retailing cereals and water in the Somalia's coast pirate dominated towns.<sup>1048</sup> The retailers emerged to focus on supplying pirates, their captives and the general population with various cereals and water. Both pirates and captives needed cereals and water to prepare their meals. Pirates and captives also wanted water for bathing, drinking and general hygiene in their vessels. While some of the retailers had operated retailing businesses before the outbreak of the piracy, others came on board after getting attracted to the business due to its attractive piracy fueled returns. In most cases, the retailers had a working developed an arrangement with the pirates which allowed them to supply cereals to the pirates on a credit basis. Pirates fulfilled their side of the bargain which by settling their debt once ransom was paid.<sup>1049</sup> As any other credit facility, retailers had an upper hand in the arrangement as they would unilaterally increase prices of the credit items. This power brought them even more profit. Their silent prayer was continuation of the piracy to accrue as much money as possible to enable them expand to more long term businesses.

Another of the survivalist economies was the emergence of guarding duties which necessitated the rise of guards from amongst the impoverished locals along Somalia's coastal communities. Eager to earn some income and without much alternatives, hordes of young men showed up to take up the new opportunities. Upon their recruitment, the young men took up the work of protecting captured vessels and their captives from any form of threat be it from the shore or from the sea.<sup>1050</sup> Such guards were hired by respective pirate masters for the duration of a vessel's capture. In some cases they were assigned specific duties while in some cases, the

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<sup>1047</sup> Ibid, 24-25.

<sup>1048</sup> Harper, "Chasing the Somali Piracy Money Trail."

<sup>1049</sup> World Bank, *Pirate Trails*, 46.

<sup>1050</sup> Ibid, 46.

guards worked side by side with the core pirates who had captured the vessel in the sea. As much as they were mainly based on land, they had capability of getting to vessels that were anchored a few metres into the sea. The guards were to shield vessels from rival pirate groups and any other malicious entities. As a contracted group rather than a partner in the hijacked vessels, guards were paid a prior agreed amount of money without any claim to the ransom.<sup>1051</sup>

Consumption habits of Somali pirates unearthed a need for mechanical jobs that unemployed men regarded as an opportunity to survive the harshness of Somalia's economy. Upon receiving ransom money, a number of pirates used the money to buy luxurious items amongst them cars. Purchase of cars became a craze amongst the pirates as they felt that the cars gave them status.<sup>1052</sup> Backed with ransom money, pirates were able to either purchase the cars from abroad or from within Somalia. For instance, there were reports in Garowe that a pirate could impulsively buy a car he deemed good by inquiring the worth of the car from the owner and then casually offering the owner a higher amount to take ownership of the car.<sup>1053</sup> A similar streak of impulsiveness was witnessed in the driving and caring of the cars. As a result, these vehicles fueled a constant need for mechanical services which in turn caused mechanics to spring to life. To the mechanics, Somali piracy had brought them a chance to survive Somali piracy's war economy.

As mechanics regaled in their new found fortunes, prostitutes were exuberant at their luck of surviving the new pirate dominated economy. In defiance of Islamic principles that have criminalized and prohibited prostitution, unbothered girls along Somalia coastal communities and beyond offered themselves for prostitution services. The defiance was informed by their economic wretchedness which left them disposed to take up any income generating offer so as to meet their expenses. Besides, prostitution became an open secret as a result of Somali pirates' unruly behaviour as a result of the huge ransom money had instantaneously turned them into untouchables. Feeling invincible and powerful and unperturbed by societal and religious

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<sup>1051</sup> UNODC, *Transnational Organized Crime in Eastern Africa*, 44.

<sup>1052</sup> Colin Freeman, "Parties, Women and New Cars in Lawless Land Where Everyone Wants to be a Somalian Pirate," *The Telegraph*, November 22, 2008, <https://www.telegraph.co.uk/news/worldnews/piracy/3502475/Parties-women-and-new-cars-in-lawless-land-where-everyone-wants-to-be-a-Somalian-pirate.html>.

<sup>1053</sup> Nick Hopkins, "Outgunned Somali Pirates Can Hardly Believe their Luck," *The Guardian*, May 8, 2012, <https://www.theguardian.com/world/2012/may/08/outgunned-somali-pirates-luck>.

constrains, they promoted forbidden sexual relations whose allure proved irresistible to poor girls with an immoral character. Prostitutes collected good money from their sexual liaisons with the rich and generous pirates. Reportedly making dream amounts for a night's work, prostitutes were simply making a killing. Accordingly, piracy was a dream business.<sup>1054</sup> As much as prostitution is strongly prohibited amongst Muslims,<sup>1055</sup> prostitutes used their accrued money to transform themselves into businesswomen as Somali piracy dwindled. Generally, the survival markets in a war economy where people only survived by diversifying their economic activities and longed for the war to end so that they invest in sustainable long-term activities, survivalist pirate economy participants seemingly flourished as the scourge/menace ravaged Somalia.

Somalia's pirate economy thus had multi-layered actors and activities. Piracy provided opportunities to almost every section of Somali life and consequently no one was left in its web. In turn, piracy had profound impact and consequences on various groups. This was the case of pirates who decided to invest their money in construction by choosing to put up new homes, shops and even hotels.<sup>1056</sup> Initially an undertaking of a few pirates, the building hype caught up with a sizable number of pirates. Some of the pirates were rocked in a competition of putting up glamorous houses to impress beautiful girls to accept to marry them.<sup>1057</sup> Other pirates were keen to impress their additional wives they had newly married. For instance, in Bossasso, pirates put up new luxurious and protected homes in a section called new Bossasso in the midst of sorry huts and shacks.<sup>1058</sup> While in Eyl, pirates built secured buildings and added walls to old buildings.<sup>1059</sup> This building craze led to the mobilization of building experts ranging from masons, carpenters and painters who spruced up their tools of trade as requests for their services came in first and furious.<sup>1060</sup> Taking cue from the other service providers, this pool of

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<sup>1054</sup> Associated Press, "Party Over for Somali Pirates? Attacks way down," *Daily News*, September 25, 2012, <http://www.nydailynews.com/news/world/party-somali-pirates-attacks-article-1.1168127>.

<sup>1055</sup> Somalis in Somalia and in other countries are largely Muslim.

<sup>1056</sup> Sheridan, *Somali Pirates take their Biggest Prize Yet*.

<sup>1057</sup> Robyn Hunter, "Somali Pirates Living the High Life," *BBC News*, October 28, 2008, <http://news.bbc.co.uk/2/hi/africa/7650415.stm>.

<sup>1058</sup> Jeffrey Gettleman, "Somalia's Pirates Flourish in a Lawless Nation," *The New York Times*, October 30, 2008, <https://www.nytimes.com/2008/10/31/world/africa/31pirates.html>.

<sup>1059</sup> Anja Shortland, *Treasure Mapped: Using Satellite Imagery to Track the Developmental Effects of Somali Piracy*, (Africa Programme Paper: AFP PP, 2012/01, Chatham House, January 2012: 15, accessed January 28, 2018, [https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/0112pp\\_shortland.pdf](https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/0112pp_shortland.pdf)).

<sup>1060</sup> Brandon Scott, "How Piracy Saved Somalia," *Fair Observer*, March 20, 2016, <https://www.fairobserver.com/region/africa/how-piracy-saved-somalia-32393/>.

construction experts also inflated their costs as pirates did not mind paying high amounts for services rendered. Money that accrued to this pool of construction experts went a long way in changing their economic status. In their view, piracy and its attendant ransoms was a blessing that got them back to gainful life.

Some calculative Somali pirates who were keen to acquire more monetary gain decided to invest substantial amounts of their ransom money in putting up telephone communication infrastructure to facilitate piracy business. A strong and reliable communication network was critical to the pirates as they needed to make regular calls in their piratical operations. The most important value of a reliable network was during ransom negotiations when pirates and hijacked vessel owners contracted negotiators had to regularly call each other to come to agreement on the amount of ransom and other issues. In Hobyo, for instance, the pirates put up a communications tower between 2009 and 2010 that eased telephony network in the area and beyond.<sup>1061</sup> Besides the pirates, the communication facility was useful to people in its neighbourhood as it allowed them to make calls that benefitted them. Besides social calls, locals used the facility to facilitate their numerous economic activities and transactions.

Likewise, Somali piracy's ransom money generally injected life into the economy as the money resuscitated an otherwise dead economy. As ransom money poured into the economy, there was a corresponding upward increase of nominal wages due to a spiraling effect of small scale economic activities.<sup>1062</sup> Though the wage increase were not witnessed across the country, the impact was felt more in Puntland probably due to her centrality in the piracy enterprise. Elsewhere in Puntland and other regions of Somalia, ransom money reignited cattle trade. This was critical to the economy as large sections of Somalia's citizenry reared cattle due to the country's semi-arid and arid conditions. As much as pirates were renowned for luxurious purchases, other pirates chose to invest their ransom money in purchasing cattle, a treasured item that symbolized wealth and status in the Somali community.<sup>1063</sup> The pirates' willingness to pay more money for the cattle they had earmarked precipitated a scramble for pirate buyers by the

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<sup>1061</sup> Shortland, *Treasure Mapped*, 15-16.

<sup>1062</sup> *Ibid*, 6-7.

<sup>1063</sup> *Ibid*, 9.



cattle sellers.<sup>1064</sup> Once the payment was done, the huge amount of cash trickled down to the families of cattle owners as well as their clans and communities in general which consequently induced circulation of money in local communities which positively impacted on Somalia's general economy.

Ransom money acted as a foreign exchange earner which positively helped to stabilize the Somali shilling.<sup>1065</sup> As a standard practice for Somali pirates, ransom money was paid in US dollars, which the pirates used to buy luxurious items from foreign countries. Also importantly, the dollars were used to buy items that facilitated the piracy with the surplus being supposedly invested in regional capitals. Some of the ransom dollars were exchanged into Somali shillings for transactions within the country. The exchange was necessary as Somali people's strong clan and family attachments forced the pirates to give some token in Somali shillings to their family and clan members for personal use.<sup>1066</sup> All these transactions went a long way in stabilizing the Somali shilling which made the populace to appreciate piracy for the same. From dependents to retailers who used the Somali shilling, the injection of the US dollars into the economy was beneficial to all Somalia's economy stakeholders.

All in all, Somalia's dire economic conditions can qualify the piracy as a form of employment to a myriad of Somali youths. Their grim conditions made them to gladly take up various roles in the pirate operations. It is believed about 5,000 Somali men were engaged in piratical activities at the height of piracy between 2007 and 2011.<sup>1067</sup> The ransom they received went a long way in transforming their lives as well as the lives of their kinsmen. Ransom money gave pirates and their kin purchasing power to buy items which reactivated the otherwise dormant economy. Besides, the ransom money provided a pool of capital for entrepreneurial individuals to establish startup capital for a range of businesses.<sup>1068</sup> Piracy also generated support services which provided another layer of economic opportunities. So, throughout the piracy period, ransom

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<sup>1064</sup> Ibid.

<sup>1065</sup> Ibid, 7-8.

<sup>1066</sup> Ibid.

<sup>1067</sup> Anja Shortland, '*Robin Hood*': *The Developmental Effects of Somali Piracy*, Economics of Security Working Paper 54 (Berlin: Economics of Security, September 2011): 5, accessed January 28, 2018, [https://www.diw.de/documents/publikationen/73/diw\\_01.c.379394.de/dp1155.pdf](https://www.diw.de/documents/publikationen/73/diw_01.c.379394.de/dp1155.pdf).

<sup>1068</sup> Horand Knaup, "The Poor Fishermen of Somalia," Spiegel Online, December 4, 2008, <http://www.spiegel.de/international/world/prelude-to-piracy-the-poor-fishermen-of-somalia-a-594457.html>.

money resuscitated Somalia's economy by injecting cash into it which enabled the circulation of money amongst the people. While the money was initially felt in pirate towns and neighbouring regional capitals, it gradually impacted Somalia as a whole. In essence, ransom money initiated a 'trickle-down effect' that brought about some financial relief and power to rank and file Somali citizenry.<sup>1069</sup> However, the financial relief was not without negative effects on the community.

### **7.5 Loses of Somali Pirate Economies**

The preceding sections have shown how different people and groups lived on and benefited from the various 'economies' of the Somali piracy economy. A fuller and truer picture of the political economy of the piracy economy can come from an expose of the economic, social and political loses experienced in these economies.

Adversely affected by the growth of Somali piracy was the global shipping industry which registered a decline in business particularly in waters adjacent to the coast of Somalia.<sup>1070</sup> Accentuated by rerouting of vessels away from the Gulf of Aden, the decline impacted on Somalia's neighbouring countries.<sup>1071</sup> Somali pirate activity was reported to have cost the world economy about US \$ 5 billion annually between 2008 and 2011. Of this annual cost, about 9% was as a result of adverse developments on the economies of her neighbours, Kenya and Tanzania.<sup>1072</sup> This adversity led to an increase of shipping costs to imports to Somalia's neighbours such as Kenya. Consequently, adverse developments included increase in commodity prices and higher insurance premiums whose impact was not only felt in Kenya and Tanzania but also East and Central African countries served by the east African coastline.<sup>1073</sup> These countries included Burundi, DRC's Eastern parts, Southern Ethiopia, Malawi, Rwanda, Uganda and

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<sup>1069</sup> Sheridan, "Somali Pirates Take Their Biggest Prize Yet."

<sup>1070</sup> Ibid.

<sup>1071</sup> Maritime Administration, United States of America, *Economic Impact of Piracy in the Gulf of Aden on Global Trade* (2010), accessed January 29, 2018 [https://www.marad.dot.gov/wp-content/uploads/pdf/Economic\\_Impact\\_of\\_Piracy\\_2010.pdf](https://www.marad.dot.gov/wp-content/uploads/pdf/Economic_Impact_of_Piracy_2010.pdf).

<sup>1072</sup> Bruno S. Sergi and Giacomo Morabito, "The Pirates' Curse: Economic Impacts of the Maritime Piracy," *Studies in Conflict & Terrorism*, 39, No. 10 (2016): 935-952, January 29, 2018 <https://www.tandfonline.com/doi/pdf/10.1080/1057610X.2016.1144918?needAccess=true>.

<sup>1073</sup> Ban Ki-moon, *Report of the Special Advisor to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia* (United Nations Security Council (2011), January 28, 2018, <http://undocs.org/en/S/2011/30>).

Zambia. Kenya's tourism suffered as cruise ships that were initially destined for Mombasa opted for other destinations due to fear of pirate attacks.<sup>1074</sup>

Somali piracy ramifications left serious dents on the financial status of small and medium sized shipping agencies that had their vessels unluckily captured by Somali pirates.<sup>1075</sup> Monies that the companies eventually paid after lengthy ransom negotiations impoverished average shipping companies as some of them took loans to raise the agreed ransom amounts. Such substantial amounts and the fact that captured vessels were kept out of business for a long time denied average shipping companies continued flow of business that was critical in sustaining the companies in business. Moreover, when Somali pirates captured such vessels, the subsequent publicity and emergent negativity denied the companies potential clients.

Financial anguish for Small and medium sized shipping companies continued as insurance companies raised their premiums in response to the spiraling vessel hijackings around the Somalia coastal waters.<sup>1076</sup> While insurance companies were keen to raise premiums to maintain or increase their profit margins, their actions were a financial stranglehold to the small shipping companies that could not raise the increased insurance premiums. Though Somalia piracy has been said to be profitable to pirates, insurance companies and other multiple ransom transaction supportive companies,<sup>1077</sup> it was the reverse for shipping companies as their businesses were halted to the chagrin of their time conscious clients. Besides pirate hijackings disrupting their business, shipping companies had to pay their crews who were held captive along the Somalia coastal waters for lengthy periods. And on a scale, small and medium sized shipping companies struggled to meet the unfavourable piracy induced financial obligations.

A series of responses to the Somali piracy menace also contributed to the shrinking of shipping companies' financial status. The escalation of pirate attacks forced maritime players to develop new management practices to counter the attacks. The International Maritime Organization

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<sup>1074</sup> Hopkins, "Outgunned Somali Pirates Can Hardly Believe their Luck."

<sup>1075</sup> Sheridan, "Somali Pirates Take Their Biggest Prize Yet."

<sup>1076</sup> Percy and Shortland, "The Business of Piracy in Somalia," 27.

<sup>1077</sup> Ibid.

(IMO) proposed a raft of protective measures that each vessel was to adopt to thwart capture.<sup>1078</sup> Proposed protective measures included advanced staff training, installation of a citadel, razor wire, organized groups transit convoys etc.<sup>1079</sup> All these measures became an extra cost to the shipping companies that further dented the financial status of the shipping companies. Vessels were also advised to refine their propulsion capabilities so as to be able to increase their speeds in situations where they had to literally increase speed and escape from imminent capture. Higher speeds were accompanied by burning of more fuel, another expense to shipping companies.<sup>1080</sup> Other expenses to shipping had to meet was hiring of armed security guards to escort their vessels transiting in waters susceptible to Somali pirate attacks.<sup>1081</sup> In more dangerous routes, shipping companies were asked to pay more for the security companies to sandwich their security vessels amongst the vessels. These security vessels charged between US \$ 20,000 and US \$ 50,000 per convoy while a security guard was charged at US \$ 2,000 per 3 days,<sup>1082</sup> a substantial new financial strain on shipping companies.

Economic distress befell Somali fishermen after enjoying a short piracy-induced fishing boom. Piratical operations had repulsed foreign fishing intruders in Somali coastal waters which allowed Somali fishermen the latitude to access initially unreachable fishing grounds.<sup>1083</sup> The reach accrued benefits bumper harvests that brought the fishermen financial joy. But shortly thereafter the pirates became a detriment to Somali fishermen as they harassed fishermen when their paths crossed. Additionally, they stole the fishermen's gear or worse commandeered their vessels for their pirate use. Still, some pirates targeted and snatched their fish-laden vessels full

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<sup>1078</sup> Ban Ki-moon, *Report of the Special Advisor to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia*.

<sup>1079</sup> Ibid.

<sup>1080</sup> Anja Shortland and Federico Varese, "Road Building, Not State Building, Can Solve the Somali Pirate Problem," *The Washington Post*, July 10, 2014, [https://www.washingtonpost.com/news/monkey-cage/wp/2014/07/10/road-building-not-state-building-can-solve-the-somali-pirate-problem/?utm\\_term=.bbbb97435700](https://www.washingtonpost.com/news/monkey-cage/wp/2014/07/10/road-building-not-state-building-can-solve-the-somali-pirate-problem/?utm_term=.bbbb97435700).

<sup>1081</sup> Joshua Keating, "What You Won't Learn About Somali Pirates From Captain Phillips," *Slate's Culture Blog*, October 11, 2013, [http://www.slate.com/blogs/browbeat/2013/10/11/captain\\_phillips\\_true\\_story\\_of\\_somali\\_pirates\\_is\\_complicated.html](http://www.slate.com/blogs/browbeat/2013/10/11/captain_phillips_true_story_of_somali_pirates_is_complicated.html).

<sup>1082</sup> Lukhoba, "Pirate Insurance."

<sup>1083</sup> See Chapter two where the Somali coastal community grievances are discussed as Defensive Piracy.

of hard earned tuna and shrimp fish worth millions of dollars.<sup>1084</sup> Expectedly, the seizure impoverished the fishermen with the pirates' takeover of ports that the fishermen used as launching pads for their fishing activities sending them to economic doldrums.

