PIRACY EMERGING FROM SOMALIA

AND INTERNATIONAL RESPONSES, 2000-2009

Dissertation submitted to Jawaharlal Nehru University
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MASTER OF PHILOSOPHY

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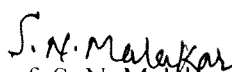
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DECLARATION

I declare that the dissertation entitled "Piracy Emerging from Somalia and International Responses, 2000-2009" submitted by me for the award of the degree of Master of Philosophy of Jawaharlal Nehru University is my work. This dissertation has not been submitted for any other degree of this university or any other university.

Anshuman Rahul

CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation.

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Contents

Preface

Since its inception in 1961, Somalia never attracted the attention of the western world as it had few strategic interests to serve with. It neither had oil or any gas reserves. Moreover, it did not have the economic capacity to contribute in the global economy significantly. However, it did receive the attention of the global community initially as a battleground for the proxy wars between the two superpowers during the Cold War.

With the demise of the Socialist dictator, Siad Barre's regime, the power vacuum led the country to mayhem. With the clans fighting among themselves for the power and the control of the capital, Mogadishu, destroyed the already fragile infrastructure. The United Nations intervention also did not yield any result and the United States led mission UNOSOM – 2 was called off as its army chopper 'Black Hawk' was shot down and eighteen of its soldiers died in a military offensive in October, 1993.

The whole country being under the influence of civil war since 1991 did not provide a single opportunity of respite for the civilians. This clannish infighting led to extreme poverty and massive unemployment and malnourishment along with the escalation in the numbers of the refugees due to the ongoing civil war. The warlords engaged in the power struggle hardly shared any emotions with the Somalis. The only life support for the Somalis living on the coasts was the rich fishing grounds but with the continued apathy of the western countries and the regular poaching in the area forced the poor Somalis to arm themselves and guard off the area in the absence of any official coast guards or navy.

However, the idea of just defending the coasts was transformed to hijacking of the foreign vessels moving along the coasts of Somalia. The ships were being only released after paying the ransom. This phase of collecting the so called 'taxes' for venturing into the territorial waters of Somalia started taking a different shape when separate groups started functioning as the 'authorised coastguards'. With the constant increase in demand of ransom amount with every attack, the poor fishermen enhanced their capability with the ransom received and turned out to be pirates operating along the coasts of Somalia.

There is no doubt that the Somalis had no option to defend their own fishing grounds other than picking up the arms as there was no one to defend their rights in the seas but what has turned out to be in the present scenario is something very serious. The Somali pirates have started attacking the ships at random without any discretion. Even the ships not engaged in poaching of the fishes were being attacked. With the dramatic increase in the number of attacks by the Somali pirates has not only disrupted the maritime trade and commerce but has also infused fear in the seafarers crossing the region.

Since 2000, there has not been any country which has not bore the brunt of piracy emerging from Somalia. It has affected almost all the countries whether the ships of their nationality was hijacked or not. Due to the vessel hijackings, the countries had to pay more for oil, consumer goods and industrial products because of the increased insurance premiums and cargo risk surcharges charged by the insurance companies.

Apart from it, the Somali pirates became quite daring as they started to venture into high seas as far as 450 nautical miles and launch their attacks. The ransom obtained also helped them to enhance their capability as they now launch their attacks with the help of automatic weapons such as AK–47 and RPGs, radios and internet. Though, they do not aim to kill the crew members but they do fire at the ships. Thus, it can be said that the problem of poverty and unemployment has moved outside the country in the seas and is reflecting the dire some situation prevalent in Somalia since 1969 when the President Shermaarke was assassinated.

The pirates from Somalia have not only attacked the merchant vessels and the ships engaged in fishing but also the ships carrying food for the poor Somalis under the United Nations World Food Programme. Thus, the piracy emerging from Somalia has not only shocked the whole world about the resurgence in this age old organised crime but has also invited the collective international action against it.

