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## SOMALI PIRACY: NOT JUST A NAVAL PROBLEM

By Martin Murphy

### THE CONTINUITY OF PIRACY

The hijacking of the 17,000 ton container ship *Maersk Alabama* off the Indian Ocean coast of Somalia on April 8<sup>th</sup>, 2009 was the first occasion when a US-flagged ship with a US crew had been captured by Somali pirates. If this had been an ordinary ship the expectation would have been that the ship and its crew would have been held for months beyond hope of rescue or retaliation waiting for a substantial ransom to be paid. Thanks to the effort that Maersk Lines had put into planning for such an eventuality, the courage and determination of the American crew in recapturing their ship, and the accuracy of the sharpshooters firing from the moving deck of the USS *Bainbridge* who killed three of the pirates holding the ship's captain, Richard Phillips, in a lifeboat, this was not an ordinary hijacking. Instead, it was one of the shortest ever recorded.

This incident was but one in a long history of predation off the coast of this unfortunate country where poor people are ill served by poor government. It presents the Obama administration with the opportunity to place the question of Somalia's future much closer to the top of the US's foreign policy agenda.<sup>1</sup> Somalia is important because its prevailing lawlessness makes it vulnerable to exploitation by violent Islamist groups that desire to use it as a base to destabilize other states in a region that borders a geo-strategically vital waterway. The risk, however, is that any action that is taken will be doomed to failure unless the administration places this single piratical act in proper perspective.

The nature and purpose of piracy in the past and piracy today are indistinguishable. The casual factors remain the same: large sea spaces that defy easy application of legal restraint, favorable geography, weak or compliant states that provide sanctuary, corrupt officials and political leaders who can benefit from and protect piracy, conflict and economic disruption that open markets for stolen goods, and the promise of reward from the proceeds extracted from the sales of rich cargoes or the ransoms paid for seafarers lives. These factors, which are present today in Somalia, are different only in detail from the factors that drove Chinese, Mediterranean or Atlantic piracy in the past. In the end, states individually and collectively that determine whether piracy flourishes or fails.<sup>2</sup> The complicating factor in the case of Somali piracy is the presence on land of Islamist terrorists.

### PIRACY IS NOT THE PROBLEM – POLITICS IS

The highest costs of piracy to Somalia and much of the international community are political not economic. Critically, the problem of piracy in which, as the UN reports, officials *at all levels* in Puntland are apparently complicit, should not blind the US government to the overriding

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<sup>1</sup> Robyn Dixon. 'Obama vows to fight piracy'. *Chicago Tribune*, 14<sup>th</sup> April 2009 at [http://www.chicagotribune.com/news/nationworld/chi-pirates\\_14apr14.0.2942506.story](http://www.chicagotribune.com/news/nationworld/chi-pirates_14apr14.0.2942506.story)

<sup>2</sup> Martin N. Murphy. *Small Boats, Weak States and Dirty Money: Piracy and Maritime Terrorism in the Modern World*. New York: Columbia University Press, 2009, p. 21.

political objective.<sup>3</sup> The problem is to find a workable solution for the underlying *political* problem rather than mistakenly focusing on the narrower issue of securing sea lanes or protecting merchant shipping. The assault on the *Maersk Alabama* should spur greater political engagement and not be used as an excuse for reinforcing ultimately futile naval activity.

### WHY SOMALI PIRACY IS DIFFERENT

Piracy is a crime of opportunity. It is an economically motivated activity conducted either by gangs of petty thieves who steal ships' property or by organized criminals who steal whole ships for their cargo and in many cases kill whole crews to prevent them from interfering. Somali pirates are very different: in their model it is the crew who are valuable not the ship or its cargo; their aim is to exploit the difference between the marginal value placed on human life in Somalia and its value in the outside world.

### PIRACY AND POLITICS

To date, the international response to Somali piracy has been slow and ineffective because the problem has been misunderstood. Somali piracy is linked intimately to Somali politics. The criminals who organize piracy are connected to Somalia's fractured political authorities. The political dimension of Somali piracy is important not because it is politically motivated but because it lessens risk. The criminals who organize the piracy assess risk rationally. Having billion-dollar ships patrol offshore might increase that risk but so far it has not been enough to deter pirates from operating. Only by dealing with political groups ashore will the incentive for piracy and its motivation be tempered and possibly eliminated.

Historians recognize that piracy is a land-based crime which is manifested at sea. Pirates have always needed access to sanctuary, safe areas where they could escape their pursuers, and which more often than not were protected politically and legally rather than because they were located in remote regions. The pirates of Barbary were working in the service of recognized states and the United States treated them as such. Whilst the pirates of modern-day Somalia are not working in the service of any part of the Somali state directly they can find sanctuary behind inviolable borders and internally through political protection. Because the rise of Islamism has added a new layer of turbulence to the political situation within Somalia, and if allowed to gain a firmer foothold could spread regionally, the solution to Somali piracy is linked ineluctably to political dynamics ashore.