Clearly, by 2011, pirates had a firm stranglehold on Somalia's pirate ports, a situation which not only questioned the authority of both Puntland's government and Somalia's Transitional (Federal) government but also jeopardized their revenue collection. Piracy generally scared off cargo vessels from Somalia's ports. As a result, the ports lost handling revenue while the government lost import and export duties, sources of revenue for their cash-starved economies.<sup>1085</sup> The denial of revenue was accompanied by non-availability of foreign goods as importers and cargo transporters were fearful of pirate attacks thus starving Somali nationals of much needed foreign products. Already hampered in its food production by semi-arid and arid conditions and years of conflict, Somalia's inability to import food automatically resulted in food shortages. A subsequent rise of food prices led to misery and suffering to Somalia's general citizenry with only powerful individuals and gangs accessing a comfortable share of the little food that was available.<sup>1086</sup>

As much as ransom money acted as a catalyst for numerous businesses, it was also a source of inflation.<sup>1087</sup> Pirates carelessly splashed around their money leading to a steep increase in prices.<sup>1088</sup> While pirates willingly bought products at exorbitant prices, poor Somalis were cut off from purchasing the items. High prices of products brought the general Somalia populace agony as the ransom-induced inflation lowered their purchasing power. But as the pirate attacks declined, prices of products began to reduce to normalcy as dictated by the supply and demand curve. For instance a cup of tea that was going for 50 Somali Shilling went down to 5 in Hobyo as piracy boom came to its end.<sup>1089</sup>

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<sup>1084</sup> Associated Press, "Somali Pirates Now Protecting Illegal Fishing Ships, says UN Report," *Fox News World*, July 25, 2015, <http://www.foxnews.com/world/2013/07/25/somali-pirates-now-protecting-illegal-fishing-ships-says-un-report.html>.

<sup>1085</sup> Ibid.

<sup>1086</sup> Ibid.

<sup>1087</sup> See chapter seven which discusses the Somali pirate economy

<sup>1088</sup> Gettleman, "Somalia's Pirates Flourish in a Lawless Nation."

<sup>1089</sup> Associated Press, "Party Appears to be ending for Somali Pirates," *Fox News World*, September 25, 2012, <http://www.foxnews.com/world/2012/09/25/party-appears-to-be-ending-for-somali-pirates.html>.

Away from economic losses, Somali pirate economies hatched social losses to a multiplicity of players. And it was the pirates themselves who bore the greatest loss as unlucky pirates died or got lost as they scouted vessels to attack. Commandeering and protecting of vessels brought pirates more death. But still multiple pirate vulnerabilities brought deaths and injuries to pirates.<sup>1090</sup> Some of these vulnerabilities included armed repulsion from targeted vessels by armed guards and responses from military or security vessels that pirates mistakenly targeted.<sup>1091</sup> Pirates were also vulnerable to counter-attacks from captives as well from their own internal infightings.<sup>1092</sup> On other occasions, pirates were susceptible to natural events such as strong winds that capsized their vessels or even expedited their disappearance at sea. Pirates were also killed during anti-piracy naval forces missions to rescue captives. Families of those who died or disappeared at sea were left in anguish and dejection.

Aside from incurring death and disappearance during their operations, Somali pirates' actions were a source of deaths and injuries to sailors whom they meted violence on in the process of attacking vessels during hijack sessions. Sometimes, matters got swelteringly hot in captured vessels leading to fatal attacks on captives.<sup>1093</sup> Moreover, disputes amongst pirates turned violent leading to armed confrontation which resulted in more deaths and injuries.<sup>1094</sup> Similarly, violent confrontations on land between feuding gangs caused further deaths and injuries within the larger Somali coastal communities.

Even as the international community made a slow response to the Somali piracy menace, its multiple initiatives mistakenly netted genuine fishermen as piracy suspects.<sup>1095</sup> The subsequent legal processes left the fishermen in disbelief and torment as they could not fathom their misfortune. In equal measure, their tribulations engulfed their families and communities. We believe that circumstances may have conspired against some genuine fishermen during their

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<sup>1090</sup> BBC News, "Freed Somali Pirates 'probably died'-Russian Source," May 11, 2010, <http://news.bbc.co.uk/2/hi/8675978.stm>.

<sup>1091</sup> Associated Press, "Party Appears to be ending for Somali Pirates."

<sup>1092</sup> Oral Interview, Sandane Abdullahi Yakub, Shimo la Tewa Prison, March 13, 2015.

<sup>1093</sup> Adam Nagourney and Jeffrey Gettleman, "Pirates Brutally End Yachting Dream," *The New York Times*, February 22, 2011,

<https://www.nytimes.com/2011/02/23/world/africa/23pirates.html?mtref=www.google.com&gwh=220062EB9785CB2688638C6F3389EFDA&gwt=pay>.

<sup>1094</sup> Oral Interview, Abdi Dahir Ahmed, Shimo la Tewa Prison, March 14, 2015.

<sup>1095</sup> This sluggish international community response to curb Somali piracy is discussed in the next chapter.

arrests influencing their cases to end up in conviction. A report filed by the Associated Press stated that about 1,045 suspected Somali pirates were either in court or were already convicted for pirate charges in 21 countries around the world by 2012.<sup>1096</sup> Convicted pirate suspects were slapped with varying prison sentences that ranged from a few years to a high of 439 years.<sup>1097</sup> These imprisonments left convicted individuals a desperate and helpless lot whose survival depended on the goodwill of the country's prison system. And on top of it, their absence from home and uncertainty of their return visited anguish to their loved ones such as parents, siblings and spouses.

Pirate operations and ransom money hastened the use and misuse of harmful substances such as *khat* which is classified by the World Health Organization as a mild drug that causes 'dependence' in its users. During Somali piracy's Golden Era phase, round-the-clock chewing of *khat*, an addictive stimulant leaf was a constant sight amongst the pirates and the general community. *Khat* is believed to have the power to keep one alert by suppressing sleep for many days which made pirate masters to purchase the drug so as to ensure that their pirate crews were constantly alert as they scoured the vast waters for appropriate vessels to capture. Furthermore, the leaf, known as Merqan in Somalia was said to have reduced the pirates' anxiety while increasing their vigilance as they guarded hijacked vessels during ransom negotiations. Its popularity necessitated more imports. For instance, it is estimated that about 84,320 tonnes of Ethiopian and Kenyan *Khat* was imported in 2008, and 111,410 tonnes by 2011 into Puntland alone.<sup>1098</sup> In turn, increased imports eased its availability which made ransom-rich pirates to overuse the stimulant and turn into addicts.<sup>1099</sup> The addiction exposed the pirates to a myriad of health challenges such as mood swings, being loudmouthed, restlessness, being excitable, being militant, apprehension, high blood pressure, being a lunatic, delusionary, sleeplessness, melancholy, lacking concentration and dependency on the stimulant.

Similarly, Somali pirates' wild nature and huge ransom money at their disposal accelerated their uncontrolled indulgence of alcohol in brazen disregard for Islamic restrictions. This unbridled

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<sup>1096</sup> Ibid.

<sup>1097</sup> Al Goodman, "Somali Pirates get 439-year Sentences," *Cabal News Network (CNN)*, May 3, 2011, <http://edition.cnn.com/2011/WORLD/europe/05/03/spain.pirates.convicted/index.html>.

<sup>1098</sup> Weldemichael, "Dalhousie Marine Piracy Project," 24-25.

<sup>1099</sup> Ibid.

consumption exposed pirates to chronic ailments that caused deaths while dozens of other pirates got admitted into Garowe Psychiatric Centre seeking help for mental illness. As of February 2012, 49 of the admitted patients, 15 were former pirates while another 13 pirates had been discharged.<sup>1100</sup> The consumption increased amongst Somali pirates over the years to an estimated 945 bottles per day by 2011.<sup>1101</sup> Though a prohibited substance amongst Muslims, the pirates' willingness to pay exorbitant prices for it forced profit chasing 'Muslim' traders to sneak the product from neighbouring countries. A US \$10 Baro's Dry Gin bottle in Addis Ababa, Ethiopia went for as high as US \$ 100 in Puntland's towns of Galkayo and Garowe.<sup>1102</sup> Abuse of alcohol had both health and societal repercussions.

As piracy appeared to breathe fresh economic air into the life of people of Somalia in the midst of inert politics and protracted conflict, its attendant markets, in contradiction, exploited the existing poverty to promote societal anguish, nuisance and pain. Growth of piracy along Somalia's coast was paralleled by a rise in prostitution facilitated by unscrupulous profit seeking individuals in an otherwise conservative Somali society.<sup>1103</sup> Ransom money morphed Somali pirates into a bunch of pleasure seeking individuals who became magnets of attraction to women and girls who threw themselves at the pirates. Pirates were irresistible to women and girls due to the allure of money. Yet, other enterprising people configured the situation as an avenue for monetary gain by pimping girls to the pirates from around Somalia and neighbouring countries at a fee.<sup>1104</sup> Moreover, pirates engaged in rape orgies and other unattached sexual liaisons that resulted in the birth of fatherless children.<sup>1105</sup> These sexual permissiveness led to family break ups as wives to the pirates abandoned their matrimonial homes in protest leading to the spread of sexually transmitted diseases including HIV/AIDS turning it into an eyesore to the unappreciative majority of Somali society. Over time, the piracy led to moral and social

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<sup>1100</sup> Ibid, 22.

<sup>1101</sup> Ibid.

<sup>1102</sup> Ibid.

<sup>1103</sup> An Urbina, "U.S. Announces Plans to Combat Illegal Fishing and Other Steps to Protect Oceans," *New York Times*, October 5, 2015, <https://www.nytimes.com/2015/10/06/world/us-announces-plans-to-combat-illegal-fishing-and-other-steps-to-protect-oceans.html>.

<sup>1104</sup> Weldemichael, "Dalhousie Marine Piracy Project," 27.

<sup>1105</sup> H.E. Abdirahman Mohamed Mohamud (Farole), "Restoring Stability and the Way Forward in Somalia, Speech of the President of Puntland State of Somalia," (Chatham House, London, United Kingdom, October 19, 2011).



decadence which contributed to the disobedience of Islamic norms and practices, issues that were less known among Somalis before.

Worse still, as information about ransom money permeated through society, desperate parents urged their daughters to ‘seek’ and give in to pirates as prospective husbands.<sup>1106</sup> Many girls were freely given to pirates as brides in the hope that some of the pirate husbands riches may trickle down to the girls’ parents and kin. Similar economic considerations influenced parents to ‘donate’ their daughters to pirates as second to fourth wives as Islam permits a man to marry up to four wives. In both cases, some girls were given out at a very tender age, not for their happiness but as a bait to receive goodies from the moneyed pirates. As expected, such girls who given off for monetary reason earned no respect from neither their husbands nor the society and suffered immeasurable abuse and mistreatment.

Besides the ‘sale’ of wives to pirates, the pirates’ new moneyed status inculcated attitudes of copious consumption and a show off attitude in the pirates.<sup>1107</sup> Eager to show off their newly acquired cars, pirates aggressively and arrogantly drove their cars in high speeds accompanied with dangerous maneuvering. The aftermath of this carelessness was a rise in accidents which not only caused deaths and injuries but also chipped away at societal tranquility. Another irritating pirate showoff was playing of blaring music on their cars. Highly secular, the music polluted both the Somali societal norms and environment. Furthermore, intoxicated pirates developed the habit of staging running street fights which contributed to eroding societal values and norms particularly amongst young people. These foregoing misdeeds escalated anguish, nuisance and bitterness in the society, a scenario that exacerbated pain and hopelessness in families whose members had either been arrested and convicted in foreign countries or had disappeared in the high seas without trace.<sup>1108</sup>

Amongst the young Somali pirate recruits were underage children who had been enthralled by the pirates’ wild antics and extravagant ways. These underage children got attracted to and were

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<sup>1106</sup> Jeffrey Gettleman, “For Somali Pirates, Worst Enemy May Be on Shore,” *The New York Times*, May 8, 2009, <http://www.nytimes.com/2009/05/09/world/africa/09pirate.html>.

<sup>1107</sup> Jeffrey Gettleman, “Somali Town Embodies Enduring Sense of Loss,” *Wisil Journal*, *The New York Times*, September 15, 2010, <http://www.nytimes.com/2010/09/16/world/africa/16somalia.html>.

<sup>1108</sup> Gettleman, “In Somali Civil War, Both Sides Embrace Pirates.”

recruited into the piracy where they were assigned dangerous roles for their tender age and limited experience.<sup>1109</sup> Vulnerable and ignorant, the underage children (under 18 years) were introduced to and got hooked to harmful practices such as alcohol consumption and *khat* chewing which ended causing them deaths and physical incapacitations. Again, it was families that suffered in the face of their children's waywardness. Beyond the family members, sub-clans and clans watched as the piracy condemned their children into oblivion, as it even made them to abscond the limited schooling that was available leaving them ignorant and prone to exploitation by their community's elites. This exposure to alcohol and *khat* and its resultant societal ills contributed in eroding and thwarting authority within Somali society.

Backed by monetary and weaponry power, pirates slowly but gradually eroded their communities authority structures. Since 1988, Somalia's populace was affected by the country's civil war which had bastardized law and order leading to breaking down of government structures in 1991 when Siad Barre's regime was ousted from power. In the resultant vacuum, religious and traditional clan leaders emerged as the only remaining custodians and voices of law and order in Somalia. However, the rise and escalation of piracy chipped away at the minimal authority that Islamic religious and traditional clan leaders were still clinging onto with the first casualties being the families.

Having diluted the remaining limited rule of law, pirate activities initially impacted on the immediate family.<sup>1110</sup> Ransom money imbued feelings of invincibility and inculcated the 'big man syndrome' sense that the pirates took to their families. In cases where the pirates were married, they unilaterally married other wives without the consent and input of the first wife which was against the dictates of Islam. Naturally, the slighted first wives were angry and bitter while the incoming wives were happy to join their moneyed pirate friends in marriage. Thus, to the first wife, her primal instinct was her loss of sharing her pirate husband's new (ransom) money while to the new wives; their primal instincts were opportunistic in wanting to share their new husband's ransom proceeds. Similarly, ransom money wrongly inculcated feelings and

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<sup>1109</sup> Weldemichael, "Dalhousie Marine Piracy Project," 28-29.

<sup>1110</sup> Mark T. Nance and Anja P. Jakobi, "Laundering Pirates?: The Potential Role of Anti-money Laundering in Countering Maritime Piracy," *Journal of International Criminal Justice*, 10, Issue 4 (2012), January 30, 2018 <https://academic.oup.com/jicj/article/10/4/857/809022>.

thoughts of self-importance amongst the pirates to the point of ignoring or outrightly dismissing their immediate and external family members.<sup>1111</sup> This new found pirate impunity diminished authority and order within families, a development that went a long way in disrupting familiar norms and unity.

Ever abrasive, pirates took their disrespect to clan and sub-clan authorities which further eroded social order in their communities. Blinded by their ego and financial muscle, pirates ignored clan elders and developed a condescending attitude towards them. This naturally had a negative implication as the little authority that clan elders still wielded in lawless Somalia was ebbed away by the pirates. Initially, the lawlessness pervaded in pirate dominated communities before extending to other communities as well. This lawlessness suffocated communal norms which in turn normalized socio-economic and political vices that included despising, ignoring or corrupting authority and those exercising it.

With desires for unquestioned operations and dealings, Somali pirates used their new found monetary power to ‘soften’ principled elders with bribes.<sup>1112</sup> The bribes subsequently quieted the formerly principled but now compromised elders which left the pirates to run amok without reprimand as no family member or clan elder could question their corrosive habits. Thus, the elders’ loss of authority became a blessing in disguise as new conflict resolution opportunities opened up for them. Pirate activities and habits fuelled quarrels and conflicts that necessitated the elders’ attention. Gradually, elders got enthusiastic in resolving emerging disputes and issues so as to receive some financial token in the process.<sup>1113</sup> To these elders, as much as piracy had eroded their influence it also cultivated opportunities for economic gain.

Having punctured the elders from standing up against their corrosive ways, pirates directed their energies towards Muslim leaders who still possessed some societal influence. Through coercion and other subtle manipulation tactics, pirates were able to delude the influence of Muslim leaders. Like the elders, Muslim leaders were co-opted into the pirate activities as they officiated

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<sup>1111</sup> Gettleman, “In Somali Civil War, Both Sides Embrace Pirates.”

<sup>1112</sup> Jablonski, “The price of piracy in Somalia, Africa at LSE.”

<sup>1113</sup> Mohammed Adow, “The pirate kings of Puntland: Somali pirates tell Al Jazeera how they hijack ships and what they do with ransom money,” *Al Jazeera*, June 17, 2009, <https://www.aljazeera.com/news/africa/2009/06/2009614125245860630.html>.

in their ‘quicksand’ marriages. As much as pirates were largely frowned upon by the Muslim clergy, they were able to convince unknowing clergy to officiate their supposed Muslim wedding ceremonies.<sup>1114</sup> Having compromised clergy who were the voices of societal values and order, pirates enthusiastically thrived in the resultant chaos.

Other victims of the pirates’ perpetrated societal chaos were humanitarian agencies whose acceptability and passage could no longer be guaranteed with aid agencies being the first victims. Pirate gangs like the other politically inclined militias chose to waylay, block and rob humanitarian aid convoys.<sup>1115</sup> Over the years, Somalia’s political crisis in addition to an almost permanent drought had impoverished her citizenry leaving them to beg the international community for food. Their request was considered and thereafter, dozens of international governmental and non-governmental aid agencies began to send aid to Somalia. However, armed groups’ farcical attacks on aid convoys shrank the authority of international agencies. The same preposterous tendency was exported to international led and funded peace processes by the country’s political players. In multiple times, delegations to Somalia’s peace processes exhibited a disdainful attitude towards international peace initiatives which led to a lackluster performance in the peace talks<sup>1116</sup> turning them into long-drawn processes. As a result, Somalia is yet to outgrow its condescending attitude to international led peace processes which has made achievement of real peace in Somalia a mirage.

## 7.6 Conclusion

Individuals, groups and communities treated Somali piracy as an economy whose transactions they partook for profiteering purposes. All the piracy’s actors strategized on how to participate in its dealings with a singular objective of making money<sup>1117</sup> as advocated by the war economy approach whose framing is that money from the transactions self-financed the piracy and was economically beneficial to its participants. Somali piracy’s economic facets were more

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<sup>1114</sup> Ibid.

<sup>1115</sup> Michael Vazquez, “Somalis Speak Out: Why We Don’t Condemn our Pirates, Several Somali Perspectives on Somali Pirates-K’naan,” *San Francisco, Bay View National Black Newspaper*, April 13, 2009, <http://sfbayview.com/2009/04/somalis-speak-out-why-we-don%E2%80%99t-condemn-our-pirates/>.

<sup>1116</sup> Afyare A. Elmi and Abdullahi Barise, “The Somali Conflict: Root causes, Obstacles and Peace-building Strategies,” *African Security Review*, 15, no. 1 (2006): 32-54, December 28 2020, DOI:10.1080/10246029.2006.9627386.