In this light, the objectives of my dissertation are –

- To examine the root causes of piracy emerging from Somalia.

- To examine the international response and effectiveness of anti-piracy measures and constraints of international response.

The work of my dissertation would revolve around the following hypotheses –

- Failed nature of state is the major cause of piracy emerging from Somalia.

- The international community responded to piracy emerging from Somalia but this has not been effective so far.

Thus, in this regard, my dissertation has been divided in five chapters under different heads. The dissertation starts with "Introduction", which develops the concept of piracy and differentiates between its forms. It underlines the development of maritime piracy in the past and also highlights the factors that contribute in the flourishing of piracy.

The second chapter, "Piracy emerging from Somalia and its causes" is divided into two parts. The first part gives the historical background which helps in understanding the causes of the piracy emerging from Somalia. The second part of this chapter focuses upon the reported incidents and the characteristics of the piracy emerging from Somalia dealing with the groups involved, logistical support, modus operandi and the ransom distribution.

The third chapter, "Laws on Piracy" deals with the laws that have been made to counter it and also discusses about the legal framework for the transfer and prosecution of the Somali pirates.

The fourth chapter, "International Responses" describes about the measures that have been undertaken by the international actors collectively or unilaterally. The actions undertaken by the multilateral organisations have also been included.

The last chapter, "Conclusion" discusses about the findings of the research work based upon the objectives and the hypotheses. This chapter also highlights the limitations of the responses undertaken by the international community.

List of Abbreviations

AU	African Union
ARF	ASEAN Regional Forum
CENTCOM	United States Central Command
CJTF – HOA	Combined task Force – Horn of Africa
CMF	Combined Maritime Forces
CTF	Combined Task Force
EU	European Union
ICC	International Chamber of Commerce
IGAD	Intergovernmental Authority on Development
IMB	International Maritime Bureau
IMO	International Maritime Organisation
MSPA	Maritime Security Patrol Area
NATO	North Atlantic Treaty Organisation
OAU	Organisation of African Unity
OEF-HOA	Operation Enduring Freedom – Horn of Africa
OIC	Organisation of the Islamic Conference
PACOM	United States Pacific Command
PLAN	People's Liberation Naval Army
PLF	Palestine Liberation Front
PRC	Piracy Reporting Centre
ReCAAP	Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia

RPG	Rocket Propelled Grenades
SNM	Somali National Movement
SNMG	Standing Naval Maritime Group
SPM	Somali Patriotic Movement
SRC	Supreme Revolutionary Council
SSDF	Somali Salvation Democratic Front
SUA	Suppression of Unlawful Acts
SYC	Somali Youth Club
SYL	Somali Youth League
TFG	Transitional Federal Government
TNG	Transitional National Government
UIC	Union of Islamic Courts
UN	United Nations
UNCLOS	United Nations Convention on the High Seas
UNITAF	United Nations International Task Force
UNOSOM	United Nations Somalia Mission
UNSC	United Nations Security Council
US	United States
USC	United Somali Congress
WFP	World Food Programme

Somalia

Legend

- —— International boundary
- — — Region (*gobolka*) boundary
- ★ National capital
- ⊚ Region (*gobolka*) capital
- +++ Railroad
- —— Road
- – – – Track

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0    50   100   150 Kilometers
0    50   100   150 Miles
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Countries and seas

YEMEN
Gulf of Aden
'Abd al Kûri YEMEN
INDIAN OCEAN
ETHIOPIA
KENYA
Red Sea
Bab el Mandeb

Regions

AWDAL · WOQOOYI GALBEED · SANAAG · BARI · TOGDHEER · SOOL · NUGAAL · MUDUG · GALGUDUUD · HIIRAAN · BAKOOL · GEDO · BAY · SHABEELLAHA DHEXE · SHABEELLAHA HOOSE · BANAADIR · JUBBADA DHEXE · JUBBADA HOOSE

