

A Human Security Approach to Addressing Piracy Off the Coast of Africa

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ALLAN MCRAE, MAR 25 2014

Somali Piracy and the New Security Agenda: A Multi-disciplinary Human Security Approach to Addressing Piracy off the Coast of Africa

Piracy off the Horn of Africa, particularly in the waters surrounding Somalia, has been a growing security concern within the international community since the mid-2000s, when it rose to prominence due to a number of high profile hijackings of merchant vessels by pirates, garnering large ransoms. However, the problem is not a new one, having emerged with the collapse of the Somali state in 1993, and it is a growing and genuine threat both economically and in terms of human security issues, both to seafarers and to the people of Somalia. Somali piracy has a number of pernicious effects on maritime security, trade, the global economy, human security and stability within Somalia itself – which make it a significant issue which needs to be addressed by the international community.

These effects fall into three primary areas: firstly, there is the economic impacts and disruption of trade through a route which carries over 50% of the world's seaborne trade, which costs the global economy up to \$10 billion US dollars each year – these figures do not include the costs of the implementation of security measures which has been necessary for merchant vessels, or the deployment of international military forces in vain attempts to address the problem. Secondly, there is the problem of the safety of seafarers in the region – whilst pirate attacks have so far had remarkably little in the way of fatalities amongst crews attacked or taken hostage, as the piracy epidemic grows and pirates become bolder and more aggressive, the risk of wounding, torture or death amongst seafarers in pirate attacks grows – and given the current trends, piracy is certainly likely to continue to grow unless drastic international action is taken. Thirdly, the costs to Somalia itself, and particularly the coastal Puntland region where piracy is primarily based, are immense in terms of human security and suffering. The growth of piracy in Somali communities has brought with it increased inflation, street violence, substance abuse (particularly the substance known as khat, whose manufacture and distribution is distorting and crippling the state's legitimate economy) human trafficking, prostitution and the spread of sexually transmitted disease.

The recent approaches to dealing with the piracy epidemic in the Gulf of Aden have clearly been ineffective. Despite the expenditure of billions of dollars on deployments of navy ships to a number of international task forces, there has been no appreciable decrease in the number of pirate attacks or the audacity of pirate vessels – a number of merchant ships have been boarded and taken within visual distance of patrolling international naval vessels. This attempt to address the problem of piracy has been a simple attempt by the international community to crack a walnut with a sledgehammer, and its failure was nothing if not predictable – even in the much more politically illiberal “golden age of piracy” in the Caribbean, naval strategists recognised the need to pursue pirates to their bases, isolate them from their support base amongst the population, and remove their tenuous legitimacy. So far no such attempt has been made by the international community in the case of Somalia.

Clearly a new strategic approach is needed. This approach should be multi-disciplinary, interagency in approach and led by civil, rather than military, operations and concerns. The causes of piracy are not to be found on the sea – they are land based and as such any genuine solution will require a land-based approach, focusing on improving human security and governance in the areas in which pirates are based. In this way the legitimacy and the economic and

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social base of piracy operations can be removed, complementing a naval approach to eliminate the effects of pirate attacks both on land and sea.

The History of Somali Piracy

Systematic, modern piracy in the waters off the Somali coast has its origins in the second half of the ongoing Somalia Civil War which was taking place at the beginning of the 1990s. A clan-based popular uprising, the result of years of repressive policies and the deliberate promotion of clan rivalries by the government of Siad Barre – a policy of divide and conquer[1] – eventually led to the total collapse of organised government in 1991[2] and the institution of rule by scattered clan warlords and militias.[3] The collapse of government obviously created an environment where the rule of law was either extremely weak or non-existent, creating an environment in which crime and violence could flourish.[4]

The collapse of governmental authority and rule of law was accompanied by a number of other factors which led to the rise of Somali piracy. The first of these was the attendant collapse of the Somali navy and its authority over Somalia's territorial waters and EEZ.[5] This created the opportunity for rampant exploitation of Somalia's abundant fisheries by foreign vessels, using destructive trawling techniques which netted huge catches and robbed Somali fishermen of their livelihoods, prompting many to turn to piracy first in retaliation and then later as a replacement for their lost profession.[6] This led directly into the second major factor which was the total collapse of the economy and employment – many Somalis, especially public servants, particularly soldiers and policemen were unable to obtain constructive employment in the wake of the Barre government's collapse.[7] This rampant cycle of poverty, hardship and lack of opportunity, combined with the potentially lucrative nature of piracy, has encouraged thousands of young Somali men to take to the seas for their livelihoods and contributed significantly to both the growth and legitimacy of pirate activity in the country.[8]