Somalia is a failed state but that does not mean it is a failed society. Central government has collapsed but other forms of authority remain. Some forms are local, restricted to individual towns and villages; some are clan or sub-clan related within which context elders are often able to exercise their authority using traditional means; some are focused on political figures who exercise authority through negotiation or patronage at the consent of largely self-interested supporters or allies; and some are related to mosques whose leaders often exercise their authority through Islamic courts and their associated militias. Somalia is called repeatedly a clan-based society which is correct but that is a context not a determinant. These various factions form alliances that shift often across clan or, more often, sub-clan lines in response to changing circumstances. Underlying the authority of these factions, particularly those that are radically Islamist, is the ever-present threat or use of violence. Importantly, this violence is top-down not bottom-up; it is used by authority figures to retain or impose control, not by the poor or dispossessed to challenge them or advance their own economic interests. The violence of the Islamist *al-Shabaab* movement is not directed against an established government but at other rivals for power.<sup>4</sup>

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<sup>3</sup> Puntland is a state in the northeast corner of Somalia that declared its autonomy in 1998 inhabited by about one third of Somalia's population.

<sup>4</sup> The National Counterterrorism Center: Counterterrorism Calendar 2009. *Al Shabaab* at [http://www.nctc.gov/site/groups/al\\_shabaab.html](http://www.nctc.gov/site/groups/al_shabaab.html)

## PIRACY AND ISLAMISM

The demise of the Somali state, brought to its knees by conflict and disorder, is undoubtedly the primary reason why piracy has flourished off Somalia. The causes of that disorder have not gone away. Those who wish to rebuild the Somali state have reason not to rush; fourteen previous attempts since 1991 demonstrate the foolishness of trying to ignore crucial parts of Somali society. That said, there is no purpose in reconstituting a state simply so it can deliver public goods to the Somali people – and suppress piracy offshore – if it contributes to regional insecurity. Nor is there any purpose in continuing to support the integrity of the Somali state if areas such as Somaliland and Puntland are fundamentally opposed to a unitary solution. The African Union might be resistant to breaking up Somalia for its own reasons but international negotiators have demonstrated in the cases of Cyprus and Kosovo that they are prepared to sunder unitary states in order to promote immediate peace and stability.

Militant Islamism is seeking to make Somalia its own. It is a creed that is alien to Somalia. It has been largely imported and imposed from outside and what local support it has gained has been pragmatic not ideological. The fact that it can deliver peace on the streets is welcomed; the imposition of a 7<sup>th</sup>-century social code is not. If, however, an Islamist regime was able to gain a hold on power then even if it was domestically unpopular it might be able to impose its rule to the point that it could only be dislodged by an external shock similar to that which the United States had to apply against the Taliban to topple them in Afghanistan. The unitary state interest in Somalia is prepared to work with Islamist groups of which the most visible is the violent *al-Shabaab* militia. The groups that oppose a unitary solution, which include clans and sub-clans that live outside the regional entities of Somaliland and Puntland, oppose Islamism. The Islamist faction would not have made the gains that it has unless it had been supported fulsomely over many years by Islamic charities, rich individuals across the Gulf states and Arabia, and by radical members of the large Somali expatriate communities living in Europe and the United States. Those opposed to them have had to depend on the limited resources made available by Ethiopia and from what they could raise in taxes on remittances sent by workers abroad and local businesses. Piracy can be counted amongst those businesses.

In this context, the US Government cannot ignore moves by the Arab League. Although it does not have an Islamist agenda, the Arab League has long sought to draw Somalia more closely to the Arab world. It has made its financial support for the Transitional Federal Government, led currently by the “moderate” Islamist Sheikh Ahmed, conditional on his entering negotiations with *al-Shabaab*, which has made no secret of its desire and intention to use Somalia as a base to spread Islamist influence through the region.<sup>5</sup>

## NAVAL POWER IS NOT ENOUGH

So far, the desire of the US Government and that of its allies for a positive and long-term outcome for Somalia has been manifested through their collective naval power. It is a perfect metaphor for the desire not to become involved to any worthwhile extent in reaching a solution to Somali state failure. Yet naval action is the least efficient and cost-effective form of piracy suppression. As the British Foreign Secretary Lord Palmerston remarked in 1841, referring to naval action against slavery: “Taking a wasps’ nest...is more effective than catching wasps one by one.”<sup>6</sup> The Navy cannot operate in a policy vacuum and saying the policy is to suppress piracy is akin to saying the aim is to play “whack-a-mole” with naval assets. Proposals to short-circuit the Navy’s activities at sea by attacking piracy bases need, however, to be cognizant of the potential consequences. Somalis are jealous of their sovereignty and resentful of foreign interference which tends to unite them against a common enemy. *Al Shabaab* is obviously eager to take advantage of the resentment any precipitous external action might trigger; as in Iraq we might end up making