Places

Mak'elē, Ta'izz, Ahwar, Shaqrā', Weldiya, Āseb, Aden, Desē, Āsayita, Tadjoura, DJIBOUTI, Djibouti, Saylac, Caluula, Qandala, Gees Gwardafuy, Dikhil, Āysha, Maydh, Bender Cassim (Boosaaso), Berbera, Erigavo, Hurdiyo, Baki, Boorama, Burao, Qardho (Gardo), Iskushuban, Raas Xaafuun, Dirē Dawa, Jijiga, Hargeysa, Bandarbeyla, Addis Ababa, Mi'ēso, Hārer, Laascaanood, Garoowe (Garoe), Eyl, Debre Zeyit, Nazrēt, Awash, Degeh Bur, Āsela, Werdēr, Galcaio, Shashemenē, Goba, K'ebri Dehar, Āwasa, Megalo, Īmī, Godē, Shilabo, Dusa Marreb, Hobyo (Obbia), Negēlē, Hargele, Feerfeer, Beledweyne, Ceelbuur, Dolo Odo, Bakool, Oddur, Hiiraan, Ceeldheere, Moyalē, Moyale, Mandera, Luuq (Lugh Ganana), Buulobarde, Mereeg, Garbahaarrey, Baidoa, El Wak, Buurhakaba, Wanlaweyn, Giohar, Cadale, Baardheere (Bardera), Balcad, Mogadishu, Mado Gashi, Bu'aale, Baraawe, Merca, Jilib, Garissa, Bilis Qooqaani, Jamaame, Chisimayu (Kismaayo), Garsen, Pate Island, Wajir

Water features

Awash Wenz, Abhē Bid Hāyk, Dhud, Fafan Shet, Wabē Gestro Wenz, Wabē Shebelē Wenz, Gehal Wenz, Dawa Wenz, Lak Bor, Lak Dera, Tana, Lak Dera, Webi Shabeelle, Genale, Juba, Provisional Administrative Line

CHAPTER – 1

INTRODUCTION

Chapter - 1
Introduction

1.1 Concept of Piracy

'Piracy' is generally considered to be an unauthorised reproduction and distribution of physical copies of protected works, on a commercial scale or with a commercial purpose. However, in spite of having similar connotations piracy has different forms and each work in a different manner ultimately contributing in the epidemic known as piracy. Piracy can be mainly categorised into two groups such as 'commercial piracy' and 'maritime piracy'.

1.1.1 Commercial Piracy

Commercial piracy means the illegal duplication and sale of copyrighted contents with the commercial interest in view. It involves the transaction of pirated contents in the market without the permission of the copyright owner. Commercial piracy is quite active where a specific product has a huge market share. Pirated products not only provides an alternative to the customer for a cheaper product at times which is low on quality but also eats up in the market share of the original product. The duplication of a product can be on the rise because of the shortage of the availability of an original product in the market due to various factors. Along with it, persistent demand of a specific product and its market share decides the production of the pirated versions of original product in the market.

Commercial piracy is very much common in the products such as books. In some of the developing countries, trade in pirated books often exceeds the legitimate market. Educational institutions represent a primary target for those involved in the piracy of books. Apart from it, pirated versions of numerous novels and books of various authors are pushed into the open market at a far cheaper rate than the original ones. Infringing activities include both illegal commercial photocopying along with printing and reproduction of books and other printed material in digital form and its distribution.

The other form of commercial piracy involves the copying and selling of copyrighted content in the market without the permission of a copyright owner. The perfect examples of it could be pirated CDs and DVDs of music and movies which are sold in open market at a much cheaper rate. At times the pirated products match the original quality which is known as 'music and video piracy'. An estimate points out that the recording industry loses about $4.6 billion[1] every year to physical piracy.

The unauthorised uploading and making available the music files along with the movies to the public or downloading such files from an internet site is referred to as 'Internet or On–line piracy'. This form of piracy may also include making use of 'streaming' technologies. These music and movie files are either sold or shared free of cost digitally through the internet. The illicit downloads takes place through file-sharing networks, illegal servers, websites and hacked computers.