<sup>1117</sup> Ballentine and Sherman (eds.), *The Political Economy of Armed Conflict*.

discernible during its golden age where its transactional tentacles weaved local and regional players whose visible and shadowy activities that got integrated into the global economic system.<sup>1118</sup> The facets were characterized by different economies whose participants engaged in a cacophony of acceptable and criminal engagements with an eye for profit.

As much the war economy approach amplified the piracy's economic scheme, it overlooked the subtleties of the pirate economy as its segments possess 'other economies' that serve different functions to different participants.<sup>1119</sup> As a consequence, the political economy approach was adopted to disclose the piracy's broader economic landscape. A political economy approach thus unraveled other economies with uncharacteristic socio-political gains within the piracy economy. By adopting and domesticating Jonathan Goodhand's table on economies during armed conflict, the economies of Somali piracy were grouped into three categories - combat economy, shadow economy and coping economy. The categories displayed their key actors, their motivations and attendant activities.<sup>1120</sup> The combat economy exposed the piracy's top actors whose armed dealings provided profitable transactions. Shadow economies were patronized by businesspeople who built intricate networks that were largely unlawful with clandestine operations and whose sole focus was benefitting from the piracy's unregulated business opportunities. Coping economies were dominated by Somalia's civilian population whose war-induced penurious nature left them to clasp onto the piracy's economic opportunities for their own survival. Moreover, they developed endurance that made them to adapt and change their activities in tandem with the piracy's new economic opportunities. However, socio-economic and political losses to multiple parties in and out of Somalia blighted these benefits. While the economies of Somali piracy occasioned the realization of both profits and depletions, their occurrences established new realities that had a direct bearing on either the stoppage or continuation of Somali piracy.

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<sup>1118</sup> Ballentine and Nitzschke, *The Political Economy of Civil War and Conflict Transformation*, 17.

<sup>1119</sup> *Ibid*, 7.

<sup>1120</sup> *Ibid*.

## Chapter Eight

### Ending Somali Piracy? 2008-2012

#### 8.0 Introduction

In the previous chapter, it was observed that piracy has social, economic and political impacts. Significantly, state collapse was evident through and through. And even if one was to consider the various benefits discussed herein, these were criminalized economic activities for which sustainability would be in question. Reforming these economies is impossible without a reduction or ending of the menace. These vagaries associated with piracy's activities have necessitated efforts to curb it. Such interventions are not new since, as observed in previous chapters, piracy is an ancient activity. This chapter focusses on the various steps taken by the global community at national, regional and international levels to curtail the scourge. Reading through endeavors to end sea piracy reveals that the menace has never been completely vanquished as the fight against piracy has been a sea-saw actuality characterized by rise, decline and recurrence throughout history.

Rise, expansion and decline of empires with maritime influence and interests have always had a simultaneous resonance with sea piracy. With history dispensing a similar dosage to world empires, that of growth, expansion, decline and subsequent emergence of new ones, sea piracy continues to walk in similar paths. This chapter hopes to show the recurring nature of sea piracy as chiefly informed by the changing fortunes of political empires with maritime interests. The chapter begins by demonstrating ancient intercessions to stop the menace before focusing on the initiatives that were launched to end Somali piracy.

#### 8.1 Empires and Ending Piracy

Throughout history, piracy has drawn the ire of empires and nations and the needs to end it. Even before they began to construct their pyramids, ancient Egyptians were not only exploiting the Mediterranean Sea for trading purposes they were also combating its pirates.<sup>1121</sup> Indeed, Egyptian reports indicate existence of Lukkan pirates whose exploits in the Mediterranean Sea, invasion of the island of Cyprus at about the 14<sup>th</sup> century BC and agreeing to a unity pact with the

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<sup>1121</sup> Angus Konstam, *The History of Pirates* (London: Mercury Books, 2005), 18.

Hittite empire worked against ancient Egyptian interests.<sup>1122</sup> Scanty details allude that these transgressions forced the ancient Egyptian to attack and possibly cause the Lukkan pirates disappearance in the 12<sup>th</sup> century BC.<sup>1123</sup> A similar appearance of pirates in the Persian Gulf<sup>1124</sup> in the 7<sup>th</sup> century BC prompted the Assyrian Kings<sup>1125</sup> to send military forces to the Gulf to stop their disruptive activities on Phoenician and Greek traders.<sup>1126</sup> Unavailability of data denies us the opportunity to ascertain the success of the Assyrian campaign against the Persian Gulf pirates but frequent tales of pirates during ancient Greek period are indicative to the possible survival of the pirates and/or pirate activities.

A related account to the foregoing replayed itself in ancient Greece where its waters were invested by pirates even before the conceptualization of its city states. The ever warring and competing city states chose to either ally or confront the pirates depending on their changing circumstances and interests.<sup>1127</sup> Thus, some city states such as Crete supported pirate activity while others such as Rhodes established navies to eliminate them. It is in this context that the centuries old Cretan support for piracy was ended by Rhodian anti-piracy campaigns in the Second Century BC.<sup>1128</sup> Elsewhere in ancient Greece, a spattering of piracy supporting northern islands such as the city state of Lemnos and Mikonos were occupied by the city state of Athens so as to eradicate entrenched piratical activity.<sup>1129</sup> A realignment of city states into rival and competing alliances made them to play a Ping-Pong game with pirates with hopes of weakening each other.<sup>1130</sup> However, it was the Roman power<sup>1131</sup> and Carthaginian<sup>1132</sup> conquests that ultimately crushed the Greek pirates forcing some to relocate to Cilicia, a coastal region on the

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<sup>1122</sup> Ibid.

<sup>1123</sup> Ibid.

<sup>1124</sup> The Persian Gulf is a water body which is an extension of the Indian Ocean through the Strait of Hormuz, the Gulf of Oman and the Arabian Sea. It borders the United Arab Emirates, Saudi Arabia, Kuwait, Iraq and Iran.

<sup>1125</sup> Assyria was an ancient empire in Eastern Mediterranean whose reach included present day Syria, Lebanon, Jordan, Israel, Palestine and a large south-eastern swathe of Turkey. It generally emerged at around the 25<sup>th</sup> century BC and disappeared in 609 BC when it collapsed.

<sup>1126</sup> Konstam, *The History of Pirates*, 18.

<sup>1127</sup> Mediterranean Sea to the South West, Adriatic Sea to the West and Aegean Sea to the East

<sup>1128</sup> Konstam, *The History of Pirates*, 24. Both Crete and Rhodes were Greek city states.

<sup>1129</sup> Konstam, *The History of Pirates*, 24.

<sup>1130</sup> Ibid.

<sup>1131</sup> Ancient Rome was a geo-political entity that transitioned throughout its 1,000 plus years of existence from a small but thriving city state into a powerful expansive empire that declined at about 500 AD.

<sup>1132</sup> Carthage is an ancient city state and civilization on south coast of the Mediterranean Sea that attained great military power before falling victim to a series of conquests. Today, its ruins form part of the city of Tunis in Tunisia.

south coast of today's Turkey.<sup>1133</sup> Secluded by Cilicia's inhospitable but piracy-supportive terrain and aided by political chaos in Eastern Mediterranean, Cilician pirates grew stronger. Roman military victory over the Seleucid Empire<sup>1134</sup> in the 1<sup>st</sup> quarter of the 2<sup>nd</sup> century BC ushered in an alliance between the new political power in Asia who allied with the pirates leading to pirate prosperity and explosion of pirate numbers.<sup>1135</sup> Pirate thriving in the next decades saw the pirates accrue power to challenge the Roman Republic. Audacious attacks on Rome's notable citizens prompted the Roman senate to pass the world's first anti-piracy law in 101 BC.<sup>1136</sup>

The new law led to the shutting of Rome's harbours to pirates in western Asia Minor hence emboldening the starved pirates to venture into all surrounding waters seeking treasure.<sup>1137</sup> The pirate's unilateral and uncontrolled attacks led to inconclusive raids and counter-raids between the pirates and the Romans through the 1<sup>st</sup> century BC. This military back and forth was halted when Gnaeus Pompeius Magnus (Pompey the Great) was granted an Imperium, *Lex Gabinia de Pirates Persequendis* in 67 BC.<sup>1138</sup> The Imperium's sweeping powers and Pompey's military genius quieted<sup>1139</sup> the pirates who however remained in the shadows only to reappear when the conditions were favourable.

Intermittent engagements for and against piracy characterized seas in ancient times and successive centuries as political entities such as Byzantine Empire<sup>1140</sup> supported piratical operations as a necessity to protect their interests<sup>1141</sup> while adversely affected political formations such as Rome instituted anti-piracy initiatives. Just like the Byzantine Empire, the

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<sup>1133</sup> Konstam, *The History of Pirates*, 24-25.

<sup>1134</sup> Founded by Seleucus I in 312 BC upon the death of Alexander the Great. It survived for about 2½ centuries and spread to modern day Turkey, Iran, Syria, Lebanon, Jordan, Israel, Palestine, Iraq, Kuwait, Afghanistan and western Turkmenistan.

<sup>1135</sup> Konstam, *The History of Pirates*, 26.

<sup>1136</sup> Ibid, 27.

<sup>1137</sup> Ibid.

<sup>1138</sup> Ibid, 28

<sup>1139</sup> Ibid, 28-29.

<sup>1140</sup> Byzantine Empire was a successor to the Rome's Eastern region after the Roman Empire was divided into two halves - East and West in 395 AD. Headquartered in Constantinople, the empire survived until 1453 AD when it was conquered by the Ottoman Empire.

<sup>1141</sup> Konstam, *The History of Pirates*, 32.



Ottoman Empire<sup>1142</sup> gave support to Islamic Corsair pirates whose activities were beneficial to the Empire as a strategy to checkmate rival trading principalities.<sup>1143</sup> Most of these rivals to the Islamic Ottoman Empire were Christian dominated European nations who equally unleashed counter piracy measures to protect their interests. In the ensuing melee between the Empires's Muslim oriented support to the Corsairs and Christian European nations counter measures turned the Mediterranean Sea into a centuries-long battlefield informed by Christian and Muslim identities and allegiances. In the end, the balance tilted in favour of the European Christian nations whose growing maritime power dealt a slow and eventual death to Mediterranean piracy.

A similar scenario played out in the Americas where competing European nations encouraged letter bearing<sup>1144</sup> state sanctioned pirates known as privateers to target treasure-carrying vessels of rival states so as to expand their mercantilist interests.<sup>1145</sup> However, after several decades, the practice was deemed as retrogressive to gainful trade. This change of heart influenced nations to roll out initiatives to end the state sanctioned piracy. As consequence, anti-piracy drives were commenced in the 1670's in the New World - as America was then referred to end the piracy. English authorities were among the first to combat the piracy after they concluded that the piracy was negatively impacting on her interests.<sup>1146</sup> Among the anti-piracy initiatives that were undertaken included the cessation of hostilities among European nations resulting in a stoppage of piracy in 1730 but the dormancy was broken by re-emergence of piratical attacks in early 19<sup>th</sup> century when Cuban and Puerto Rican Spanish authorities decided to give pirates operational bases. Gradual conclusion of political duels through the 19<sup>th</sup> century and strong naval patrols by UK and US navies eventually halted piracy in the New world.<sup>1147</sup> Despite these anti-piracy achievements, piracy has never been completely eliminated.<sup>1148</sup>

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<sup>1142</sup> Ottoman Empire was an Islamic power that emerged in 1299 in modern day Turkey before expanding its rule to large parts of the Middle East, Eastern Europe and North Africa. It thrived for about 600 years up to 1922 when it was partitioned into several states.

<sup>1143</sup> Konstam, *The History of Pirates*, 32.

<sup>1144</sup> Issuance of these *Letters of Marque* was a practice that was started by England, France and Holland during war times before been extended to peace times.

<sup>1145</sup> Wombwell, *The Long War Against Piracy: Historical Trends*, 10.

<sup>1146</sup> *Ibid*, 25-30.

<sup>1147</sup> *Ibid*, 36-49.

<sup>1148</sup> *Ibid*, 132.

## 8.2 Early Anti-Piracy Campaigns Off the Somalia Coast

As indicated in chapter two, piracy and counter-piracy measures along the Somalia coast, Gulf of Aden, Red Sea and the spiraling Indian Ocean waters are centuries old as<sup>1149</sup> the pirate attacks were an impediment to then flourishing maritime trade. While Andrew Carlson,<sup>1150</sup> Edward A. Alpers<sup>1151</sup> and David Anderson<sup>1152</sup> have indicated existence of pirate activity in the area, Pierre Schneider<sup>1153</sup> writes that anti-piracy campaigns started in the area when the Ptolemy-led Egyptian kingdom attacked Nabataen pirates whose attacks were interfering with Egypt's Maritime interests in the Red Sea.<sup>1154</sup> An Egyptian expedition was sent against the pirates for their continuous plundering of vessels sailing to and from Egypt.<sup>1155</sup> Further, Pierre Schneider wrote that a naval party in a Greek/Roman quadrireme vessel also encountered, fought and punished the Nabataean pirates.<sup>1156</sup> Yet, the Nabataeans survived the attacks and continued to be a threat to vessels along the Northern Red Sea, something that forced Egypt's Ptolemaic pharaohs<sup>1157</sup> to send guards to patrol the waters.

In addition to the ancient Egypt and other parties' anti-piracy military campaigns, other Egyptian inscriptions show that Ptolemy pharaohs appointed officials to oversee maritime issues in the Arabian Gulf. The officials' duties included safeguarding the sea traffic in today's Red Sea, Gulf of Aden and Indian Ocean.<sup>1158</sup> Apparently, such an appointment was indicative of the pirates continued presence along the waters. A similar observation was made by a certain Pliny the Elder who wrote about vessels having archers on board to deter pirates from attacking them.<sup>1159</sup> An ancient biography of Appollonius of Tyana, a 1<sup>st</sup> century CE Greek philosopher also captures this growing anti-piracy wave with a description of the construction of a massive Egyptian vessel that operated in the Erythraean Sea (today's Indian Ocean) so as to abide by some local law. The

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<sup>1149</sup> Schneider, *Before the Somali Threat*.

<sup>1150</sup> Carlson, *Pirates of Puntland*,

<sup>1151</sup> Alpers, "Piracy and Indian Ocean."

<sup>1152</sup> Anderson, "*Somali Piracy: Historical Context and Political Contingency*."

<sup>1153</sup> Pierre Schneider, *Before the Somali Threat*.

<sup>1154</sup> *Ibid*, 23.

<sup>1155</sup> *Ibid*.

<sup>1156</sup> *Ibid*.

<sup>1157</sup> Ptolemaic pharaohs were a Macedonian dynasty that ruled ancient Egypt between 323 BC and 30 BC. It was the last dynasty that ruled ancient Egypt.

<sup>1158</sup> Schneider, *Before the Somali Threat*, 24.

<sup>1159</sup> Pliny the Elder, officially Gaius Plinius Secundus was a 1<sup>st</sup> century Roman author, naturalist and natural philosopher as well as a Roman naval and army commander of the early Roman Empire.

vessel also carried armed men on board to repulse pirates who still roaming the Erythraean Sea.<sup>1160</sup>

Combat against pirates continued in today's Indian Ocean through the famed *Pax Romana* when Roman Empire's might and influence was felt far and wide. A newly found 144 AD Farasan<sup>1161</sup> inscription shows the appointment and stationing of a Roman official and military unit at Farasan to tackle pirates who were disrupting the Indian Ocean trade. Nonetheless, this empire-led anti-piracy campaigns to fight ancient Piracy in the Indian Ocean failed to eliminate it as it continued to rear its head in the post-Roman empires. Byzantine Empire, the political successor to Eastern Roman Empire continued combatting pirates in the northern areas of the Red sea.<sup>1162</sup> In 640 AD, a caliph-led Muslim movement raided and destroyed a pirate port on the African side of the Red sea.<sup>1163</sup> Later, the expansionist Muslim movement invaded and occupied the pirate-invested Dahlak Islands<sup>1164</sup> in 702 AD.<sup>1165</sup> Muslim fight against piracy continued when the Fatimid Caliphate (909-1171 AD)<sup>1166</sup> positioned 'military' ships to protect vessels that plied the Red Sea.<sup>1167</sup> All concerted efforts to end piracy in the Indian Ocean and surrounding waters didn't bear much fruit as piratical attacks persisted in the subsequent centuries up to the 16<sup>th</sup> century as mentioned by traders and travellers.<sup>1168</sup>

As the world ushered a new 16<sup>th</sup> century, the East African coast and the western Indian Ocean waters were witnessing the arrival of the Portuguese whose dominance lasted for the next two centuries. As much as there is dearth of information on anti-piracy campaigns in these waters in the 16<sup>th</sup> century, the Moghul Empire and the Arabs dominance of the diminished piratical activities in the Indian Ocean and surrounding waters when the Portuguese attacked Muslim

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<sup>1160</sup> Schneider, *Before the Somali Threat*, 24-25.

<sup>1161</sup> Farasan is a large coral-island group in the Red Sea that today belongs to Saudi Arabia.

<sup>1162</sup> Schneider, *Before the Somali Threat*, 25.

<sup>1163</sup> Ibid.

<sup>1164</sup> Dahlak Islands are a 200-group islands located in the Red Sea near Massawa, Eritrea.

<sup>1165</sup> Edward A. Alpers, "Piracy and Indian Ocean," 19-20.

<sup>1166</sup> A Shia caliphate of Arab origin that ruled a vast territory of Africa's Mediterranean coast with tentacles in Sudan, the Levant (present day Israel, Jordan, Lebanon, Palestine, Syria and most of Turkey), Hejaz (today's Western part of Saudi Arabia) and Italy's Sicily island.

<sup>1167</sup> Alpers, "Piracy and Indian Ocean," 20.

<sup>1168</sup> Examples include the Island of Soqotra that played host to pirates in the 10<sup>th</sup> century and traveller Marco Polo complains about piracy in western India in the 13<sup>th</sup> century amongst others.

vessels to break the dominance.<sup>1169</sup> This Portuguese attacks were in character similar to other piratical attacks. However, piratical activities escalated in the region when in the last decade of the 17<sup>th</sup> century (1680's) when outfoxed Caribbean (American and European) pirates found their way into the Indian Ocean waters after their temporary piratical sojourn along the West African coast.<sup>1170</sup>

The entry of American and European pirates into the Indian Ocean reawakened piratical attacks in the waters as their recorded successes included piratical exploits of Henry Every.<sup>1171</sup> Henry Every is purported to have captured the biggest pirate treasure (about \$105M today)<sup>1172</sup> from an Indian fleet. Attacks on British East India Company's vessels prompted the company to tackle and shrink piratical activity in the 2<sup>nd</sup> half of the 18<sup>th</sup> century. Still, as highlighted in chapter two, the Indian Ocean piracy was never fully eliminated as small-scale piratical attacks continued to be reported by European travellers and missionaries in the 19<sup>th</sup> Century.<sup>1173</sup>

### **8.3 21<sup>st</sup> Century Anti-Piracy Initiatives against Somali Piracy**

As shown in the preceding sub-chapter, piracy has never been totally extinguished in all pirate-infested waters around the world. Principal fighters against piracy have been navies of world powers or 'empires' whose vast maritime interests are hampered by piratical activity. For centuries and millennia, powerful empires and nations have sent their navies to crush pirates but without total success.<sup>1174</sup> Inconclusive campaigns against piracy in world waters through history are due to inherent matters in the campaigns such as duality of interests in piracy by leading world powers amongst other issues. Similar duality engagement on Somali piracy is a precursor to a probability of incomplete ending of the piracy.