Current Status of the Problem

The problem of piracy in Somalia and its territorial waters is an ongoing and expanding one. Many different reports have noted that whilst the number of attacks launched which have a successful outcome for the pirates (that is, those which are able to seize a merchant or civilian vessel and extort a ransom) have decreased by a small margin in recent years, the frequency of vessels reporting themselves as under attack has increased significantly.[9] Continuing governmental weakness – both from the Mogadishu based central government[10] and the breakaway states of Puntland and Somaliland[11] – has contributed to continued lawlessness and economic problems which have encouraged the growth of piracy especially in the Puntland region, where pirate vessels can easily attack shipping in the Gulf of Aden.[12] A number of international naval task forces are operating in the region, patrolling threatened shipping lanes and intercepting pirate vessels where possible. However, except in a limited number of relatively unsuccessful cases – such as the French commando raid on a pirate base in January 2013 – these vessels have restricted themselves to seaborne operations, allowing the pirates relative impunity on land.[13]

Importance and Impacts of the Problem

Despite the relatively low number of successful pirate attacks in relation to the volume of shipping which passes the Somali coast and the Gulf of Aden each year, the risk of pirate attacks has become a significant factor to be considered by shipping companies when planning voyages, given that any journey in the area contains an element of risk to crews and vessels.[14] Given that over 50% of the world's container shipping must use the sea lanes affected by Somali piracy, and up to 10% of global energy shipping passes through the region, this could have significant economic consequences. To date, the increased risk of piracy has resulted in a number of changes in the maritime security paradigm such as increases in insurance premiums, reluctance by crews to transit the region, and the hiring of armed security details on vessels which have combined to make shipping in the region more expensive and restricted. Additionally, there is the economic impact of ransoms and lost productivity to consider – these costs, by a number of estimates, run at between \$7 and \$10 billion US dollars annually.[15]

In addition to the economic and maritime security impacts of piracy, there is a significant human security dimension.

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The first problem within this field relates to the crews of vessels transiting the region – since the mid-2000s when the business of Somali piracy exploded, the risk of capture by pirates has increased dramatically, carrying with it an attendant risk of wounding, torture, psychological trauma and even death for those crews taken hostage.[16] Whilst the risk of death remains low, the likelihood of injury or abuse is growing as the piracy epidemic grows in scale, creating a significant breach of the right to safety and physical security for seafarers off the Somali coast.[17] This breach is even more extensive and damaging for the civilian victims of piracy onshore, whom have suffered as a result of increased inflation, violence, substance abuse, human trafficking, prostitution and the spread of sexually transmitted disease in those communities which are used as bases by pirates.[18]

Obviously, these issues should be of serious concern to the international community. The economic and humanitarian consequences of allowing piracy to continue to grow and expand, as well as the obvious effects on maritime security, are significant and should not be overlooked.

The Problems of Piracy

There are several principal problems – both effects of piracy, and causes of piracy – that need to be addressed by the United Nations and the international community. The first is the risk to seafarers and the economic impacts of actual hijackings. As we have seen, these are not insignificant, with substantial sums of money paid out every year in ransoms, and many merchant marine sailors injured and subjected to significant psychological and physical stresses whilst captive in pirate hands.[19] The next problem that needs to be addressed is the endemic instability within Somalia itself which has created the atmosphere in which pirate operations have been able to thrive.[20] The collapse of the Somali state and the continuing weakness of its three major successors – the Transitional Federal Government in Mogadishu and the governments of Puntland and Somalia – is a precondition for the safe operations of pirate groups in the country and addressing this problem will be a significant contributor to halting their attacks.[21] Finally, the extreme poverty, lack of opportunity and paucity of economic development and basic human necessities such as education and healthcare, which drives many young Somali men into a life of piracy, must be addressed.[22] By dealing with these three principal problems the pernicious effects of piracy can be mitigated or eliminated.