Software piracy can be considered to be another form of commercial piracy. It relates to the unauthorised copying of the computer software with the intent of directly imitating the copyrighted product. As most retail programs are licensed to be used on just one computer site or to be used by only one user at any time. By buying the original software, one becomes a licensed user. However, copyright infringement of the original softwares is extremely common and the global losses due to software piracy reached $51.4 billion in 2009.[2]

In order to protect the original products a special type of property right known as 'Copyright', which is a set of exclusive rights granted to the author or creator of an original work, including the right to copy, distribute and adapt the work. These rights can be licensed, transferred and assigned. Copyright lasts for a certain period of time after which the work is said to enter the public domain. Thus, copyright allows the rightful owner to decide the terms under which the content has to be

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[1] L Lessig (2004), *Free Culture: The Nature and Future of Creativity*, New York: Penguin Press, p.63.

[2] R Sethi (2010), "Over $50 billion Lost to Software Piracy", [Online: web] Accessed on 2 September 2009, URL: http://economictimes.indiatimes.com/infotech/software/Over-50-billion-lost-to-software-piracy-Report/a-rticleshow/5916715.cms.

shared. But an unauthorised and deliberate use of the content amounts to copyright infringement and is termed as piracy.

1.1.2 Maritime Piracy

Maritime piracy has been defined as "any illegal acts of violence, detention, rape, or depredation committed for private ends by the crew or the passengers of a private ship or private aircraft, and directed on the high seas, against another ship, or aircraft, or against persons or property on board such ship or aircraft"[3] in article 101 of the United Nations Convention on the Law of the Sea (UNCLOS) of 1982. Thus, according to this definition piracy can also be committed against a ship, aircraft, persons, or property in a place outside the jurisdiction of any state.

Maritime piracy is considered to be the oldest of all international crimes and the pirates have been regarded as 'common enemies of mankind'. They have been active, identified, feared and fought over during every historical era. In this context, Puchala has rightly pointed out that "the occurrence and recurrence of piracy through history has been a wavelike or cyclical phenomenon usually beginning with spates of sporadic, small-scale attacks on vulnerable ships in especially dangerous waters"[4].

1.2 Development of Maritime Piracy

Maritime piracy in the first century BC was considered to be a lawful and reputable practice in the areas surrounding Mediterranean Sea as the pirates supplied slaves to the Roman Empire for its luxury markets[5]. But when the pirates started disturbing the crucial trade routes of the East and to Africa, the Empires raised the war against the pirates. Ever since the days of Roman Empire, states reserved the right to capture

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[3] United Nations Convention on the Law of the Sea (1982) (Art. 101, para.1), [Online: web] Accessed on 2 September 2009, URL: http://www.un.org/Depts/los/convention_agreements/texts/unclos/-part7.htm.

[4] D P Puchala (2005), "Of Pirates and Terrorists: What Experience and History Teach", *Contemporary Security Policy*, 26 (1): 1-24.

[5] M Sterio (2009), "Fighting Piracy in Somalia (and Elsewhere): Why More Is Needed", [Online: web] Accessed on 2 September 2009, URL: http://works.bepress.com/cgi/viewcontent.cgi?article=-1003&context=m-ilena_sterio.

and execute the pirates under 'the doctrine of universal jurisdiction'[6]. However, piracy has yet not died out and certain regions of the world are still victimised by the pirates who terrorise the whole world from time to time.

Since the ancient times maritime piracy has existed, as it has been documented that in 75 BC when Julius Caesar went on a voyage across Aegean Sea, he was kidnapped by Cilician pirates, who held him prisoner and released him only after the ransom was paid. During this period, the pirates had their presence along the Roman trade routes in the Mediterranean Sea. In the past the pirates used images of cutlasses or bleeding hearts apart from skull and swords in order to terrify the potential victims to surrender without picking up a fight. Moreover, the pirate communities have been thriving particularly in and around the Atlantic and Indian Oceans.