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<sup>1169</sup> Randall L. Pouwels, "Eastern Africa and the Indian Ocean to 1800: Reviewing Relations in Historical Perspective," *The International Journal of African Historical Studies*, 35, No. 2/3 (2002): 419, January 10, 2021, <https://www.jstor.org/stable/3097619>.

<sup>1170</sup> Konstam, *The History of Pirates*, 124-125.

<sup>1171</sup> Ibid.

<sup>1172</sup> Ibid, 130-131.

<sup>1173</sup> Carlson, *Pirates of Puntland*,

<sup>1174</sup> For example see Pierre Schneider, "Before the Somali Threat." and Edward A. Alpers, "Piracy and Indian Ocean."

The first 21<sup>st</sup> century intervention against Somali piracy was primarily designed to combat terrorism as the United States of America (USA), the leading world power perceived that Somalia was bound to be turned into a refuge for terrorists due to its lawlessness. This was in the aftermath of September 11<sup>th</sup> 2001 terrorist attacks on USA which reawakened American international anti-terrorism campaigns. In the view of the USA, lack of law and order was turning Somalia into a haven for piracy which they saw as a potential enabler of terrorist activities.<sup>1175</sup> As a consequence, the USA established the Combined Joint Task Force-Horn of Africa (CJTF-HOA) in October 2002.<sup>1176</sup> Formed with the co-operation of Somalia's neighbours such as Ethiopia and Kenya, the CJTF-HOA force was formed to counter the supposed entry of Al Qaeda terrorist fighters into lawless Somalia. The force was to generally offer military assistance to regional counter-terrorism operations.<sup>1177</sup> Though the force was not designed to explicitly deal with Somali piracy, its operational net included fighting against piracy whose results remain unclear.

CJTF-HOA was followed by the deployment of Combined Task Force 150 (CTF 150), a multinational fleet that was to engage in counter-terrorism and maritime security operations.<sup>1178</sup> A previously existing multinational fleet, it was re-established after the 11<sup>th</sup> of September, 2001 and detailed to patrol waters off the Horn of Africa and surrounding Indian Ocean waters in support of counter-terrorism and maritime security operations.<sup>1179</sup> This was an American initiative which later drew membership from other states leading to a rotational command arrangement of the force amongst the participating states.<sup>1180</sup> Although the promotion of maritime security in the Horn of Africa was among CTF-150's principal assignments, the force gave piracy a wide berth as the menace went unnoticed by the USA government whose major preoccupation was counter-terrorism.<sup>1181</sup>

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<sup>1175</sup> Edward R. Lucas, *Countering the 'Unholy Alliance: The United States' Efforts to Combat Piracy and Violent Extremism in the Western Indian Ocean, 2001-2014*, Haifa Centre for Maritime Policy and Strategy Research University of Haifa, June 15, 2017, 5-6, accessed April 7, 2018, 81cddb71-5fb2-4a9d-9428-9f6a32db2ed1.pdf.

<sup>1176</sup> Ibid.

<sup>1177</sup> Centre for Army Lessons Learned, *Combined Joint Task Force-Horn of Africa Observation Report*, accessed March 7, 2019, [https://www.globalsecurity.org/military/library/report/call/call\\_15-14.pdf](https://www.globalsecurity.org/military/library/report/call/call_15-14.pdf).

<sup>1178</sup> Lucas, *Countering the 'Unholy Alliance,'* 5-6.

<sup>1179</sup> Ibid, 6.

<sup>1180</sup> Ibid.

<sup>1181</sup> Ibid.

As explained in the two preceding American initiatives, fighting piracy was not part of their mandates. Though Somali piracy was yet to draw international anti-piracy responses by 2002, its omission from the two American initiatives amounted to a false start by international community against Somali Piracy. In USA's interests, Somali piracy was yet to emerge as a threat to her maritime trade or that of her allies.<sup>1182</sup> Seemingly, fighting Somali piracy was not part of USA's strategic interests in the Horn of Africa. This was also influenced by the 1990's American military failure in Somalia which made the Americans reluctant to engage in another military intervention in Somalia. This apparent American disinterest would later haunt anti-piracy initiatives as other world powers only considered dealing with the piratical problem only when their interests were at risk. Moreover, this initial contextualization of the Horn of Africa through terrorism lens clouded a clear illumination of the Somali piracy problem with the effect of influencing ineffective anti-piracy initiatives.

On 5<sup>th</sup> November, 2005, 'Seabourn Spirit,' a luxury cruise ship was attacked about 100 miles off the coast of Somalia by suspected Somali pirates.<sup>1183</sup> Until this point, the international community had shown less interest in the piracy menace in the Western Indian Ocean and surrounding waters. This attack aroused the international interest in the piracy issue including that of the United States of America.<sup>1184</sup> Subsequently, the American government begun to have discussions on how to stop the scourge with two groups, one in support of military action and the other against a military intervention emerging.<sup>1185</sup> Apparently, the anti-military group was wary of another military humiliation in Somalia after the American peace enforcement fiasco in 1990's. Moreover, the anti-military intervention officials were cautious of the damage a military operation would do to Somalia's general population and its subsequent negative impact on USA's counter-terrorism campaign.<sup>1186</sup> These terrorism-centred considerations pushed anti-piracy campaigns to a marginal role thus negating mobilization for the complete defeat of piratical activity off the coast of Somalia. Officials who were against the deployment of the military to fight the piracy emerged convincing particularly on terrorism reflections and

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<sup>1182</sup> Ibid, 7.

<sup>1183</sup> BBC News, "Cruise ship repels Somali pirates," November 5, 2005, <http://news.bbc.co.uk/2/hi/africa/4409662.stm>.

<sup>1184</sup> Lucas, *Countering the 'Unholy Alliance,'* 5-6.

<sup>1185</sup> Ibid, 9.

<sup>1186</sup> Ibid.

persuaded the pro-military to their side. Nonetheless, once senior officials promoted the terrorism narrative, it went without saying that prospective anti-piracy initiatives were aligned with their thinking and perspective, a development that further dented international anti-piracy campaigns against Somali piracy.

Further, an interrogation of the USA's navy views that appeared to intertwine the fight against piracy and the fight against terrorism will go a long way in helping us to understand the international community's counter-piracy initiatives.<sup>1187</sup> For instance, Captain John Peterson, Chief of Staff of US Naval Forces Central Command (NAVCENT) was quoted to have stated that the USA was increasingly interested in piracy as it was an activity that was bound to facilitate terrorist organizations.<sup>1188</sup> Although these views were well intentioned in the fight against Somali piracy, they were premised on the fight against terrorism. This scenario denied the Americans and their international allies an opportunity to full contextualize the counter-piracy campaign which would have been critical in the conceptualization of well thought out counter-piracy initiatives.

The emergence of new extremist Islamist groups in Somalia such the Union of Islamic Courts (UIC) in 2006 forced the USA to re-examine its counter-terrorism strategies in the country and region which further clouded their fight against the piracy. Once UIC took control of Somalia by close of 2006, American agencies worked tirelessly to checkmate the group<sup>1189</sup> as their focus on piracy was overlooked for the more urgent UIC threat. The resultant distraction did not augur well with the fight against Somali piracy as much as the UIC became an unintentional ally to the Americans in the fight against piracy as the group's principles detested piracy. The aftermath of this disinterest may have cost the Americans valuable counter-piracy data collection and campaign momentum, a situation that not only weakened but also slowed the American and international forces ability to comprehend and eradicate Somali piracy. With their initial interest focused on terrorism, it can be deduced that international forces led by Americans anchored their anti-piracy campaigns on the terrorism premise which was a prelude to failure.

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<sup>1187</sup> Ibid.

<sup>1188</sup> Joshua Kucera, "Coalition Patrols Step up Efforts against Pirates," *Janes Defence Weekly*, February 16, 2006, <https://www.joshuakucera.net/2006/02/janes-defence-weekly-coalition-patrols-step-up-efforts-against-pirates.html>.

<sup>1189</sup> Lucas, *Countering the 'Unholy Alliance,'* 10.

As a consequence of the influence of focusing primarily on terrorism over piracy, international forces responded to Somali pirate attacks indifferently. International anti-piracy forces reacted quickly and strongly when vessels with capability to undertake or aid terrorist attacks were attacked and/or hijacked. While the swift and strong responses went a long way in averting terrorist attacks, it gave Somali pirates ideas on the identity of vessels whose capture would not ignite a stampede from international anti-piracy navies. This was the case when naval vessels from Germany and USA promptly responded to an attack on 'Golden Nori,' a Japanese tanker whose chemicals had the potential of being converted into bombs.<sup>1190</sup> Such responses to Somali piracy that were induced by terrorism considerations occasioned adoption of faulty and weak foundations of the international community's campaign against Somali piracy.

USA's interventions to end Somali piracy was followed by United Nations Security Council's led international campaign to tackle the piracy. This campaign was kicked off at one of the then regular Security Council meetings on Somalia's general security situation.<sup>1191</sup> It was on one of such meetings on 19<sup>th</sup> November, 2007 that Qatar, a then non-permanent member of the Security Council raised concern on the then increasing piratical attacks off the Somalia coast.<sup>1192</sup> Her views were supported by the American representative who went ahead to ask the council to draft a resolution on Somali piracy.<sup>1193</sup> In an endeavor to ensure realization of a resolution, USA went out of its way to seek support from both major maritime powers such as Japan as well countries with small maritime interests such as Slovenia.<sup>1194</sup> The United Nations Secretary General's March, 2008 report called for an international maritime task force to combat Somali piracy bolstered USA efforts, making her alongside France, United Kingdom and Panama to circulate a draft resolution on Somali piracy to the Security Council members on 28<sup>th</sup> March, 2008.<sup>1195</sup> In the earlier stages of the drafting of the resolution, coded 1816, China and Russia expressed their misgivings about the idea. Amongst their misgivings was their fear of international anti-piracy navies trespassing Somalia's sovereignty.<sup>1196</sup> Though resolution 1816 was applauded as a move in the right direction, China and Russia saw it as an opportunity to push and pull with their

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<sup>1190</sup> Ibid, 12-13.

<sup>1191</sup> The regular meeting was held on November 19, 2007.

<sup>1192</sup> Lucas, *Countering the 'Unholy Alliance,'* 14.

<sup>1193</sup> Ibid.

<sup>1194</sup> Ibid.

<sup>1195</sup> Ibid.

<sup>1196</sup> Ibid.



western competitors and rivals. So, while China and Russia supported the United Nations Security Council (UNSC) resolution, they threw aspersions on the initiative so as to get even with their western competitors. The power games between China, Russia and western allies only served to show the challenges faced by the international community in organizing a united initiative against piracy. Despite the two states' misgivings, the resolution was adopted and operationized in June 2008.<sup>1197</sup> Interestingly, China and Russia joined in the anti-piracy operations raising doubt on their focus and objectivity in the campaign. Moreover, the campaign provided opportunities for world powers to spy and checkmate each other to the detriment of the anti-piracy campaign.

Despite the adoption of Resolution 1816, pirate attacks continued unabated. In the year 2008, Somali pirate attacks increased by 600% compared to 2007 making Somali piracy to contribute about 40% of worldwide piracy.<sup>1198</sup> In response to the pirate attacks escalation, USA re-strategized her operations by deciding to solely focus on fighting piracy. However, USA's reenergization of its anti-piracy campaign was a result of terrorist linked happenings. The link was in the hijacking of *Faina*, an arms laden vessel in September 2008 amidst reports of possible cooperation between pirates and Al Shabab, the then fast growing terrorist in Somalia group.<sup>1199</sup> Once again, the newly focused anti-piracy campaign was a response to USA's terrorist fears, a further fault line in the USA-led international anti-piracy campaign. On paper, the newly reestablished (January 2009) Multi-national Combined Task Force 151 (CTF-151) sole mission was to counter Somali piracy but in reality it was anchored on terrorism fears. The success, therefore, of the new initiative, was likely to be impaired by its terrorism foundation.

The Multi-national Combined Task Force 151 (CTF-151) initiative also became captive to selfish maneuvers by some of its members such as France and Spain. Despite being a member of CTF-151, France was keen on the establishment of a European Union anti-piracy initiative to provide escort to humanitarian aid to Somalia. France's campaign bore fruit when Denmark, France, the Netherlands, Spain, the United Kingdom and Northern Ireland successfully pulled

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<sup>1197</sup> United Nations Security Council, Resolution 1816 (2008), S/RES/1816 (2008), Adopted by the Security Council at its 5902nd meeting on June 2, 2008, [https://undocs.org/S/RES/1816\(2008\)](https://undocs.org/S/RES/1816(2008)).

<sup>1198</sup> Lucas, *Countering the 'Unholy Alliance'*, 15.

<sup>1199</sup> *Ibid*, 17.

together to establish and operationize EU NAVFOR Somalia - Operation Atalanta (EU Operation Atalanta) on 13<sup>th</sup> December 2008.<sup>1200</sup> In the case of Spain,<sup>1201</sup> she was reportedly keen on protecting her fishing vessels that were operating in Somalia's coastal and surrounding waters. As such, the CTF-151 counter-piracy campaign was ridden with self-serving interests of some states. The ensuing competing undercurrents occasioned distraction and heightened chances of failure in the anti-piracy campaign.

Disruptive and competitive interests amongst the international anti-piracy initiative members continued when the USA privately campaigned to have NATO join them in the Somali counter-piracy instead of the European Union.<sup>1202</sup> Although the USA was not forthright against European Union's participation in the Somali anti-piracy campaign, the lack of enthusiasm by Americans about European Union planned entry into Somali waters portrayed the probability of states ending up working in cross purposes. Lack of synergy among interested parties heightened the possibility of a mission which would not have delivered success in the fight against Somali piracy due to presence of competing moves. From her initial preference of a NATO force over a European Union force joining the counter-piracy initiative off the Somalia waters, the USA, it is feared did not fully embrace the European Union's Operation Atlanta, a scenario that may have led to a disjointed operation.

Somali piracy's focus on ransom payments ended up painting the international anti-piracy negatively, probably laying embers for the continuation and escalation of the piracy. After the capture of *Golden Nori* in October 2007, American and German naval vessels followed the hijacked vessel to its anchor,<sup>1203</sup> where the military kept watch over it until it was released. After six weeks, *Golden Nori* was released, a process mired in secrecy and opaqueness. However, it is believed that ransom was paid right under the noses of the American and German military vessels.<sup>1204</sup> A similar pattern repeated itself when American naval vessels tracked and monitored

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<sup>1200</sup> United Nations Security Council, *Report of the Secretary-General pursuant to Security Council resolution 1846 (2008)*, S/2009/146, March 16, 2009, 3, <https://undocs.org/S/2009/146>.

<sup>1201</sup> Lucas, *Countering the 'Unholy Allianc,'* 19-20.

<sup>1202</sup> Ibid.

<sup>1203</sup> Barbara Starr, "U.S. Destroyer Pursuing Hijacked Ship in Somali Waters, Military Says," *CNN International Edition*, April 7, 2018, <http://edition.cnn.com/2007/WORLD/africa/10/29/somalia.pirates/>.

<sup>1204</sup> Reuters, "Somali Pirates leave Japan-owned Ship, Crew Safe," *Africa*, December 12, 2007, <https://web.archive.org/web/20071214102619/http://africa.reuters.com/wire/news/usnL12187866.html>.

the hijacked *MV Faina* near Hobyo until its release.<sup>1205</sup> Reports also indicated that ransom was paid for the release of the hijacked vessel, again, in clear view of anti-piracy international naval forces. International forces 'acceptance' or 'disinterest' of ransom payment only but emboldened Somali pirates. Fired up by a sense of invincibility due to their good bargain and eventual receipt of ransom in full view of the world's most powerful navies, the now 'untouchable' pirates grew confident to continue pursuing their piratical interests in the presence of the world's greatest navies.

Despite the media, and in particular Western outlets, having played an important role in highlighting the sources, levels, intensity and decline of Somali piracy, it also uncharacteristically wrongly shaped the international fight against the piracy. The media's desire to serve certain interests including receipt of higher sales influenced them to choose incorrect and sensational reporting on the piracy. This was the case when the media amplified the piracy-terrorism nexus in Somalia. This was worsened when respectable media outlets such as the BBC published the jaw dropping nexus.<sup>1206</sup> To the BBC and other Western media outlets, piracy and terrorism had close linkages which was untrue as the truth was that there only existed some isolated local cooperation between the two entities for personal survival reasons. Thus, the incorrect but sensational reporting contributed in shaping western governments responses and initiatives against the piracy. Acting on the basis of sensational reporting, Western governments picked the terrorism narrative, an idea that was not yet exhaustively researched. Thus, world powers prepared, structured and executed their anti-piracy campaigns on a questionable premise, a background with a potential of leading to the failure of the counter-piracy initiatives.

Discord within United Nation's international anti-piracy campaign reemerged when the organization adopted another Security Council Resolution (UNSCR) 1846 to broaden UNSCR 1816 provisions on 2<sup>nd</sup> December, 2008.<sup>1207</sup> During its drafting and adoption processes, USA and Germany differed on the issue of pursuing Somali pirates onshore. Americans felt that such an

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<sup>1205</sup> Sam Jones and Chris McGreal, "Somali Pirates Release Ukrainian Arms Ship: Vessel Carrying Tanks and Grenade Launchers Freed after £2.2m Ransom," *The Guardian International Edition*, February 6, 2009, <https://www.theguardian.com/world/2009/feb/05/somali-pirates-free-military-ship>.

<sup>1206</sup> Martin Plaut, "Pirates 'working with Islamists,'" *BBC Africa*, November 19, 2008, <http://news.bbc.co.uk/2/hi/7737375.stm>.

<sup>1207</sup> United Nations Security Council, Resolution 1846, S/RES/1846 (2008), adopted by the Security Council at its 6026th meeting on December 2, 2008, <http://unscr.com/files/2008/01846.pdf>.

engagement was necessary so as to vanquish the piracy but Germany saw it as an unnecessary as it had potential for Germany getting into a land-based conflict in Somalia.<sup>1208</sup> The international anti-piracy campaign discord hampered a smooth synchronization of initiatives thus allowing the pirates survival chances. Challenges in getting unanimity among states engaged in the anti-piracy campaign was/is indicative of a probability of diminishing a piracy but not eliminating it altogether. Fears, gaps and misunderstanding of international Somali anti-piracy partners provided an enabling environment for the piracy's recurrence.

As the international anti-piracy initiative took shape, its multiplicity and plurality became its other undoing. By early 2009, international counter-piracy initiatives included USA-led CTF-151, European Union's Operation Atlanta<sup>1209</sup> and NATO's Operation Ocean Shield amongst many other multiple independent state naval deployments from across the world. CTF-151, a 'new' counter-piracy force that was separated from CTF-150 on 13<sup>th</sup> January, 2009. CTF-151's primary mandate was to counter piracy while CTF-150 was to focus on countering terrorism. Operation Atalanta was the creation of France and Spain's campaign to establish a European Union counter-piracy fleet to escort World Food Programme (WFP) aid to Somalia amongst other assignments. Operation Atalanta became operational on 13<sup>th</sup> December 2008 despite backroom opposition from USA and delaying tactics from the United Kingdom.<sup>1210</sup> NATO's Operation Ocean Shield formally began counter-piracy engagements in March, 2009<sup>1211</sup> but the organization had received United Nations mandate vide Security Council Resolution 1846 of 2008 which allowed it to counter piracy off the coast of Somalia and escort WFP vessels.<sup>1212</sup> Despite the navies endeavour to cooperate and coordinate in their campaigns, there were hitches as some naval vessels were legally barred from getting integrated into international naval operations.<sup>1213</sup> Other navies were unable to cooperate and coordinate due to their geo-strategic considerations which rendered rapprochement difficult. This was the case with China and Russia whose 'opposing' strand could not allow their navies to work closely with Western navies.<sup>1214</sup>

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<sup>1208</sup> Lucas, *Countering the 'Unholy Alliance,'* 26.