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<sup>5</sup> Peter Clotey. ‘Somali peace negotiations continue with hard line Islamic insurgents’. *NewsVOA.com*, 8<sup>th</sup> April 2009 at <http://www.voanews.com/english/africa/2009-04-08-voa9.cfm?rss=africa>

<sup>6</sup> Paul Reynolds. ‘Rules frustrate anti-piracy efforts’. *BBC News*, 19<sup>th</sup> November 2008 at <http://news.bbc.co.uk/2/hi/africa/7735144.stm>

the country safer for our bigger enemy.<sup>7</sup> US standing amongst Somalis has been compromised by its activities over many years. A violent investiture of a pirate base, which might leave many innocents killed, even if successful in the short term, could have negative political consequences just at the moment when the United States needs to focus its political and diplomatic influence most strongly.

### IMPLICATIONS FOR US POLICY

Without US political engagement, the worst possible outcome would be a government that was strong enough to control piracy, but also strong enough to make Somalia safe for violent Islamist groups, including *al-Qaeda* which has been seeking to establish itself in Somalia since the early 1990s. Worse still would be an openly Islamist government that actively exploited piracy. The assumption made in some quarters that Islamists believe piracy to be “un-Islamic” is not justified by experience. The history of Barbary should have put paid to that fallacy.

Piracy is a land-based problem that demands land-based solutions. Naval action can, under the right circumstances and as part of a coherent political strategy, interdict and deter piracy but it can never solve it alone.<sup>8</sup> Direct military action to eliminate the source will only disrupt piratical activity at best. Piracy has always had a political dimension and if this is ignored in the case of Somalia and only the symptom addressed, all that might happen is that the world will exchange a local piracy headache for an international terrorist problem. If that happens, talk of raiding piracy bases might be replaced by talk of invasion.

### RECOMMENDATIONS

US forces were sent to Somalia in 1993 to ensure the safe delivery of food aid to the country's starving population. Since their withdrawal in 1995, following the *Black Hawk Down* incident in which two US helicopters were brought down and their crews killed by a local warlord's militia, US policy towards Somalia has been to monitor terrorist movements and disrupt their operations where it can, but apart from that to remain aloof. The virulence of piracy off the Somali coast and the rising power of a new generation of Islamists who have not merely national but regional ambitions mean that US policy towards Somalia needs to change based on a sound assessment of which US interests are at stake in Somalia itself and the Horn of Africa more broadly.

Historically, piracy has been defeated on land as a result of political and economic changes that have evolved over decades or as a result of often military-style campaigns that have often lasted for years. If an assessment of the costs and benefits accruing from direct US political or military involvement on Somali territory leads to the conclusion that the US should remain largely aloof, and that piracy control will remain a naval task, the administration will have to decide what level of piracy will be regarded as tolerable. It will also need to make a hard-headed assessment of what additional naval assets will need to be deployed to the region to reach that tolerable level and decide for how long they must stay there.

However, this policy would effectively be an extension of the existing approach of non-involvement on land but with an increased involvement at sea. Unfortunately, it may well produce the same result. The United States and its allies are currently confronted by the prospect of Somalia coming under the sway of a weak Islamist government that will be unable to curb the activities of its militant Islamist members, or under the control of a stronger Islamist government that might well be prepared to pursue its hostile agenda. Ceding control of the Horn to a hostile power is not in US national interests.

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<sup>7</sup> 'Rebels hit back after pirates slain'. *Reuters*, 14<sup>th</sup> April 2009 at <http://www.thestar.com/printArticle/617940>

<sup>8</sup> Martin N. Murphy. 'Suppression of Piracy and Maritime Terrorism: A Suitable Role for a Navy?' *Naval War College Review*, Vol. 60, No. 3, Summer 2007, p. 42.

A solution pursued gradually through international organizations such as the UN, the Arab League or the African Union might have the advantage of consensus but runs the risk of being hijacked by the narrower policy interests of others.

A more attractive course of action would find the United States assembling an effective international coalition that is willing to deal with Somali sub-state entities in order to reach a more immediate solution even though this might mean deferring agreement on a unitary state to a later date. Crucial to any negotiations with such sub-state entities as Puntland and non-Islamic clan alliances in the south will be a clear commitment to curb piracy in return for US and allied political and economic support.

If this is the course chosen, US and allied naval power can be employed purposefully, cutting off all the political players in Somalia from their external sources of weapons and supplies to encourage these entities to negotiate seriously.

If the United States and its coalition partners can bring these negotiations to a successful conclusion, Somali pirates will be squeezed between more effective land-based policing by the Somalis coordinated with maritime policing by coalition member navies. In such an environment, Somali pirates will find no place to hide.

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