During the middle ages, the Vikings from Scandinavia had a reputation as pirates in the medieval Europe who not only raided the coasts, rivers and inland cities of Western Europe but they also attacked the coasts of North Africa and Italy during 783-1066 AD. They were quite successful in plundering the coasts all along the Baltic Sea till Black Sea and Persia due to the lack of centralised power in Europe. They controlled the areas of Hansa commerce in the Baltic and North Sea around the turn of the fifteenth century.

During the early sixteenth century, North African Barbarossa under the patronage of Ottoman emperor occupied Algiers and Tunis and converted them into bases for sea raiding. This type of state sponsored piracy has been termed as 'privateering'[7] as the privateers received a document known as 'letter of marque'[8] from the government which allowed them to legally attack the merchant ships of the enemy state and the privateers were supposed to return a portion of the profits back to the states made through such attacks. Soon, this lucrative business was joined by other states along

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[6] M Boot (2009), "Pirates, Then and Now: How piracy was defeated in the past and can be again", *Foreign Affairs*, 88 (4): 94-107.

[7] D Sekulich (2009), *Terror on the High Seas: True Tales of Modern Day Pirates*, New York: St. Martin's Press, p.16.

[8] *Ibid.*

the Barbary Coast, who hijacked the ships of Christian countries, sold off their cargoes and either ransomed the passenger and crew members or sold them as slaves as they considered themselves to be at war against the Christian infidels[9]. However, these Muslim pirates of North Africa were matched by their Christian adversaries who operated from Rhodes and Malta to plunder the Muslim ships around Mediterranean Sea. The Europeans also started taking many Muslims as slaves.

Similarly, Captain William Kidd often referred as Robert Kidd by the end of seventeenth century, obtained his own letter of marquee signed by the King William III of England to attack French ships[10] with ten percent of loot reserved for the Crown in return. Though his venture was mostly funded by the noble lords of England but his greed forced him to attack even the English ships thus turning privateering into maritime piracy.

During 1690's, the 'Red Sea Men' near Somalia in the Indian Ocean started attacking the ships belonging to the British, Dutch, French East India Companies along with the ships belonging to Mughal Emperors of India and Asians as they were full of gold, cash and jewels. Moreover, as slave trade was as an added attraction in East Africa, this region drew aspiring pirates from as far away as New York.[11] However, the most popular hideout base for the pirates had been Madagascar in the Indian Ocean as it has been quite strategically located connecting India and the Spice Islands to Europe and North America through the Cape of Good Hope.

The pirates also operated in the Spanish Caribbean from their bases such as Bahamas, Jamaica, Hispaniola and Virgin islands between 1500–1750 AD. The Caribbean pirates apart from raiding ships also looted the Spanish settlements in Central America. And the most infamous pirate attack was that of Panama City

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[9] D J Puchala (2005), "Of Pirates and Terrorists: What Experience and History Teach", *Contemporary Security Policy*, 26 (1): 1-24.

[10] D Sekulich (2009), *Terror on the High Seas: True Tales of Modern Day Pirates*, New York: St. Martin's Press, p.16.

[11] M Boot (2009), "Pirates, Then and Now: How Piracy was Defeated in the past and can be Again", *Foreign Affairs*, 88 (4): 94-107.

where the men led by Henry Morgan in 1671 ruthlessly murdered the unarmed people, tortured, raped and even sold innocent people as slaves. The pirates who operated in the Caribbean Sea were at their prime in the early eighteenth century and the most successful pirate captain was Bartholomew Roberts, famously known as 'Black Bart' who was said to have looted around four hundred ships.