<sup>1209</sup> United Nations Security Council, *Report of the Secretary-General pursuant to Security Council resolution 1846 (2008)*, S/2009/146, 3.

<sup>1210</sup> Lucas, *Countering the 'Unholy Alliance,'* 19-20.

<sup>1211</sup> *Ibid*, 28.

<sup>1212</sup> United Nations Security Council, *1846 (2008)*, S/2009/146, 3.

<sup>1213</sup> Lucas, *Countering the 'Unholy Alliance,'* 28.

<sup>1214</sup> *Ibid*, 28-29.

Similar geo-strategic views hampered any cooperation between western navies and Iran. This legal and geo-strategic infused hitches cast doubt on possibility of registering success in the anti-piracy campaign.

Similar doubts on the anti-piracy campaign arose from the impractical expectations of UNSC Resolutions; 1816 of 2<sup>nd</sup> June, 2008, Resolution 1846 of 2<sup>nd</sup> December, 2008 and Resolution 1851 of 16<sup>th</sup> December, 2008, which allowed international anti-piracy forces to pursue and counter Somali pirates in their territorial waters and onshore land bases. Backed by the resolutions, international anti-piracy forces severally entered Somalia's territorial waters in pursuit of pirates. However, despite the resolutions allowing the forces to target onshore bases and resources, no navy went onshore to counter the pirates.<sup>1215</sup> An answer to the navies disinterest could be that they were fearful of starting a new land war in Somalia which in turn could have blurred the anti-piracy campaign. A close look at Somali piracy's portrait reveals that the onshore component of the piracy was as critical as the sea hijacking attacks with the potential of re-igniting the piracy.

Moreover, the United Nations Security Council resolutions required international anti-piracy forces to notify and get approval of Somalia's TFG before pursuing Somali piracy suspects to their territorial waters and land bases.<sup>1216</sup> Even though the TFG approval was a noble requirement to protect Somalia's sovereignty and territorial integrity, its implication and practicability was not guaranteed. TFG's capacity to determine whether a particular naval force could enter Somalia's territorial waters in its anti-piracy campaign was doubtful. TFG regimes in Somalia have, in most times, only controlled a few streets in Mogadishu and other towns. Indeed, where TFG claimed coastal presence, its maritime officers and policemen had wanting skills and approaches that could competitively approve anti-piracy forces that entered its territorial waters and land.

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<sup>1215</sup> James A. Fawcett, "Challenges to Apprehension and Prosecution of East African Maritime Pirates," *The Flagship Journal of International Shipping and Port Research*, 37, No. 7 (2010): 755-756, September 1, 2012, <https://www.tandfonline.com/doi/pdf/10.1080/03088839.2010.524742?needAccess=true>.

<sup>1216</sup> *Ibid*, 760.

Despite the foregoing, successful pirate vessel hijackings began to decline from 2011. The rather problem-prone anti-piracy initiatives appeared to bear fruit. This decline was occasioned by both the long term initiatives but significantly from a buildup and learning from past hiccups and problems encountered in the campaign. From 2011, new measures were adopted to safeguard vessels while naval ships applied new tactics in the pursuit of pirate vessels. Amongst the initiatives was the implementation of defensive measures by vessels that sailed within the Somali pirates' operational range. The measures included use of barbed wire to stop pirates from accessing the vessels during an attack as advised by the International Maritime Organization (IMO). Moreover, by 2011, shipping companies had accepted to contract armed anti-piracy guards to deter hijacking of vessels. In addition, international navies regularly arrested suspected pirates and handed them over to third countries to face court trials. This success of international anti-piracy mechanisms was boosted by local anti-piracy initiatives.

Generally, it has been argued in chapter four and seven that piracy was a popularly supported activity in Somalia's coastal villages, yet contrary views were awash in which piracy was opposed by a section of the Somali people. Among those who opposed the activity were Muslim religious leaders with some Sheikhs in particularly standing out to talk against the practice.<sup>1217</sup> The Sheikhs urged community members keep away from practice as it went against Koranic teachings and Muslim principles. Sheikhs termed the practice and the ransom money gotten from it, *Haram*. Accordingly, the Sheikhs stated that since the activity was outlawed in Islam, then its proceeds were unlawful. The Sheikhs went ahead to give guidance to the community and the pirates about the issues as narrated by a jailed pirate,

The Sheikhs asked the Somali community to shun the pirates. They asked the shopkeepers and traders to stop doing transactions with the pirates i.e. not to sale their products to them. They argued that pirate money was *Haram* and it could bring curses to the shopkeepers. Moreover, they asked masons and carpenters to cease being contracted to build houses for the pirates. Sheikhs also implored girls not to marry pirates despite their glamorous lifestyles. They further asked wives to pirates to leave their pirate husbands. Advising the pirates, they asked them to sell all pirate purchased items such as houses, cars etc and donate the money to the mosque. To the Sheikhs, this was the only way for the pirates' to be accepted back into the community.<sup>1218</sup>

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<sup>1217</sup> A Sheikh is a senior Muslim cleric.

<sup>1218</sup> Oral Interview, Ahmed Mohammed Osman, Shimo la Tewa Prison, March 14, 2015.

Nevertheless, the Sheikhs' campaign faced a herculean task as their authority had been drowned by the pirates' huge money and its attendant influence in the community. Even so, the Sheikhs' anti-piracy crusade had positive response from the pirates despite unavailability of records on the success rates. This change of fortunes was partially orchestrated by the detrimental effects that the piracy and ransom money had on the pirates.<sup>1219</sup> Ransom money and pirate life turned some pirates into societal misfits whose degradation clouded the popularized glamour of pirate money. The degeneration soon captured the attention of some of the pirates' parents and siblings whose reemphasis of the Sheikhs' anti-piracy message persuaded some pirates to turn their backs to the practice.<sup>1220</sup> Thereafter, these reformed pirates resumed their former or picked new acceptable economic livelihoods.

As a consequence of the Sheikhs' anti-piracy messages, a larger segment of Somali community gradually began to frown upon the practice. Community members felt that it was *Haram* to waylay travelers in the high seas and rob them of their possessions and use them as bait to acquire ransom money. The community believed that nothing worthwhile or blessed came from the ransom money. Parents to the pirates were displeased that their sons had become pirates, seeing the decision as a precursor to ills that will befall their families.<sup>1221</sup> Moreover, a young man's decision to become a pirate cast a bad name on their families and dissuaded them from engaging in piracy. Such negative branding led to isolation of the families which came along with its own attendant consequences. Jailed Abdi Mohammed Ali noted,

As much as piracy was creating a sensation among young Somali men, the larger Somali society was frowning upon the pirate acts. The rest of the members of the Somali society kept their distance from the pirates. The society simply ignored the pirates as they were seen as corrupting agents to the society's norms and values. The society acted indifferently to the pirates despite their new found wealth. Some traders were reluctant to sell their products to the pirates. Girls too refused to marry pirates and they only married pirates in situations where they did not know that they were marrying one.<sup>1222</sup>

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<sup>1219</sup> See chapter seven on the losses of piracy.

<sup>1220</sup> Oral Interview, Ahmed Mohammed Osman.

<sup>1221</sup> Oral Interview, Abdikadir Isey Ali, Shimo la Tewa Prison, March 15, 2015.

<sup>1222</sup> Oral Interview, Abdi Mohammed Ali, Shimo la Tewa Prison March 15, 2015.

Disapproval of pirate activities by the Somali society was also exhibited by the non-involvement of the community in burial processes of dead pirates. A jailed pirate stated that, “in cases where a pirate died, the family and community members did not bury him as touching his body was *Haram*.”<sup>1223</sup> Moreover, whenever a pirate died, it was *Haram* for one to buy the burial white clothing using his piracy money for his burial. It is only the pirates who did it by using their own networks to get the white burial clothing. “Other pirates quickly mobilized to take charge of the procedures and then bury their own,”<sup>1224</sup> he continued. The Somali community was generally wary of pirate activities and not keen to contaminate their societal standing in respect to Islamic principles.

Pirates who were released from prison or from western anti-piracy navies detention faced a new dilemma after attaining their freedom that was beneficial to the anti-piracy campaign. According to a jailed pirate, there was this general fear among freed pirates of getting arrested by Somalia’s regional authorities upon returning to their homes.<sup>1225</sup> These arrests prompted imprisoned pirates to request their family, clan and friends to put in a ‘kind word’ to the authorities for their safe passage back home and resumption of normal life when their release was approaching.<sup>1226</sup> “Somalis generally know each other, they know who was a fisherman and who was a pirate and this knowledge is critical as one returns home,”<sup>1227</sup> stated a jailed pirate. An innocent fisherman who was wrongly arrested by the international anti-piracy navies was received back by the community with open hands while criminals including pirates were allowed back with some conditions including promises to abandon piratical activity for worthwhile activities.<sup>1228</sup> But in cases where these attempts were not made or the response was negative, freed pirates sought safe havens in other regions away from their homes. For instance, if one came from the north, he could go to live either in central or south Somalia amongst their clansmen who are spread throughout Somalia. Similarly, if one came from the south, he went to a kinsman either in central or northern Somalia. Of course, all this was done with the help of the expansive but close Somali kin networks across Somalia and beyond. These preceding initiatives contributed in the reduction

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<sup>1223</sup> Oral Interview, Abdirahman Isse Mohammed, Shimo la Tewa. Prison, March 13, 2015.

<sup>1224</sup> Ibid.

<sup>1225</sup> Oral Interview, Feisal Abdi Muse.

<sup>1226</sup> Ibid.

<sup>1227</sup> Oral Interview, Feysal Ali Hussein.

<sup>1228</sup> Ibid.



of pirate attacks off the Somalia coast. By 2012, no Somali pirate succeeded in hijacking a vessel marking an 'end' to Somali piracy. However, this apparent success by the international navies has skeletons which seem to continue to stalk the waters off the Somalia coast with a possibility of re-igniting the piracy.

In a development that shows that Somali piracy had gotten subsumed within the context of the contest between western hegemony in a globalized world and localized notions nationalist sentiments, Somali pirates claimed that the anti-piracy war was a conspiracy of Western powers to pursue and sustain their selfish interests along Somalia's coast. The conspiracy unearths the clash between local and western notions of what constituted piracy. In this clash between the local and universal (as seen by the west), the pirates argued that western powers propagated both the piracy and anti-piracy propaganda as a smokescreen to their pursuance of oil prospecting activities.<sup>1229</sup> According to Feysal Ali Hussein, a convicted pirate, Western powers used the anti-piracy narrative as an opportunity to prospect for oil off the Somalia coast; "Somalia's coastal waters are low when compared to the oil producing Middle Eastern countries and any oil drilling exercise is bound to realize oil,"<sup>1230</sup> stated Feysal Ali Hussein. A substantial section of the Somali population believes that Western powers were/are patrolling the Somali waters to distract people's attention from their (Western powers) oil prospecting and drilling enterprise off the Somalia coast. Moreover, Somalis believe that the piracy narrative has been induced onto Somalia so as to weaken it so that Western entities can continue furthering their economic interests. These sentiments have the potential of arousing nationalist feelings that can morph into another round of 'defense piracy.'

There is also a feeling amongst Somali pirates that the western powers are pulling strings behind the scenes to ensure Somalia remains lawless with piracy as one of its outcomes. They argue that the conflict in Somalia is largely political with western countries playing central roles albeit in a shadowy manner; Hassan wondered aloud "Western powers claim that they are assisting Somalia, but why can't they assist without having their proxies and undercover agents inside

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<sup>1229</sup> Oral Interview, Feysal Ali Hussein.

<sup>1230</sup> Ibid.

Somalia.”<sup>1231</sup> In an attempt to cement his argument, he threw parallels with the breakaway Somalia regions of Puntland and Somaliland. He then added, “look at Puntland after breaking away from Somalia, it is stable after keeping away from western powers’ influences and machinations. Everything works well when the Somali people are left alone.”<sup>1232</sup> Thus, according to Hassan, the Somali piracy phenomenon was a creation of powerful western nations who were out to exploit Somalia’s resources by using the piracy and the fight against it as their cover, <sup>1233</sup>with a probability of the cycle repeating itself.

The international navies’ success in eradicating Somali piracy has been hijacked by foreign fishermen who are plundering Somalia’s fisheries resources. The new post 2012 calm has seen foreign fishermen troop back to Somalia waters to the chagrin of local Somali fishermen.<sup>1234</sup> The foreign fishermen audacity to operate under the very noses of the international anti-piracy forces has further infuriated local fishermen who have angrily condemned their presence along the Somalia waters. The reentry of foreign fishermen into Somalia waters coupled with the now thinly patrolled<sup>1235</sup> but vast and open sea carries seeds for the possible recurrence of piratical activity. If left unchecked, these fishermen’s anger alongside the fury generated by the seemingly flawed application of law on arrested pirates has the potential of reigniting the pirate attacks.<sup>1236</sup>

#### **8.4 Inadequacies of Legal Provisions and Processes in the Fight against Piracy**

The previous section discussed the international and local initiatives in combating Somali piracy. In this section, focus is given to the legal framework under which the fight against piracy was undertaken. The development of the modern law on sea piracy has been a gradual process. For centuries, the law has been improved to make it as comprehensive as possible. The current law of the sea was opened for signature on 10<sup>th</sup> December, 1982 in Montego Bay, Jamaica during the

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<sup>1231</sup> Oral Interview, Abdirahman Hussein Hassan, Shimo la Tewa Prison, March 13, 2015.

<sup>1232</sup> Ibid.

<sup>1233</sup> Ibid.

<sup>1234</sup> Cetrina Stewart, “Pirates Could Make a Comeback as Illegal Fishing Returns to Somalia’s Coast,” *Vice News*, October 31, 2015, <https://news.vice.com/article/pirates-could-make-a-comeback-as-illegal-fishing-returns-to-somalias-coast>.

<sup>1235</sup> A number of the counter-piracy navies have exited waters off the Somalia coast since the eradication of Somali piracy as from 2012.

<sup>1236</sup> Stewart, “Pirates Could Make a Comeback.”

UN Convention on the Law of the Sea.<sup>1237</sup> The convention came into force on 16<sup>th</sup> November, 1994. The 320 articles and nine annexes-strong convention is the current accepted regime on all matters relating to the law of the sea.<sup>1238</sup> This convention, and in particular Articles 100 to 107 as well as article 110 were a repetition of earlier of conventions such as the Geneva Convention on the High Seas of 1958.<sup>1239</sup> Article 101 defines piracy as the committing of any of the following acts;

1. Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or aircraft, and directed:
  - a) On the high seas, against another ship or aircraft; or against persons or property on board such ship or aircraft;
  - b) Against a ship, aircraft, person or property in a place outside the jurisdiction of any state;
2. Any act of voluntary participation in the operation of a ship or of an aircraft with the knowledge of facts making it a pirate ship or aircraft;
3. Any act of inciting or of intentionally facilitating an act described in sub-paragraph 1 or sub-paragraph 2 of this Article.<sup>1240</sup>

The 1982 Convention was enhanced in 1988 and updated in 2005<sup>1241</sup> to take care of crimes such as the hijacking of *Achille Lauro*, an Italian cruise ship hijacked on 7<sup>th</sup> October, 1985 by terrorists who had initially disguised themselves as passengers. This type of crime had not been captured by the initial 1982 Convention.<sup>1242</sup> Further gaps in the definition of piratical acts prompted the International Maritime Organization (IMO) to define other maritime robberies.<sup>1243</sup>

The IMO definition broadened and tied loose ends of the UN Convention on the Law of the Sea

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<sup>1237</sup> Steven Haines, *Somali Based Piracy: Operations in a Legal Context*, European Security Forum, Joint Initiative of CEPS, 1155, DCAF and GCSP, Somali and the Pirates, ESF Working Paper No. 33, December 2009.

<sup>1238</sup> Oceans and the Law of the sea, United Nations, United Nations Convention on the Law of the Sea of 10 December 1982, Overview and full text. Accessed March 28, 2019, [https://www.un.org/depts/los/convention\\_agreements/convention\\_overview\\_convention.htm](https://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm).

<sup>1239</sup> Tulio Treves, "Piracy, Law of the Sea, and Use of Force: Developments Off the Coast of Somalia," *The European Journal of International Law*, 20, No. 2 (2009), September 1, 2012, <https://doi.org/10.1093/ejil/chp027>.

<sup>1240</sup> Haines, *Somali Based Piracy*.

<sup>1241</sup> It is now known as the 2005 Suppression of Unlawful Acts (SUA) Convention (Article 15 (2) of the 2005 Protocol to the 1988 SUA Convention

<sup>1242</sup> Jennifer Latson, "A Murder That Shocked the World, at Sea and on Stage," *Time*, March 28, 2019, <http://time.com/4055773/achille-lauro/>.

<sup>1243</sup> Fawcett, "Challenges to Apprehension and Prosecution of East African Maritime Pirates," 753-765,

so as to ensure all piratical acts were captured in the definition but these endeavours did not seal all the legal loopholes and other technicalities.

Technicalities in defining an act of piracy hampered the international anti-piracy campaign. Among these technicalities was that the detention of pirate suspects was limited to the high seas and there was the omission of acts of piracy within territorial waters with respective states expected to prosecute such acts as armed robberies.<sup>1244</sup> Moreover, international anti-piracy forces were restricted to define acts of piracy based on the currency of the wording of anti-piracy conventions and other complementary definitions. The currency nature of defining acts of piracy made anti-piracy forces to mostly act on issues that were also ‘current.’<sup>1245</sup> However, the forces ‘current’ anchored responses to acts of piracy unintentionally left out other acts which needed their response. This was the case when international forces opted to disrupt potential pirates by confiscating or throwing overboard their pirate implements so as to deny them an opportunity to engage in piratical activity.<sup>1246</sup> Any person who engaged in activities that were not currently responded to, dodged the international forces leading to the emergence of pirates who remained unscathed throughout the Somalia anti-piracy campaign. In such individuals’ view, the anti-piracy campaign was a temporary setback to their piratical engagements.

Prosecution of pirate suspects was wrought with challenges resulting in a number of suspects escaping prosecution. Prosecution challenges mainly stemmed from the fact that only a few countries were willing to prosecute the suspects due to varied reasons. While countries such as Denmark and Germany could only prosecute pirates if they had threatened their national interests or citizens, willing states such as Kenya and Seychelles lacked requisite resources for prosecution processes.<sup>1247</sup> Both Kenya and Seychelles complained about being overstretched with the cases and were keen to discontinue accepting suspects from the international anti-piracy forces for prosecution. Moreover, the presence of different criminal codes across countries was also problematic in the prosecution of piracy cases as the scenario brewed inconsistencies and

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<sup>1244</sup> Paul Musili Wambua, “The Jurisdictional Challenges to the Prosecution of Piracy Cases in Kenya: Mixed Fortunes for a Perfect Model in the Global War against Piracy,” *WMU J Marit Affairs* (2012): 95-113, March 28, 2019, <https://doi.org/10.1007/s13437-012-0021-6>.