The Principal Actors

At present there are a number of actors involved in the fight against piracy. The first of these is the Puntland government, a small breakaway portion of the Somali state with a federal system of government and functioning law and order apparatus – however it is extremely weak both economically and in terms of its ability to enforce the law, with many soldiers and policemen abandoning their posts in the face of months of unpaid wages.[23] The second major actor – or rather group of actors – is the international navies of the principal nations affected by piracy. These include South Korea, Australia, the United States, Denmark, France, the Netherlands, Pakistan, Singapore and the United Kingdom – all of these states plus a number of others have contributed naval forces to patrol task forces in the region, most notably Combined Task Force 151 which is currently operating off the Somali coast.[24] Finally, there are the multinational shipping and fishing companies operating in the region every day transporting cargo and people around the Horn of Africa. These companies have an important role to play in any mitigation of the effects of piracy – it is the negligence of many of these companies in not equipping their vessels with appropriate security systems which has partly contributed to the epidemic of piracy and thus they must be involved in the solution.[25]

What Must Be Done? Best Practice Approaches to Combatting Piracy

Any attempt to solve the security issues presented by piratic activity must seek to address the fundamental human security issues within Somalia which cause individuals and communities to turn to piracy – this would be best facilitated by the formation of a multilateral UN task force whose task would be to address the onshore causes of piracy, in conjunction with naval and law enforcement efforts to limit pirate activity. Such a task force would replace the existing naval task forces such as NATO's Combined Task Force 151 and the European Union naval task force, EU NAVFOR Somalia.[26]

There are already mechanisms in place for the cooperation and coordination of these various forces – but by bringing

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these organisations together into a single united effort under the auspices of the UN, empowered and legitimised by an appropriate Security Council resolution, the use of resources could be optimised. A UN task force could also incorporate policing and civil aid assets and organisations which would be able to carry out land-based support for Puntland and Somaliland governmental projects – such an integration of civilian elements would be more difficult under a purely military structure such as CF151, as shown by other multinational operations such as the Australian led effort in the Solomon Islands.[27]

The issues are, as we have seen, multi-faceted and complex. The first issue which can be addressed by the international community is the distinct lack of economic security or opportunity in Somalia. In the pirate haven of Puntland for example, many pirates are ex-fishermen whose livelihoods have been destroyed by over-fishing by foreign (often illegal) vessels[28] which are able to operate with impunity due to the lack of a defined Somali EEZ or naval capacity to enforce it.[29] Additionally, many pirates are former soldiers, police officers or coast guardsmen who have defected due to unpaid wages.[30] A UN task force, undertaking aid and construction operations, in concert with the Puntland government, could address some of these problems by providing small scale loans to assist the establishment of local businesses and by helping to establish infrastructure such as roads and healthcare facilities, which are important factors in the promotion of economic development.[31] Subsidies and advisory assistance could also be provided to the Puntland and Somaliland governments to help establish economic development and reach of government as will be discussed in the next section of this paper.

The second issue which can be addressed is the lack of governance or rule of law in Somalia. The UN-sponsored Transitional Federal Government is entirely lacking in credibility or capacity, being restricted to a small number of enclaves in Mogadishu defended by African Union peacekeepers.[32] Obviously, this limits its capacity to perform effectively, whilst many of the regional power structures such as the breakaway states of Somaliland or Puntland are restricted by corruption, lack of resources and a lack of recognition by international actors.[33] By abandoning a unitary approach to governance and humanitarian support in country and recognising these actors and supporting them, through assistance in equipping, establishing and paying trained, legitimate security forces, building of administrative infrastructure and support for building local institutions of government, a UN task force could fundamentally enhance human security in Somalia and also address many of the root causes of piracy.[34] Especially important, UN forces could provide policing assistance – preferably through the use of multi-national police contingents rather than military troops – to help spread the rule of law. Again, the deployment of Australian and regional police to the Solomon Islands is a good example of this approach.[35]

Finally, the third and most basic way in which a UN task force could address the piracy problem, is to adopt a grass roots approach which has so far been neglected as part of the UN's unitary, top down approach to Somalia's problems. Many clan elders, religious leaders and community groups – especially women's groups – are opposed to piracy on moral grounds, even in the few cases where the community benefits from the proceeds of maritime crime.[36] By co-opting these groups and integrating them into governance building projects, many pirate enclaves and communities may be turned towards other, more constructive pursuits of economic security and community stability, provided support and development also exists at the regional and governmental level as discussed earlier. Such an approach would be more likely to be successful than existing top-down approaches as it directly consults with and supports the affected communities, and also undermines public and political support for piracy.[37] This approach draws from traditional best-practice theory in a similar field – counterinsurgency. The “population-centric” approach of counterinsurgency shows that the best way to defeat a guerrilla or terrorist force is to rob it of its legitimacy and sever its links with the populace that support and hide it (and from which it draws its recruits). In this way the insurgents lose their capacity to hide from security forces, to supply themselves and to acquire new recruits and can then be mopped up by police and security forces – the same basic principle can be applied to the fight against piracy in Somalia.[38] This approach is far more likely to succeed than the current policy of a purely military, naval approach to the problem – as it addresses the root causes of piracy – the lack of governance and economic opportunity in Somalia – rather than simply (and it has to be said, ineffectively) attacking its most visible symptoms in the form of armed attacks on merchant vessels.