Piracy in East Asia existed since the thirteenth century but it flourished in the early nineteenth century during the mid-Qing dynasty of China as the Chinese economy was robust. The Chinese pirates exercised hegemony over villages along the coasts, collected revenue and even ran extortion rackets. But, a combination of famine, Qing naval opposition, and internal rifts crippled piracy in China around the 1820s, and it never again reached the same status. However, piracy in the region crossed all its limits in late 1970's when lakhs of Vietnamese often referred as the 'Boat People'[12] were massacred while fleeing Vietnam in the aftermath of the communist victory in the Vietnam war. The pirates in the region displaying their criminal orientation and sheer brutality were not only involved in robbery, kidnapping and murders but they also raped the innocent Vietnamese.

1.3 State Sponsored Piracy

Since, a primary objective of nation's war at sea is the disruption of the enemy's commerce and the protection of one's own. During the period of war, the nations involved in it realised that it was cheaper to hire private vessels, by offering owners a part or all of the value of the enemy ships and cargo than to maintain standing navies of sufficient size to do the job[13]. For this purpose the privateers were granted the license to own private vessels during the time of war in order to seize enemy merchant ships and cargoes and profit from the sale of both.

Privateers were only a component of belligerent's endeavour to disrupt enemy's commerce. It has also been witnessed that blockade apart from resulting into

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[12] D Sekulich (2009), *Terror on the High Seas: True Tales of Modern Day Pirates*, New York: St. Martin's Press, p.39.

[13] G M Anderson and A Gifford Jr. (1995), "Privateering, State-sponsored Violence as a Tragedy of the Commons: A Comment", *Public Choice*, 82 (3-4): 359-362.

disruption of trade and commerce also slows down the movement of ships either entering or leaving the enemy ports. While discussing about privateering, G M Anderson and A Gifford Jr. remarks that Pares had pointed out that even the "strongest navy in Europe could not have blockaded, say, France.... without the help of private forces"[14]. The other key components of commerce disruption were royal navies. After all, the overall objective was to win the war.

Thus, the views on piracy changed with time in spite of piracy being considered as a universal crime since the Roman era. During the so-called 'Golden Age of piracy'[15], in the sixteenth and seventeenth century, Queen Elizabeth considered the pirates as adjuncts to the crown's navy in its fight against Spanish trade[16]. During her reign, England received massive wealth from the pirates and the privateers which helped her to pay off the entire national debt, convincing her to consider piracy as a legitimate or quasi-legitimate form of maritime life. Those who invested in the voyage of Francis Drake received a return of £47 for every £1[17] as he captured Spanish vessels in the Atlantic and Pacific oceans and attacked towns and villages along the coasts of South America. Though, Francis Drake never had the official letter of marque from the Queen but had her tacit approval. Soon he was knighted by Queen Elizabeth as he had established English nautical prowess and made lot of money.[18]

The licensed piracy of Sir Francis Drake, Sir Henry Morgan, Ralegh and others along with the defeat of Spain to England in the war led to a dramatic change in the European balance of power. The wealth plundered by them led to the opening of brothels, bars and gaming parlours in London where the newfound, illicit wealth

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[14] *Ibid.*

[15] C Land (2007), "Flying the Black Flag: Revolt, Revolution and the Social Organization of Piracy in the 'Golden Age'", *Management and Organizational History*, 2 (2): 169-192.

[16] M Sterio (2009), "Fighting Piracy in Somalia (and Elsewhere): Why More Is Needed", [Online: web] Accessed on 2 September 2009, URL: http://works.bepress.com/cgi/viewcontent.cgi?article=10-03&context=m-ilena_sterio.

[17] D Sekulich (2009), *Terror on the High Seas: True Tales of Modern Day Pirates*, New York: St. Martin's Press, p.33.

[18] J M Bell (1973), "What is Referential Opacity", *Journal of Philosophical Logic*, 2 (1): 155-180.

could be spent[19]. Thus, during the rule of Queen Elizabeth, maritime piracy became a form of state-sponsored terrorism in order to achieve a particular political end and the pirates a near perfect tool to strike the enemy even without the declaration of a formal war.