<sup>1245</sup> Ploch, Blanchard, O'Rourke & King “Piracy off the Horn of Africa.”

<sup>1246</sup> Wambua, “The Jurisdictional Challenges to the Prosecution of Piracy Cases in Kenya,” 97-98.

<sup>1247</sup> Ibid.

possible ill feelings.<sup>1248</sup> Thus, lack of an understood legal system that could be used to try the piracy suspects aroused new grievances particularly from pirates who felt that they had not received justice in their trials.<sup>1249</sup> Some of the sentenced Somali piracy suspects were adamant that they were genuine fishermen who had been mistakenly arrested and arraigned in court as piracy suspects.<sup>1250</sup> As much as we cannot authenticate the veracity of the complaint, it elicits an urge to examine the prosecution process. As such, there may be need to evaluate the prosecutorial capabilities of the international naval officers and the extent of their knowledge in the collection of evidence for presentation in court to ensure successful prosecutions.<sup>1251</sup>

Kenya's acceptance to try Somali piracy suspects was not anchored in any particular law. Kenya's Penal Code did not define a piracy offence while Kenya's Merchant shipping Act of 1967 did not state what constituted piracy.<sup>1252</sup> The gap was however removed when the Shipping Act was repealed in September, 2009. By this time, eleven piracy cases had opened in the Kenyan courts.<sup>1253</sup> Filing of the cases was not anchored on any law and any good lawyer could have seen the legal loophole. The eleven cases were basically defective in the first instance. Any subsequent sentencing could have been successfully appealed as the requisite law of piracy was lacking in the first place.<sup>1254</sup> A further filing of compensation for a wrong prosecution could have had the potential of denting the prosecution of Somali piracy suspects in Kenyan courts. This apparent injustice consequently aroused hatred and hostility from the Somali suspects upon realization of the illegality of their trials. Hatred and hostility is not a panacea to the Somali piracy particularly with the arrest of innocent men by international anti-piracy navies.

The decision by Kenya to accept the prosecution of Somali piracy suspects in its courts seemingly violated the country's supreme law, the Constitution of Kenya. Kenya's new constitution states that a suspect should be presented in court within 24 hours from the time of arrest. However, in respect to Somali piracy suspects, they were brought to Kenyan courts many

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<sup>1248</sup> Haines, *Somali Based Piracy*, 23.

<sup>1249</sup> Oral Interview, Adan Mohammed Ali, Mogadishu, Shimo la Tewa Prison, March 15, 2015.

<sup>1250</sup> Ibid.

<sup>1251</sup> Fawcett, "Challenges to Apprehension and Prosecution of East African Maritime Pirates," 762-763.

<sup>1252</sup> Haines, *Somali Based Piracy*, 23.

<sup>1253</sup> Andrew Mwangura, *The Legal Challenges of Prosecuting Pirates: The Case of Kenya*, February 26, 2011, 1-2, accessed September 1, [http://piracyreport.com/index.php/post/131/The\\_Legal\\_Challenges\\_of\\_Prosecuting\\_Pirates](http://piracyreport.com/index.php/post/131/The_Legal_Challenges_of_Prosecuting_Pirates).

<sup>1254</sup> Ibid, 2.

days after their arrest. Somali piracy suspects who were brought to Kenyan courts of law before Kenya's enactment of a new shipping act that domesticated United Nations Convention on the Law of the Sea (UNCLOS) were held for many days in contravention of Kenya's supreme law. Such a glaring legal mistake put into question the desire by international navies to use legal mechanisms to eradicate Somali piracy. Consequently, this contravening of the supreme law of Kenya and its operational laws did not serve justice to the suspects irrespective of the outcome of their court trials. This injustice was received unfavourably by the Somali populace who interpreted it as an affront on their community with the resultant backlash having the potential of rekindling the Somali piracy as revenge missions for the mistreatment.<sup>1255</sup>

Breakdown in communication between suspects and prosecutions hampered prosecutions. As much as the Kenyan law states that an accused person is entitled to be tried in a language that he/she understands, the Somali piracy suspects cases were conducted in English, an alien language to them.<sup>1256</sup> In one incident, a judge spoke English and then an interpreter translated the judge's statements into Swedish to the Swedish-speaking witness. The witness' statements were then translated into English. At this point, the Somali interpreter came along to translate the same into Somali to the piracy suspects,<sup>1257</sup> a slow and mistake prone process. Alienated by language, Somali piracy suspects felt that they had been denied justice despite the eventual court's ruling- be it freedom or conviction. Attendant bitterness of innocuous individuals amongst the suspects left them an embittered lot with promises of going into the sea in the hope of accruing proceeds to compensate for their unfair prosecution.<sup>1258</sup>

Arrested and later convicted pirates questioned the manner in which their prosecution was conducted as a court appointed lawyer took to the floor to defend them after seven American naval officers had given evidence against them.<sup>1259</sup> "How can a lawyer defend you without consulting you on the exact circumstances of your arrest? Then, the judge went ahead to jail me for four years without hearing my side of the story,"<sup>1260</sup> lamented a convicted piracy suspect. "At

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<sup>1255</sup> Oral Interview, Adan Mohammed Ali.

<sup>1256</sup> Ibid.

<sup>1257</sup> Ibid, 3.

<sup>1258</sup> Oral Interview, Abdulaziz Ali Abdullahi, Shimo la Tewa Prison, March 13, 2015.

<sup>1259</sup> Ibid.

<sup>1260</sup> Ibid.

some point, the lawyers later consulted us about the case but the judge did not seem to listen to the lawyers' arguments. The judge was just seen to be listening to the prosecutor's narrative. Moreover, Danish navy officers who had captured and arrested us were called to come to court and give their evidence while we were not asked to give our side of the story,"<sup>1261</sup> added Adan Mohammed Ali. Such blatantly unfair prosecutions undermined the anti-piracy campaign.

The anger of innocent piracy suspects was exacerbated by the fact that real Somali pirates diversified their operations with the onset of international navies' anti-piracy patrols. In this diversification from piratical attacks, the pirates began to engage in smuggling rackets amongst other criminal activities.<sup>1262</sup> This diversification reduced significantly the chances of international forces arresting the real piracy suspects as they engaged in piratical activity. The implication therein is that those who were arrested as piracy suspects were a marginal percentage (some innocent) of the high number of pirates who stalked vessels in the high seas. This then implies that most piracy suspects escaped or outmaneuvered the anti-piracy navies and melted back to the Somali community, posing a lurking threat to claims that Somali piracy had been vanquished.

There were further gaps in the prosecution processes since the assemblage of witnesses to testify against the suspects was flawed. Besides international anti-piracy naval officers agreeing to become witnesses, it was problematic assembling other witnesses who would testify and put suspects at the scene of the actual piratical act. In most cases, witnesses aboard merchant vessels that had been attacked proceeded with their journeys especially if they survived the attack.<sup>1263</sup> Once such vessels proceeded with their journeys, it became complicated to get the witnesses to travel to third countries courts to testify in the trials.<sup>1264</sup> These circumstances hampered realization of fair trials to the extent of availing suspects opportunities of being found innocent by the courts at the end of trials. Such prosecutorial hurdles only helped to lethargitize the cases which in turn made judges to make rulings on the basis of conjecture.

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<sup>1261</sup> Oral Interview, Adan Mohammed Ali.

<sup>1262</sup> Ibid.

<sup>1263</sup> Andrew Robinson, "The Prosecution of Pirates - No Walk on the Plank," April 1, 2009, <http://www.nortonrosefulbright.com/knowledge/publications/43292/the-prosecution-of-pirates-no-walk-on-the-plank>.

<sup>1264</sup> Ibid, 4.

More prosecutorial malpractices were registered when arrested pirate suspects were unnecessarily moved through third countries before getting to countries where they were to stand trial. “The arresting international navies irregularly took us to Djibouti, then Yemen and then onto Dubai and finally brought us to Mombasa, Kenya to face piracy charges. Once in Mombasa, the Kenyan authorities worsened our anguish by holding us for three days at the migration clearance desk as they processed our entry into Kenya,”<sup>1265</sup> lamented convicted Abdulaziz Ali Abdullahi. In a fair judicial system, all these travesties of the law should have prompted the judge to give the suspects a lighter sentence.<sup>1266</sup>

International anti-piracy navies stand accused of arresting genuine sea-fairing Somalis whom they came across in the seas. Sea-fairing Somalis were arrested on suspicion of engaging in piracy when in reality they were genuine fishermen who were out in the sea to eke an honest living.<sup>1267</sup> Some were businessmen and passengers. Moreover, some of the people who were arrested were fish traders who bought fish from Somalia’s coastal towns and transported it to Yemen for sale;<sup>1268</sup> “I was among the fish traders who used to buy frozen fish from Puntland and sell it in Yemen as fish is scarce and expensive in Yemen,”<sup>1269</sup> lamented Mohammed Yusuf Said, a jailed pirate. “I was arrested in one of my sea journeys to Yemen to sell the fish,”<sup>1270</sup> continued Mohammed Yusuf Said. Their concerns sound legitimate as international anti-piracy naval forces lacked mechanisms of differently suspected pirates from lawful maritime operators.

However, this contradicts the international naval forces claim that the piracy suspects were arrested while in possession of arms instead of fishing gear while others were seen throwing their weapons into the sea. Besides the unwarranted arrests, international anti-piracy navies used disproportionate force while arresting piracy suspects. “As we sailed in our small fishing boat in the sea, American forces accosted us in two military jets, two helicopters and a military vessel,”<sup>1271</sup> lamented Hassan Issa Musa. It was an intimidating technique to awe and shock the targeted individuals into surrender. Other forces such as the Russians undertook unprovoked

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<sup>1265</sup> Oral Interview, Abdulaziz Ali Abdullahi.

<sup>1266</sup> Ibid.

<sup>1267</sup> Oral Interview, Abshir Salat Elmi, Shimo la Tewa Prison, March 15, 2015.

<sup>1268</sup> Ibid.

<sup>1269</sup> Oral Interview, Mohammed Yusuf Said, Shimo la Tewa Prison, March 14, 2015.

<sup>1270</sup> Ibid.

<sup>1271</sup> Oral Interview, Hassan Issa Musa.



killings of piracy suspects.<sup>1272</sup> A complete annihilation of Somali piracy remained a mirage as the preceding unreliability of the law against piracy found resonance in Somalia's fluid inter and intra-state dynamics.

### **8.5 Somalia's Regional and Local contexts as an Auxiliary to Piracy**

Interests of Somalia's neighbouring states and her internal realities since the collapse of the Somalia state in 1992 serve as an accessory to Somali piracy. These interests and realities are a rooted impediment to the success of the fight against the piracy. These neighbouring states continue to have different national interests and concerns in Somalia which have prompted them to send military aid to their allies and proxies in Somalia. These links between neighbouring countries and their allies and proxies in Somalia are further complicated by their fluid nature as the relations are not static but rather adaptive to transformation in response to ever changing dynamics of developments in Somalia. Indeed, a UN Monitoring Group Report of 2005 showed how Djibouti, Eritrea, Ethiopia, Saudi Arabia and Yemen secretly sent military aid to particular groups in Somalia.<sup>1273</sup> These intricate and shadowy regional ties continued to crowd Somalia's fragile political scene, a scenario that may occasioned continued lawlessness which in turn allowed the pirates space and time to spring back to life. These regional dynamics had potential of re-igniting Somali piracy, a development that has resonance in the arrests and court trials of Somali pirate suspects.

Fishing along the coast of Somalia had links to Kenyan authorities as Kenya's Fisheries Department gave licenses to foreign vessels to fish in waters off the Kenyan coast.<sup>1274</sup> However, these Kenyan licensed fishing vessels often drifted into Somalia waters which had richer amounts of fish along its extensive coastline. In most cases, such vessels fished in Somalia's waters before returning to Mombasa to package and export the fish for sale. *MV Bahari Kenya* and another three vessels owned by an Italian were among the vessels that were licensed by Kenyan authorities to fish along its coast but ventured far into Somali waters in search of the fish

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<sup>1272</sup> The Telegraph, "Somali pirates captured and released by Russian navy 'have died,'" January 20, 2018, <http://www.telegraph.co.uk/news/worldnews/piracy/7713375/Somali-pirates-captured-and-released-by-Russian-navy-have-died.html>.

<sup>1273</sup> Al-Nasser, *I630* (2005), S/2006/229, 10-12.

<sup>1274</sup> Oral Interview, Said Hamadi Mwakilamba.

as noted by Said Hamadi Mwakilamba.<sup>1275</sup> In a reciprocal move, infuriated Somali fishermen took to piratical activity to protect their fish. If this practice is allowed to emerge again after the substantial decline of piracy, it may potentially contribute to a re-emergence of Somali piracy.

Campaigns by international forces to eradicate Somali piracy were also hampered by the global economic gloom which led to the reduction of funding to defence ministries.<sup>1276</sup> For instance the US government through the Budget Control Act of 2011 planned for a 10-year military spending reduction totaling to US \$ 487 Billion as part of reducing the federal deficit occasioned by the global economic glut.<sup>1277</sup> This reduction trend also happened in Canada, Central and Western European countries as well countries in the Oceania region whose military reductions in 2013 contributed to about 1.9% global military budget that amounted to US \$ 1,747 Billion.<sup>1278</sup> This reduction on military spending had a direct impact on the international anti-piracy navies who were forced to reduce their counter-piracy engagements. Consequently, it can be inferred that the anti-piracy campaign off Somalia's coastal waters lost momentum as participating states began to focus on how to curtail their economic deficit. In turn, the budgetary reductions contracted the anti-piracy campaign which in turn left a vacuum that Somali pirates would try to exploit.

Actions and strategies to end Somali piracy had to contend with the fact that Somalia is yet to realize political tranquility.<sup>1279</sup> Despite the adoption of a new constitution in 2012 that birthed the Federal Government of Somalia, the authority of the internationally recognized government is minimal as its influence is confined to limited sections of Mogadishu, Somalia's capital city. A further limit in its governance capability and other inherent weaknesses of the Federal Government of Somalia (formerly the Transitional Federal Government) have left large swathes of Somalia to their own devices. Individuals and groups have been left to prowl the open spaces

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<sup>1275</sup> Ibid.

<sup>1276</sup> Lawrence J. Korb, Alex Rothman & Max Hoffman, "\$100 Billion in Politically Feasible Defense Cuts for a Budget Deal," Centre for American Progress, December 6, 2012, <https://www.americanprogress.org/issues/security/reports/2012/12/06/47106/hundred-billion-in-politically-feasible-defense-cuts-for-a-budget-deal/>.

<sup>1277</sup> Ibid.

<sup>1278</sup> Sam Perlo-Freeman and Carina Solmirano, "Trends in World Military Expenditure," 2013, SIPRI Fact Sheet April 2014, <https://www.sipri.org/sites/default/files/files/FS/SIPRIFS1404.pdf>.

<sup>1279</sup> The First Somalia Transitional Federal Government was established in October, 2004 with Abdullahi Yusuf Ahmed being elected the country's president. Other TFG presidents have also been elected since. Currently Mohamed Abdullahi "Farmajo" Mohamed is serving as Head of State of the Federal Government of Somalia (FGS) after his election on February 8, 2017.

for any available economic opportunity with piracy being a bewitching choice. This has led to the rise of a largely unregulated private economic sector which left the Federal Government of Somalia with a mere 1% control of the country's Gross Domestic Product (GDP by 2012).<sup>1280</sup>

Absence of functional government institutions fueled a governance vacuum whose consequences included occasioning of 'spaces' where piracy can make a comeback.<sup>1281</sup> Absence of institutions allows criminal enterprises such as piracy to persist as there is institution that can effectively counter the criminality.<sup>1282</sup> Lack of enforcement agencies such as a police force with the wherewithal to maintain law and order continued to be a panacea for criminal economic activities. In the case of piracy, Somalia is yet to establish meaningful maritime authorities with the capability to safeguard her waters from exploitative entities.<sup>1283</sup> While the absence of maritime authorities was ameliorated by the presence of international anti-piracy navies, their withdrawal at the end of their mandated timelines reignited possibilities of a return of the pirates. This possibility was also stoked by the continued dominance of clans in the affairs of Somalia.<sup>1284</sup>

So as to successfully to end Somali piracy, the counter-measures had to supersede the complex and critical Somali clan identity that served as a fulcrum for the piracy as noted in chapter two. With a weak federal government and mushrooming of nascent autonomous regions, the clan remains a critical institution. Yet, the clan issue remains an emotive subject whose attempt for rational comprehension is lost in centuries and decades of subjectivity and relativity. While Somalia corresponds to a nation-state of one culture language and religion to an external eye, in character, the clan has been manipulated to serve a myriad of selfish interests.<sup>1285</sup> This reality has

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<sup>1280</sup> World Bank Group, "Somalia Economic Update; Transition amid Risks," *Edition No. 1, October 2015*, <http://www.worldbank.org/content/dam/Worldbank/document/Africa/Somalia/somalia-economic-update-october-2015.pdf>.

<sup>1281</sup> A couple of government institutions have been established but their capability is questionable as most are either fragile or stillborn to have any mark.

<sup>1282</sup> James Kraska, "Coalition Strategy and the Pirates of the Gulf of Aden and the Red Sea," *Comparative Strategy*, 28, No. 3 (2009): 208, April 7, 2018, <https://www.tandfonline.com/doi/pdf/10.1080/01495930903025250?needAccess=true>.

<sup>1283</sup> Al-Nasser, *1630* (2005), S/2006/229.

<sup>1284</sup> Kraska, "Coalition Strategy and the Pirates of the Gulf of Aden and the Red Sea," 208.

<sup>1285</sup> Florence Sseroo, "Clanpolitics, clan-democracy and conflict regulation in Africa: The experience of Somalia," *The Global Review of Ethnopolitics*, 2, no. 3-4, 25-40, April 7, 2018, <https://www.tandfonline.com/doi/pdf/10.1080/14718800308405142>.

morphed the clans into establishing both entrenched and fragile friendly relations as well as hostilities towards each other. As much as these concrete and transient views dominate inter-clan politics, they also dictate economic cooperation and contestation whose results are continuation of predatory and exclusionist clan-based economic activities.<sup>1286</sup>

Somalia's clan consciousness also contributed to birthing secessionism fever whose results are the rise of autonomous states whose financial difficulty is an ingredient for occurrence of piracy. Since 1991 Somalia has politically imploded resulting in the self-proclamation of clan-based autonomous states that are yet to receive international recognition; Somaliland in 1991, Puntland in 1998, Jubaland in 2010 and Galgaduud region has been trying to undertake the same self-proclamation. While these disengagements led to the realization of relative law and order in their jurisdictions, they faced difficulty in accumulating finances to run the regions. In desperation, the authorities established linkages with pirates as a means of raising revenue to run their cash-strapped regional administrations.<sup>1287</sup> In Puntland, President Abdirahman Mohamed 'Faroole' administration (2001-2014) established ingenious links to pirates which made his administration battle piracy in public by arresting and charging suspects while maintaining subtle ties with pirates.<sup>1288</sup> The breakaway regions clandestinely engaged in criminal economic activities such as piracy. The regions' fragile economic status was worsened by their inability to receive international recognition which denied them meaningful international trade. Eager to prove to the world that secession was a sound decision, the 'states' engaged in unscrupulous economic activities to confirm the break-away regions' functionality and prosperity. Just like its covert participation in piratical deals, Puntland signed a secretive economic deal with an Australian company as a way of securing money.<sup>1289</sup>

Piracy remained an attractive option to Somalia's impoverished people due to its ill-starred post-independence experiences that have broken down societal order. Somalia's wretchedness is not

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<sup>1286</sup> Martin Murphy, "Somali Piracy: Political Lessons for the Navy," *The Journal of the National Committee on American Foreign Policy*, (2011): 22, September 1, 2012, <http://dx.doi.org/10.1080/10803920.2011.550238>.