Problems and Constraints

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There are a number of potential constraints and problems with the approach presented above. The first of these is the difficulty of forming a UN task force which would possess any real power. Whilst there are existing United Nations Security Council Resolutions which allow for the violation of Somali sovereignty in the pursuit and prosecution of pirates,[39] a new resolution would probably best be passed in order to authorise the formation of the task force and particularly to allow its civil and police based elements, along with any military forces required, to operate for prolonged periods in Somali territory. Such a resolution would provide legitimacy to any UN operation and also ideally include a clause allowing the pursuit of pirates by military forces into neighbouring countries such as Kenya to which they might flee as their support base begins to crumble – however any resolution which further compromises the principals of state sovereignty is likely to be opposed by China within the Security Council.[40]

An additional obstacle is that foreign intervention may prompt a hostile response from Somalis, especially from militant anti-Western Islamist groups such as Al-Shabaab which are powerful within Somalia.[41] Resistance to foreign intervention or occupation has been a common theme especially in Islamic states fearful of the potential for US imperialism, understandable in many cases. The militia response to the UN intervention in Somalia in 1993, as well as the responses of Islamic fighters flocking to Iraq since the 2003 invasion are potent examples of the risks of intervening where Western influence may not be welcomed.[42]

The final obstacle to using a multi-disciplinary, UN-backed response is that the project would be prolonged and costly, requiring extensive commitments of personnel and funding from participant states, and placing personnel as potentially significant risk. These obstacles have derailed countless cases of humanitarian or security based intervention in the past and could threaten to do so again in the instance of a mission being formed to Somalia.[43] However, these obstacles appear more surmountable when placed in their proper context. As we have seen, as large number of countries have already placed naval assets into the variety of multinational task forces currently attempting to combat piracy – this demonstrates a virtually unprecedented level of non-partisan international cooperation on a security or humanitarian issue and is evidence of the risks to personnel and national prestige, and the cooperation with otherwise fractious rival states, that the international community is willing to undertake to end the pirate threat.[44] Additionally, the monetary costs of the military forces deployed to the Horn of Africa so far have been extensive – it costs an estimated \$200 to \$350 million US dollars per year to sustain a single naval vessel deployed to the African theatre.[45] The European Union NAVFOR alone has an operating budget of 8 billion Euros annually.[46] These figures demonstrate the funds which the international community are willing to expend to fight the epidemic of piracy – given the parlous results of purely naval patrolling up to the present day, and the potentially much higher return on investment of a multi-disciplinary, development based population-centric approach to the piracy problem, it is likely that most important international actors could be convinced to participate in the kind of UN program which has been described.

Conclusion

As we have seen, the spectre of Somali piracy is a significant issue with widespread deleterious effects, not only for the international community but also for the Somali people themselves. Whilst there seems to be an international consensus that something needs to be done about the problem – as demonstrated by the high level of international cooperation through bodies such as the European Union and NATO in current military attempts to address piracy – there has so far been no truly effective or completely united approach taken. As demonstrated by the continued growth of the business of piracy in Somalia, the costly naval patrols undertaken by CTF151, NAVFOR and other international naval forces have had relatively little effect on pirate operations, as they are attempting to cover far too large a space to be effectively patrolled as long as the pirates have freedom of action on land. Thus, international efforts to counter piracy have been largely ineffective – despite the deployment of significant naval assets by over 28 different nations, no decrease has been recorded in pirate activity.[47] Clearly, a purely naval approach to Somali piracy is ineffective – this is due both to the huge areas needing to be patrolled, and also the basic difficulty of attempting to address a problem by attacking a single symptom rather than the root causes. In essence, any naval approach to countering Somali piracy is doomed to failure, as it entirely fails to address the root causes of piracy.[48] Any attempt to solve the security issues presented by piratic activity must seek to address the fundamental human security issues within Somalia which cause individuals and communities to turn to piracy – this would be best facilitated by the formation of a multilateral UN task force whose task would be to address the onshore causes of

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piracy, in conjunction with naval and law enforcement efforts to limit pirate activity, as has been proposed above. Only by adopting such an approach and removing the weed from the root can the problem of piracy be decisively dealt with.

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