But, by the late seventeenth century, due to several wars occurring among the powerful European naval nations such as England, France, and Spain along with the increasing global trade due to Industrial Revolution, piracy suddenly stopped from being used a state-sponsored weapon, and pirates instead of acting on behalf of certain states, turned against them. Thus, the pirates started operating of themselves all over the world and had similar characteristics as they did not fight for any country rather for themselves.

In order to acquire wealth the pirates robbed their victims, enslaved and even sold them, or held them for ransom. In case of absence of profit they tortured, raped and even murdered the victims. By doing so they provoked fear and insecurity among their potential victims and build a reputation for being barbaric. Moreover, the pirates considered themselves as rebels against the established societal order[20] and taking back the revenge from the society which had done wrong to them since their childhood.

However, the illegality of this business has always been supported by the governing bodies either directly or covertly. The 'letters of marque' issued by the various European governments sanctioned the crime to be committed on the high seas. The colonial powers such as England, France, Spain and Netherlands fought proxy wars[21] throughout the seventeenth, eighteenth and early nineteenth centuries as greed overruled the moral qualms. Armed with such a letter, one had the authority to

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[19] D Sekulich (2009), *Terror on the High Seas: True Tales of Modern Day Pirates*, New York: St. Martin's Press, p.18.

[20] M Sterio (2009), "Fighting Piracy in Somalia (and Elsewhere): Why More Is Needed", [Online: web] Accessed on 2 September 2009, URL: http://works.bepress.com/cgi/viewcontent.cgi?article=10-03&context=m-ilena_sterio.

[21] D Sekulich (2009), *Terror on the High Seas: True Tales of Modern Day Pirates*, New York: St. Martin's Press, p.84.

fire canons at another ship, assault the crew, steal the cargo and even hijack the vessel. Therefore, this letter allowed the citizens to engage in criminal acts despite being held responsible for their actions.

1.4 Factors Responsible for Rise in Maritime Piracy

Maritime Piracy is a criminal activity that pays more relatively in comparison to the risks undertaken. In most eras and in most places piracy has been dominated by the organised gangs that have treated it as a business.[22] At times, endemic poverty is considered to be the main motivator for the rise in maritime piracy intertwined with greed, lawlessness and opportunity. The other factors responsible for it can be attributed to the massive increase in commercial maritime traffic using the narrow and congested maritime chokepoints without significant maritime surveillance. According to Martin N Murphy, the prominent factors[23] which help in emergence and flourishing of maritime piracy in the contemporary era are:

• **Legal and jurisdictional weakness**

This relates to the difficulties of the law enforcement agencies of a state as they do not allow the external coast guards and police to operate in their territorial waters as it infringes the sovereignty of the concerned state. They only allow it in any special circumstances that too with great reservations. Therefore, in order to order to overcome the menace of maritime piracy, uniform domestic anti-piracy legislations all over the world is required. Apart from it, the states are required to show the willingness in not only deporting the pirates but also prosecuting and extraditing them along with improving the dysfunctional national criminal justice system.

• **Favourable geography**

Piracy is only sustainable in places where a combination of rewarding hunting grounds, moderate levels of risk and proximate safe havens operate in tandem.

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[22] J L Anderson (1995), "Piracy and World History: An Economic Perspective on Maritime Predation", *Journal of World History*, 6: 175-182.

[23] M N Murphy (2007), "Contemporary Piracy and Maritime Terrorism: The Threat to International Security", *Adelphi Paper*, 388: 1-89.

Historically, maritime piracy has been taking place nearer to coasts or in narrow seas such as the Caribbean, the Mediterranean, the English Channel and the South China Sea. Even today, the maritime piracy that takes place in the Southeast Asia, the West African coast (Nigeria), Tanzania and Somalia indicates that it is concentrated in narrow seas and close to the shore. The attack on ships generally takes place in straits, bays, estuaries and archipelagos as the vessels are forced to move close to shore. Moreover, narrow seas are generally more crowded than the high seas as a result the ships are forced to move slowly and the job of boarding the ships gets easier for the pirates.