<sup>1287</sup> Claude Heller, *Report of the Monitoring Group on Somalia Pursuant to Security Council Resolution 1853*, S/2010/1991, (2008): 39, April 7, 2018, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2010/91](http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/91).

<sup>1288</sup> Ibid.

<sup>1289</sup> For example, there is the signing of an agreement between an Australian company and Puntland authorities for a 50.1% coastal mineral resources exploration rights in Puntland as well as in Sanag and Sool regions. See Nassir Abdulaziz Al-Nasser, *I630* (2005), S/2006/229, 24.

unique as Africa's founding fathers generally failed to translate nationalist fever that had swept them into office to meaningful and implementable policies. This failure occasioned a state of despair across African populations after the end of the euphoria that had accompanied independence. Somalia's conflict suffocated any meaningful economic activity and development which left the citizens to their designs and to the mercies of humanitarian aid agencies. Still, the country's general insecurity continued to hamper the humanitarian work whose outcome is the emergence of a hard-nosed population whose members readily engage in all manner of acceptable, unacceptable and unorthodox activities for their own survival.<sup>1290</sup> It is then through this 'survival' lens that the largely poor Somalia citizenry view piracy as a form of employment that puts food on the table.<sup>1291</sup> In addition, Somalia's decades-old conflict and its attendant lawlessness has wreaked havoc in family units leaving them broken and dysfunctional whose aftermath is the presence of a population that is alien to law and societal values. In the youths outlook piracy is an acceptable means of acquiring income. A large segment of this population is indifferent to criminal and unorthodox ways of seeking income which left the younger population a reservoir for piratical activity when conditions allow.

Besides bastardising the family, Somalia wretched post-independence disrupted the country's education system. Education is a critical cog in maintenance of societal order and development. Instead of being a norm like other parts of the world, education in Somalia is an exception that only a few school going population enjoy. Having been locked out the schooling system, Somalia is a country with a teeming number of illiterate and unemployed youths. This mass illiteracy has disempowered the youths and left them incapable of making sound judgments on personal, family and communal issues. As at 2012, Somalia had a reservoir of illiterate and poor youths who were readily available to be unknowingly exploited by unscrupulous individuals to meet selfish objectives. It was these illiterate youths who were sent out to the sea to capture vessels on behalf of their masters and financiers. As much as the western anti-piracy navies

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<sup>1290</sup> Nacha Udomstrirungruang and Andrijana Valladares, "Combating Piracy in the Long-Term through Development Efforts, The Challenge of Piracy off the Horn of Africa," in Frederick Michael Lorenz, *The Challenge of Piracy off the Horn of Africa: U.S. Policy in Dealing with Criminal Elements and Dangerous Non-State Actors*, 8, accessed April 7, 2019, <https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/19664/B%20Lorenz%20Task%20Force%20Final%20Report.pdf?sequence>.

<sup>1291</sup> Kraska, "Coalition Strategy," 208.

pushed Somali pirates out of the waters by 2012, the idle youths remain available for recruitment into piratical activity when circumstances permit.

## **8.6 Conclusion**

While Somali piracy benefitted a myriad of people, it was powered by criminal dealings that made it unsustainable just like earlier piracies. The world has since the ancient times initiated mechanisms to end the plague of piracy. Although the fight against the menace was led by powerful nations, pirates somehow eluded and survived their might to regroup and reemerge in new locations under a new identity. A global outcry against Somali piracy prompted leading world naval powers to rise up and launch a campaign to terminate the menace. The global campaign was complemented by regional, national and local initiatives.

Regardless, the history of anti-piracy campaigns is replete with only partial successes. Thus, endeavours to curb piracy have only initialized recurring decline and recurrence episodes. This pattern is also true to waters off the Somalia coast as pre-2008 anti-piracy intercessions did not permanently end the menace. Despite the awe and potency of the 21<sup>st</sup> century naval initiatives to counter and suppress Somali piracy, the countries inherent diplomatic and policy considerations as well as political differences led to an indetermined campaign. The powerful navies' incapability found resonance in the inadequacies of legal provisions in the fight against piracy notwithstanding their broad nature. Further, Somalia's inter and intra-state realities potentially make a complete annihilation of the Somali piracy a mirage.

## Chapter Nine

### Conclusion

#### 9.0 Conclusion

Piracy is a contemporary but yet ever recurring phenomenon whose reverberations are a threat to maritime trade, recently dubbed the ‘blue economy.’<sup>1292</sup> While it is true that piracy, in its character, strands and operations, is transcendental of geography, history and society, it exhibits extremely localized narratives.<sup>1293</sup> This dissertation on Somali piracy is an attempt to reveal its circumscribed portrait alongside its regional and international appendages. This dissertation on Somali piracy has detailed revelations of an anatomy of an otherwise ‘new’ episode of an age-old phenomenon that has persistently survived suppressions but has been relatively quiet in last century and a half. Further, the dissertation has unearthed the circumstances and ingredients that stoked the piracy in the face of a much powerful global anti-piracy campaign.

Somali piracy was a systemic phenomenon. Its sources, anatomy and evaluation were clothed into an intriguing indistinguishable labyrinthine. The piracy’s beginnings were interwoven by antecedent and contemporary Somali peoples’ internal and external intricacies and linkages that found resonance in a wobbly Somalia state. Its multifarious nature was a dominant characteristic of the piracy’s operations as the phenomenon was a theatre of multiple players with known and unknown identities with equally visible and invisible transactions. And as a diversified system, Somali piracy was captive to contested narratives to both its third parties and insiders, a reality that made the piracy to be perceived differently.

This study found that the wobbly nature of Somalia as a state was a fulcrum upon which various dynamics played out to give rise to Somali piracy. While the piracy was synonymous with Somalia’s contraption as a Westphalia-like state, its peoples’ centuries-old involuntary existence as a ‘state’ resulted in interactions which favoured piratical dealings. The rise of the Marjerteen

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<sup>1292</sup> Authors such as Phillip Gosse in *The History of Piracy*, Black V. Clinton in *Pirates of the West Indies*, Angus Konstam in *The History of Pirates*, Henry A. Ormerod in *Piracy in the Ancient World: An Essay in Mediterranean History*, Philip De Souza in *Piracy in the Graeco-Roman World* and James A. Wombwell in *The Long War against Piracy: Historical Trends, Occasional Paper 32* have given revealing centuries old anecdotes of piracy around the world.

<sup>1293</sup> Bahadur Jay in *The Pirates of Somalia: Inside their Hidden World*, Eichstaedt Peter in *Pirate State: Inside Somalia’s Terrorism at Sea*, Hansen J. Stig in *Piracy in Greater Gulf of Aden: Myths, Misconceptions and Remedies*, Palmer Andrew in *The New Pirates: Modern Global Piracy from Somalia to the South China Sea* have shown the local contexts of Somali piracy.

state only augmented the dealings due to its coastal location and maritime significance. As much as colonialism exceptionally muted piracy, the advent of Somalia as an independent Westphalian state turned her coast into a boisterous 21<sup>st</sup> century epicenter of piracy. Not only did a frail Somalia sign skewed fishing ventures that elbowed coastal communities into piracy, its deficiencies created a conducive environment for the escalation of piracy. The almost absent state turned Somalia's coast into a contested playground between foreign interlopers and coastal communities whose result was piracy. Besides, the inconsequential state allowed for the assembly of implements that furthered the piratical course as the access and importation of requisite pirate tools did not go through the rigours of state approval and certification. Further, the inadequacies of the state allowed strategic individuals to exploit circumstances by investing their time and money to establish a piratical enterprise. Their piratical entrepreneurial exploits engulfed the largely impoverished people whose economy had long been decimated leaving them desperate to clutch on to the pirate income generating activities.

Somali piracy was organized along business principles. All participants in the pirate enterprise ranging from the rich business investors and pirate masters to the lowly civilian population took part in the enterprise to make money. When Siad Barre's government collapsed, it unearthed a vacuum that attracted foreigners who eyed its rich maritime resources to the chagrin of the locals. As the locals responded to protect their coast, shrewd individuals with business instincts saw openings for generating money. The businesspeople and pirate masters successfully interweaved their profiteering schemes into the anti-foreign campaign. Once embedded into the people's cause, the businesspeople and pirate masters deftly crafted an arrangement that allowed them to invest money in pirate execution in return for ransom profit at the tail end. In this arrangement, the rich investors and pirate masters worked round the clock to ensure that every jigsaw was in its place to ensure their investments were not in vain. Besides using their money to assemble pirate gangs, they sourced for 'experts' such as maritime military trainers and interpreters whose knowledge was critical in eventual success of pirate hijackings. Moreover, they established linkages that they used to access requisite implements for their trade and facilitation of ransom payment.



Following in the pirate investors and masters footsteps were medium businesspeople who deciphered the business potential of pirate undertakings. Generally operating in the background, in a shadow-like manner, they duly successfully maneuvered and built themselves a business niche within the transactional linkages of Somali piracy. In dealings that required foreign facilitation, they sought and established regional and international links. These businesspeople imported into Somalia pirate weapons and tools as well other attendant products such as alcohol and *khat*. So as to facilitate external services, these businesspeople struck business relations with regional and international players to ensure smooth transfer of ransom money to the pirates, empower pirates to conduct far-flung communication. They also partnered with insurance and legal companies whose services were critical to the success of the piracy enterprise.

As the Somalia's elites positioned themselves to profit from the piracy, poorer Somalis picked the cue and realigned their economic activities to the piracy. They gradually envisaged the new business opportunities occasioned by piratical transactions and strategized on how to fill them up and emerged as local entrepreneurs. These lowly individuals were mostly members of Somalia's impoverished coastal communities.' Their economic vulnerabilities forced them to serve in the piracy's lowest tier of but with intricate links with the higher piracy's shadow and 'war' economies. These local 'entrepreneurs' established informal piracy centred business relations amongst themselves, with shadowy businessmen and directly with the pirates as well. In their entrepreneurial spirit, they offered multiple services such as construction, general repairs, lodgings, pimping, prostitution and security, besides selling products such as alcohol, cereals, cigarettes, food and water. In either engagement, be it a service or sale of a product, the objective was singular-income or profit.

Somali piracy was characterized by a contested depiction. From the onset, in trying to decipher the contributory factors to the growth of Somali piracy, different scholars and other interested parties only gave currency to limited causes. In reality, the growth and escalation of Somali piracy was as a result of a constellation of multiple dynamics that can only be exposed by a study whose approach is compound. More contestation on Somali piracy was palpable by a varied media representation. Media outlets in Somalia, Kenya and in the western world depicted the piracy subjectively in a design meant to project self-serving narratives. Media broadcasts based

in Western capitals depicted the phenomenon as an extension of African inability to mature into a western-like advanced societies where law and order is sacrosanct. As such, western media outlets used racist inclinations in their depictions of Somali piracy, a scenario which ran divergent with Somali media's nationalist narratives. This dissimilar contested illumination of the piracy was further complicated by Kenya's media, whose reporting was influenced by the interests of its business and government elites. Disparate realities on the piracy were further projected by the discordant opinions of its pirates and captives to the extent that a singular incident could be reported from different differing points.

Somali piracy was not a new phenomenon as piratical activities off its coast date back several centuries, a finding that is buttressed by some written articles. 200 years before the birth of Jesus, there were incidents of capture of sailing merchants in what is generally today's Somali coastal waters that can be explained as piracy.<sup>1294</sup> Other early written sources capture a sustained interplay between maritime trade and piratical actions in the Christian era successive centuries to the European configuration of modern Somalia. The scantily written sources allude that the Somali coast was part of a coastal trade network which was punctuated by piratical attacks whose motivation was economic and material gain. We believe that these centuries old traditions laid the embers that contributed to the rise of our contemporary Somali piracy.

While most readers on Somali issues have been bombarded by the centrality of the clan in the life of the Somali people, this dissertation unearthed a contrary finding. Views of authors on Somali people that the clan is an important socio-political and economic entity correctly resonated with Somali piracy. Besides being a beneficiary of the clans' customary *Xeer law* in dealing with disputes amongst pirates, our 21<sup>st</sup> century Somali piracy gained from the centuries old internalization of maritime knowledge by the Marjerteen and Hobyo's clans. Yet, these clan bestowed benefits were not sufficient to transform the phenomenon into the international enterprise that it became. The transition of the piracy into a global affair was as a result of a deliberate trans-clan organization of the pirate gangs that brought them more professionalism and attendant success. Indeed, the 1991-2012 Somali piracy that captured the world's attention was a

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<sup>1294</sup> Pierre Schneider, *Before the Somali Threat*, 5-6.

consequence of trans-clan relations, a new arrangement to the centuries old order of things amongst the Somali people.

While this dissertation has largely painted Somali piracy as an outcome of a frail state, a new finding reveals that lawful actions in a ‘stable’ Somalia simultaneously perpetrated piracy. In early 1970’s, Somalia’s state institutions signed a fishing venture with Union of Soviet Socialist Republics (USSR), then Somalia’s ally in the then globalized Cold War politics.<sup>1295</sup> The venture that was dubbed as SOMALIFISH was allowed to undertake exclusive fishing along Somalia’s coastal waters. The firm’s quick monopolization of fishing in Somalia’s coastal waters shoved aside local fishermen who in desperation took to sporadic pirate attacks for their own survival. It’s revamping and renaming in 1983 to Somali High Seas Fishing Company (SHIFCO) continued to perpetrate exclusion of local fishermen and entrench their piratical actions. And when Siad Barre’s government collapsed in 1991, new foreign entities and the disfranchised local fishermen challenged the licensed firms. So as to continue their dominance, the firms decided to coopt the local fishermen in an arrangement where the fishermen were required to attack and detain the illegal foreign fishing trawlers. Fish in the detained vessels was looted and passed on to the licensed firms. To earn their freedom, the detained vessels had to pay fines, a practice that slowly entrenched Somali ransom centred piracy. This trend continued when the newly established autonomous state of Puntland contracted foreign security firms and licensed foreign fishing companies.

Despite the domineering view that Somali piracy was a product of the country’s chaos, this study reveals that the piracy was a beneficiary of relative peace.<sup>1296</sup> Somalia degenerated into outright pandemonium after 1991, an actuality that allowed for piratical mobilization. However, away from this common and correct notion, piracy could not solely thrive in an overly chaotic environment as some relative stability was essential for its organization and execution. Indeed, the rigour of assembling a pirate gangs with its attendant appliances demanded availability of relative stability. Identification, assembling, training and arming of pirates required some stability as was the convening of piratical implements. Further, the launch of hijack missions

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<sup>1295</sup> Lo Persson et al, *Failed State*, 4-5.

<sup>1296</sup> Stig Jarle Hansen, *Piracy in the Greater Gulf of Aden*, 23.

from Somalia's ports as well delivery of supplies such as fuel and general coordination could only succeed in areas where there was stability. Similarly, the process of holding hijacked vessels along the Somali coast during ransom negotiations was only possible where there was relative peace.

Contrary to the popular narrative which enthralled the world's imagination that piracy and terrorism were intertwined, this dissertation was unable to confirm the intertwinement because as some of it had been pandered by partisan media outlets that were out rightly insincere in their reporting.<sup>1297</sup> While this dissertation has indicated that both entities had a deep detest of Western exploitation of Somalia's resources and corruption of Somali culture, they never formally jointly pulled together to challenge the westerners and their interests in Somalia. Their collaboration was limited to localized sporadic arrangements that were short-lived amongst some minion sections of the two groups. It was such minor developments that were picked and amplified in ways that they were abrogated as the official position for the two groups as seen in Patrick Lennox work. Throughout the period of writing this paper, there was no evidence that unequivocally proved existence of formal collaboration between Somali pirates the terrorist groups especially Al Shabaab.

Different from piracy of the past centuries which was steered by feared pirate kingpins and bases, Somali piracy was characterized by uncoordinated groups of people with only or two of them getting the kingpin tag. By the time it was on a substantial decline in 2012, Somali piracy was executed by multiple pirate gangs, big and small, majority of their masters and financiers were largely unknown. While we opine that anti-piracy campaign may have forced Somali pirate masters to remain in the shadows, we don't have tangible explanations on why that was the case vis-à-vis buoyant and loud pirate kingpins of previous centuries. Somali pirate masters put together pirate gangs whose intra and inter-group efficiencies and complementary relations burst the piracy into international limelight. Similarly, the Somali pirate gangs did neither establish entrenched pirate bases nor broadcast to the world their operational pirate bases. Instead, they

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<sup>1297</sup> See Cheryl M. R. Sulaiman-Hill et al., "Changing Images of Refugees: A Comparative Analysis of Australian and New Zealand Print Media 1998-2008," and London, E. Joshua, "Somali Pirates and the Islamist Jihad."

were relatively mobile and unpredictable in their pattern of choosing where to anchor the vessels they hijacked.

Sometimes, Somali piracy was denoted by unlikely business ideas. This was the case when ingenious businessmen set up a pirate stock market to ensnare local people into their business enterprise. Besides, the pirates deftly created a platform for pooling more resources for their piratical operations by opening shareholding beyond giving of money. So as to bring on board as many locals as possible into the 'stock market,' the businessmen allowed prospective shareholders to 'buy of shares' with implements that facilitated the business. These implements included a multitude of arms and implements that could be deployed during pirate excursions. And like any other stock investment, all investments were quantified and equivalent dividends given to shareholders at the end of successful hijack missions. The same temerity was seen when some Somali men in Nairobi earned money by faking stories as authentic pirates to desperate western journalists.

In the eyes of many, Somali piracy was underlined by inherent economic strangulations beneath its hyped ransom successes. In contrast though, this study reveals that there were a series of social indignities that befell the pirates and the larger community. Other than being exposed to deaths, injuries and disappearance during piratical operations, Somali pirates wasted away due to abuse of drugs such as alcohol, cigarettes and *khat*. The pirates ransom-backed pleasure seeking exploits promoted prostitution which strained the community's social fabric besides being an agent of transmitting sexually transmitted diseases including HIV/AIDS. Elsewhere, the pirate ransom money power occasioned moral decadence as parents freely gave their marriageable girls to the pirates so as to materially gain from the pirates' monetary benefits. The decadence generally bastardized societal harmony as their despicable antics were picked by children and other youths. Pirate new found monetary power accrued from ransom money perforated the society's traditional political structures which were the last layer of grassroots governance in the face a collapsed state. The pirate monetary power did not only curtail the cultural functions of societal elders but also demeaned the stature of Muslim leaders whose responsibilities complemented the elders' role in providing order in a chaotic environment.

On the basis of the limits and findings of this dissertation, there is need for a detailed study on the much assumed nexus between Somali piracy and Al Shabaab terrorist group as this study only found intangible collaboration between the two. Similarly, the talk that Somali piracy fueled a massive property boom in Nairobi was not substantiated by this study, a scenario that calls for an incise research on the same to either confirm or dispel the claims. While this dissertation revealed the individual regional and international business links and transactions of Somali piracy, the possible complacency of their governments needs a further examination. The inability of this study to systematically discern the possible evolution of an initially insignificant sea banditry into a wider maritime crime syndicate and then into a higher order of piracy needs further interrogation. Anti-piracy initiatives that drastically shrank Somali pirate attacks need to be revisited to ascertain whether the success was long term or temporary.

In essence, this dissertation has proved that Somali piracy was a transcendent phenomenon whose nature required a pluralist approach to be understood. Consequently, this study used multiple angles and complementary theories to fully unravel a subject which was compounded and multi-faceted in nature. Its multiplicity identity showed when interrogative lens were beamed on its national, regional and international character. In putting the piracy thorough a holistic probe, this research unwrapped the autochthonous and allochthonous identity of a 21<sup>st</sup> century phenomenon whose reverberations echoed both near and far.

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### **Oral Interviews**

In complementing secondary data, a number of knowledgeable individuals were interviewed. The individuals ranged from former and serving sailors whose vessels had been hijacked by Somali pirates. Majority of the sailors hailed from Kenya's coastal counties of Kilifi, Kwale, Lamu and Mombasa. They, however, were based in Mombasa. Somalia nationals who had been arrested by international anti-piracy forces and later convicted and sentenced were interviewed in Kenya's Shimo la Tewa prison. I also interviewed officials of the East Africa Seafarers Association, Kenya's most visible sailors union. Knowledgeable individuals on Somali issues from diverse backgrounds were also interviewed. While Kenyan interviewees were averagely in their forties, the convicted Somali interviewees were in their twenties. These interviewees were:

Oral Interview, Abdallah Khamis Kitupa, former captured sailor on *MV Bahari Kenya* in 2001, Kenya Seafarer's Association office, Mombasa, 15<sup>th</sup> April, 2017.

Oral Interview, Abdi Dahir Ahmed, Shimo la Tewa Prison, Convicted pirate, 14<sup>th</sup> March, 2015.

Oral Interview, Abdi Mohammed Ali, Mogadishu, Shimo la Tewa Priosn, Convicted pirate 15<sup>th</sup> March, 2015.

Oral Interview, Abdikadir Isey Ali, Shimo la Tewa Prison, Convicted pirate, 15<sup>th</sup> March, 2015.

Oral Interview, Abdirahman Hassan Ali, Shimo la Tewa Prison, Convicted pirate, 14<sup>th</sup> March, 2015.

Oral Interview, Abdirahman Hussein Hassan, Shimo la Tewa Prison, Convicted pirate, 13<sup>th</sup> March, 2015.

Oral Interview, Abdirahman Isse Mohammed, Shimo la Tewa Prison, Convicted pirate, 13<sup>th</sup> March 2015.

Oral Interview, Abdiwahab Sheikh Abdiswamad, a Somali Affairs Expert, Nairobi, June 24, 2013.

Oral Interview, Abdulaziz Ali Abdullahi, Shimo la Tewa Prison, Convicted pirate, 13<sup>th</sup> March, 2015.

Oral Interview, Abdullahi Salat Robre, Shimo la Tewa Prison, Convicted pirate, 15<sup>th</sup> March, 2015.

Oral Interview, Abshir Salat Elmi, Shimo La Tewa Prison, Convicted pirate, 15<sup>th</sup> March, 2015.

Oral Interview, Adan Mohammed Ali, Mogadishu, Shimo la Tewa Prison, Convicted pirate, 15<sup>th</sup> March, 2015.

Oral Interview, Ahmed Bashir, Eastleigh Estate, Nairobi, Somali issues enthusiast, Sunday, 12<sup>th</sup> July, 2015.

Oral Interview, Ahmed Hassan Adow, Shimo la Tewa Prison, Convicted pirate, 14<sup>th</sup> March, 2015.

Oral Interview, Ahmed Mohammed Osman, Shimo la Tewa Prison, Convicted pirate, 14<sup>th</sup> March, 2015.

Oral Interview, Ali Mgeni Juma, former captured sailor on *MV Bahari Kenya* in 2001, Kenya Seafarer's Association office, Mombasa, 15<sup>th</sup> April, 2017.

Oral Interview, Ali Mgeni Juma, Sailor, Kenya Seafarers Association's Office, Mombasa, 15<sup>th</sup> April, 2017.

Oral Interview, Andrew Mwangura, Secretary General, East Africa Seafarers Association, Mombasa, 29<sup>th</sup> December, 2013 and 26<sup>th</sup> December, 2014.

Oral Interview, Bashir Isse, former senior Somalia government official and current Interim Governor of Somalia Central Bank, Nairobi, 23<sup>rd</sup> August, 2013.

Oral Interview, Dahir Warsame Sabriye, Shimo la Tewa Prison, Convicted pirate, 14<sup>th</sup> March, 2015.

Oral Interview, Hamisi Salim Mwachengo, former captured sailor on *MV Bahari Kenya* in 2001, Kenya Seafarer's Association office, Mombasa, 15<sup>th</sup> April, 2017.

Oral Interview, Hamisi Salim Mwachengo, former hijacked Sailor, Kenya Seafarers Association's Office, Mombasa, 15<sup>th</sup> April, 2017.

Oral Interview, Hassan Issa Musa, Shimo La Tewa Prison, Convicted pirate, 12<sup>th</sup> and 15<sup>th</sup> March, 2015. He came from Waberi fishing Village, Puntland.



Oral Interview, Jackson Siria Thoga, former captured sailor on *FV Intimacy 6* in 1990, Kenya Seafarer's Association office, Mombasa, 15<sup>th</sup> April, 2017.

Oral Interview, Joseph Juma, former captured sailor on *MV Miltzow* in 2005, Kenya Seafarer's Association office, Mombasa, 15<sup>th</sup> April, 2017.

Oral Interview, Mahat Mohammed Adan, Shimo la Tewa Prison, Convicted pirate, 13<sup>th</sup> March, 2015.

Oral Interview, Mohammed Abdi Hussein, Shimo La Tewa Prison, Convicted pirate, 13<sup>th</sup> March, 2015.

Oral Interview, Mohammed Yusuf Said, Shimo la Tewa Prison, Convicted pirate, 14<sup>th</sup> March, 2015.

Oral Interview, Mohamoud Said Abdi, Shimo la Tewa Prison, Convicted pirate, 13<sup>th</sup> March, 2015.

Oral Interview, Musyoka Gregory Mulinge, former captured sailor on *MV Semilow* in 2005, Kenya Seafarer's Association office, Mombasa, 15<sup>th</sup> April, 2017.

Oral Interview, Mwijuma Juma Pembe, former captured sailor on *MV Semlow* in 2005, Kenya Seafarer's Association office, Mombasa, 15<sup>th</sup> April, 2017.

Oral Interview, Mzee Hassan Mohammed Hassan, Fort Jesus, Maritime issues enthusiast, 30<sup>th</sup> December, 2013.

Oral Interview, Omar Mwawema Mwalimu, former captured sailor on *FV Golden Wave* in 2003, Kenya Seafarer's Association office, Mombasa, 15<sup>th</sup> April, 2017.

Oral Interview, Omar Mwinyi, former captured sailor on *MV Zaid* in 1999, Kenya Seafarer's Association office, Mombasa, 15<sup>th</sup> April, 2017.

Oral Interview, Rashid Juma Mwatuga, former captured sailor on *MV Semlow* in 2005, Kenya Seafarer's Association office, Mombasa, 15<sup>th</sup> April, 2017.

Oral Interview, Sandane Abdullahi Yakub, Shimo la Tewa Prison, Convicted pirate, 13<sup>th</sup> March, 2015.

Oral Interview, Shem Shilingi, former captured sailor on *MV Petra 1* in 2012, Kenya Seafarer's Association office, Mombasa, 15<sup>th</sup> April, 2017.

Oral Interview, Umar Mohammed, Eastleigh Estate, Nairobi, Somali issues enthusiast, Sunday 12<sup>th</sup> July, 2015.

Oral Interview, Yusuf Mohammed Musa, former captured sailor on *MV Victoria* in 2008, Kenya Seafarer's Association office, Mombasa, 15<sup>th</sup> April, 2017.

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## Appendices

### Appendix I: Kenya Prisons Service Letter

# UNIVERSITY OF NAIROBI

## DEPARTMENT OF HISTORY & ARCHAEOLOGY

Telephone 318262 Ext. 28165  
Telegrams "varsity" Nairobi

P.O Box 30197  
Nairobi, Kenya

12<sup>th</sup> January, 2015.

To The Commissioner General,  
Kenya Prisons Service,  
Prison Headquarters,  
Box 30175-00100,  
Nairobi.

Dear Sir,

### RE: REQUEST TO ACCESS SOMALI PIRACY CONVICTS

I would like to request you to allow me access the prisons of Shimo La Tewa, Manyani, Kamiti and Naivasha. I am a Kenyan currently lecturing in the department of History and Archaeology at the University of Nairobi. In addition, I am a doctorate (PhD) student in the same department. My topic is "Towards an Understanding of Piracy in the Horn of Africa, 1991-2010." The research proposal has already been approved both at the departmental and faculty levels. It is now required of me to write substantive chapters by conducting interviews with knowledgeable respondents.

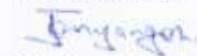
The four prisons mentioned above are holding Somali nationals who have been convicted of piracy related activities. My desire is to seek and extract detailed information on piracy activities from the Somali nationals that will shape and enrich my PhD Thesis. They will also introduce me to other informants with information on the same.

The topic under study is of critical importance to the region. Piracy in the Horn of Africa has had considerable ramifications in the region.

Your decision to allow me access the Somali nationals will go a long way in providing insights into the piracy problem. A well researched PhD dissertation will be valuable to Kenyans and regional governments and other players in their endeavour to end the piracy problem in the Horn of Africa.

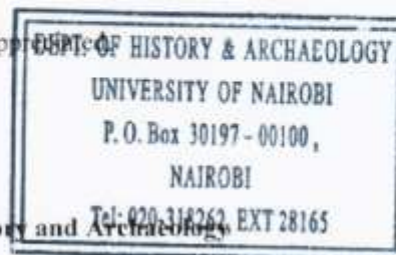
Your assistance will be highly appreciated.

Yours sincerely,



Mr. Justus O. Ondigi,

Lecturer, Department of History and Archaeology



## Appendix II: University of Nairobi Request to Kenya Prisons Service



### UNIVERSITY OF NAIROBI

DEPARTMENT OF HISTORY AND ARCHAEOLOGY

Telephone 318262 Ext. 28165

Telegrams "varsity" Nairobi

E-mail: dept-historyarch@uonbi.ac.ke

P.O Box 30197

Nairobi, Kenya

5<sup>th</sup> February, 2015.

To The Commissioner General,  
Kenya Prisons Service,  
Prisons Headquarters,  
Box 30175-00100,  
Nairobi.

Dear Sir,

#### RE: REQUEST FOR AUTHORIZATION TO ACCESS SOMALI PIRACY CONVICTS

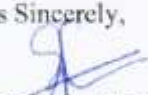
I hereby request your esteemed office to assist the bearer of this letter, Justus Ondigi to access the prisons of Shimo La Tewa, Manyani, Kamiti and Naivasha. Mr. Ondigi is a lecturer and a bonafide PhD student in this department. Mr. Ondigi's topic is titled "*Towards an Understanding of Piracy in the Horn of Africa, 1991-2010.*" His research proposal has already been approved and he is now required to write his chapters by conducting interviews with knowledgeable informants.

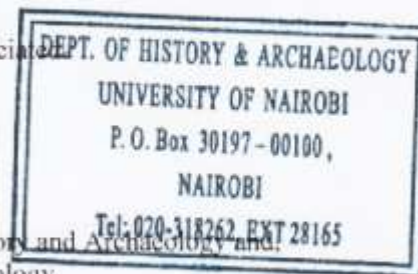
The aforementioned prisons are holding Somali nationals who have been convicted of piracy related activities. His desire is to seek information on piracy activities from the Somali nationals that will shape and enrich his PhD Thesis. They may also introduce or refer him to other informants with information on the same.

His topic is of critical importance to the region as piracy in the Horn of Africa has had considerable ramifications in Kenya and the region in general. A well researched PhD Dissertation will be valuable to Kenyans, regional governments and other players in their endeavour to end the piracy problem in the Horn of Africa.

Your help will be highly appreciated.

Yours Sincerely,

  
Prof. Ephraim W. Wahome  
Chairman, Department of History and Archaeology and  
Associate Professor of Archaeology



**Appendix III: Kenya Prisons Service Authorization**

**MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT  
KENYA PRISONS SERVICE**

Telegrams: "COMPRISONS" Nairobi  
Telephone: +254 02 2722900-6  
E-mail: Comprisons@yahoo.com  
When replying please quote:



PRISONS HEADQUARTERS  
P.O. BOX 30175  
**NAIROBI**

11<sup>th</sup> February, 2015  
Date.....

Ref. No. PRIS 1/21 Yel III/117

Justus Onyango Ondigi  
University of Nairobi  
P.O Box 30197-00100  
Nairobi

**RE: REQUEST TO CONDUCT RESEARCH IN SHIMO LA TEWA, MANYANI, KAMITI  
MAIN AND NAIVASHA MAIN PRISONS**

Reference is made to your letter dated 5<sup>th</sup> February 2015 as per the above named subject.

This is to inform you that your request was approved by the Commissioner General of Prisons w.e.f 1<sup>st</sup> March, 2015 for a period of 3 months as follows:

- (1) Shimo-main.....from 1<sup>st</sup> march 2015 to 22<sup>nd</sup> march 2015.
- (2) Manyani prison....from 23<sup>rd</sup> march 2015 to 13<sup>th</sup> April 2015.
- (3) Kamiti main.....from 14<sup>th</sup> April 2015 to 4<sup>th</sup> may 2015.
- (4) Naivasha main....from 5<sup>th</sup> may 2015 to 31<sup>st</sup> may 2015

You will be expected to abide by all rules and regulations as per the prisons code of conduct during the period that you will be conducting your research.

You are expected to avail a copy of the research project to this office upon completion.

By copy of this letter, the officers in charge of the above institutions are requested to accord you with the necessary support.

  
R.N. MOTURI, MBS, SDCP

FOR: COMMISSIONER GENERAL OF PRISONS

cc:  
O/C SHIMO MAIN PRISON  
O/C MANYANI PRISON  
O/C KAMITI MAIN PRISON  
O/C NAIVASHA MAIN PRISON

## Appendix IV: University of Nairobi Request for Research Permit



### UNIVERSITY OF NAIROBI DEPARTMENT OF HISTORY AND ARCHAEOLOGY

Telephone 3318262 Ext. 28165  
Telegrams "varsity" Nairobi  
E-mail: dept-historyarch@uonbi.ac.ke

P.O Box 30197  
Nairobi, Kenya

The National Commission for Science, Technology and Innovation, 13<sup>th</sup> June 2016  
Utalii House, 8th - 9th Floor,  
P. O. Box 30623, 00100,  
Nairobi-Kenya

Dear Sir/Madam,

**RE: APPLICATION FOR A RESEARCH PERMIT FOR JUSTUS ONYANGO ONDIGI**

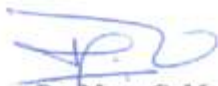
This is to confirm that Justus Onyango Ondigi is a member of staff and a bonafide PhD student in this department. Mr. Ondigi's topic is titled "*Towards an Understanding of Piracy in the Horn of Africa, 1991-2010.*" His research proposal has already been approved and he is now required to write his chapters by conducting interviews with knowledgeable informants.

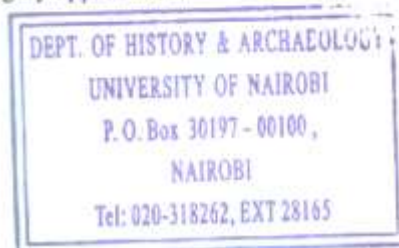
I am writing to request your esteemed office to assist him get a permit so as to collect his data. His topic is of critical importance to the Eastern African region as piracy in the Horn of Africa has had considerable ramifications in Kenya and the region in general.

A well researched PhD Dissertation will be valuable to Kenyans, regional governments and other players in their endeavour to end the piracy problem in Eastern Africa.

Your assistance will be highly appreciated.

Yours Sincerely,

  
**Dr. Mary C. Mwiandi**  
Chair,  
Department of History and Archaeology





## Appendix V: NACOSTI Research Authorization



### NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Telephone: +254-20-2213471,  
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when replying please quote

9<sup>th</sup> Floor, Utalii House  
Uhuru Highway  
P.O. Box 30623-00100  
NAIROBI-KENYA

Ref. No:

Date:

**NACOSTI/P/16/91403/11993**

**27<sup>th</sup> June, 2016**

Justus Onyango Ondigi  
University of Nairobi  
P.O. Box 30197-00100  
NAIROBI.

#### RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on *“Towards an understanding of piracy in the horn of Africa, 1991-2010,”* I am pleased to inform you that you have been authorized to undertake research in **selected Counties** for the period ending **27<sup>th</sup> June, 2017**.

You are advised to report to **the County Commissioners and the County Directors of Education of the selected Counties** before embarking on the research project.

On completion of the research, you are expected to submit **two hard copies and one soft copy in pdf** of the research report/thesis to our office.

  
BONIFACE WANYAMA  
FOR: DIRECTOR-GENERAL/CEO

Copy to:

The County Commissioners  
Selected Counties.

The County Directors of Education  
Selected Counties.

**Appendix VI: NACOSTI Research Permit**

**CONDITIONS**

- 1. You must report to the County Commissioner and the County Education Officer of the area before embarking on your research. Failure to do that may lead to the cancellation of your permit**
- 2. Government Officers will not be interviewed without prior appointment.**
- 3. No questionnaire will be used unless it has been approved.**
- 4. Excavation, filming and collection of biological specimens are subject to further permission from the relevant Government Ministries.**
- 5. You are required to submit at least two(2) hard copies and one(1) soft copy of your final report.**
- 6. The Government of Kenya reserves the right to modify the conditions of this permit including its cancellation without notice**



**REPUBLIC OF KENYA**



**National Commission for Science, Technology and Innovation**

**RESEARCH CLEARANCE PERMIT**

**Serial No. A 9781**

**CONDITIONS: see back page**

**THIS IS TO CERTIFY THAT:**


**MR. JUSTUS ONYANGO ONDIGI**  
**of UNIVERSITY OF NAIROBI, 16038-100**  
**NAIROBI, has been permitted to conduct**  
**research in Garissa , Kilifi , Lamu ,**  
**Mombasa , Nairobi Counties**

**on the topic: TOWARDS AN**  
**UNDERSTANDING OF PIRACY IN THE**  
**HORN OF AFRICA, 1991-2010.**

**for the period ending:**  
**27th June,2017**

**Applicant's Signature**

**Permit No : NACOSTI/P/16/91403/11993**  
**Date Of Issue : 27th June,2016**  
**Fee Received :Ksh 2000**



**Director General**  
**National Commission for Science, Technology & Innovation**