• **Conflict and disorder**

Maritime piracy thrives in the coastal regions troubled by war or civil disturbances along with the absence of law-enforcing authorities. Moreover, in this context the global proliferation of small arms has provided the pirates an enhanced means to operate on a more destructive and sophisticated level. The perfect examples of it could be represented by Lebanon where several 'unofficial' ports sprang up along the coast to handle stolen cargo and refit stolen ships[24] during its civil war from 1975 to 1990. Similarly, the problem of maritime piracy started along the coasts of Somalia with the fall of Siad Barre's government in 1991.

• **Under-funded law enforcement or inadequate security**

Inadequate state funding and training of police, coast guards and navies along with the lax coastal and port side security have allowed the pirates to operate with freedom. Apart from it, many states cannot afford the personnel, equipment or organisational resources that is required to handle the problem of maritime piracy. Law enforcement at seas is also an expensive affair as the huge areas of seas are to be protected. This not only requires boats well equipped with radar, communications and well-trained, honest crew members who have sound knowledge of the local waters and weather but also shore-based command and control facilities with access to dependable information about ship movements and cargoes along with the reliable

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[24] *Ibid.*

intelligence about pirate activity. And at times in order to be successful in suppressing the maritime piracy, surface search needs to be supported with air surveillance and the deployment of police or marines. The example of it could be the lawlessness prevalent in the Somali waters.

• **Permissive political environment**

In order to flourish maritime piracy requires permissive political environment within states and their territorial waters as the political environment is corrupt locally or nationally, or because law enforcement is under-funded. When the police forces are underpaid, they typically connive with the criminals in order to make a living. Many pirates depend on such supportive criminal infrastructure which not only supplies them with intelligence and equipment but also helps them in disposing off the stolen goods. The most notorious example of the connivance between the authorities and pirates can be recalled when the pirate gangs exploited the thousands of Vietnamese refugees after the end of the Vietnam War in the Gulf of Thailand.

• **Cultural acceptability**

Maritime piracy prospers in areas where it is culturally acceptable and is often overlooked. It also depends on the trading pattern of the region as it helps in the determination of what becomes culturally acceptable. For example, maritime piracy has been widely accepted in the Southeast Asian archipelagos because of the rich cargoes that have crossed through the region for centuries making it a permanent feature of the local environment. Moreover, piracy frequently operates on a clan or family basis, as it has been witnessed on the Riau – Lingga archipelago[25] of Indonesia, where this tradition has continued for generations.

• **Promise of reward**

Maritime piracy is an organised crime which guarantees heavy returns to the pirates with every successful pirate attacks. It has become a source of easy-money where the risks taken are relatively small in comparison to good returns. Even if the robbed

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[25] *Ibid*

amount is divided between the pirates then it pays them sufficiently for a night's activity in a economically under – developed country where the per capita annual income is very low. Moreover, cash thefts may be supplemented by the sale of portable equipments and other valuables.

1.5 Types of Maritime Piracy

According to the IMB there are three distinct types of maritime pirate attacks that take place in the global waters. First relates to the piracy that takes place when the ships are harboured and the low – level criminals try to get on board of a ship and steal whatever they can. In this type of attacks, the pirates are generally armed with machetes, knives and pistols. They aim to seize cash and portable high value personal items with an average haul of \$5,000-15,000[26]. Today, this form of piracy is prevalent in the Malay archipelago.

The second type of piracy results into the outright theft of ships which are rechristened and re-registered under different flag states such as Liberia, Panama, the Bahmas, Cyprus, Malta etc. mainly because the registration is neither expensive nor do these countries have any stringent procedures for registration. These ships are then issued false documents which allow them to take on fresh payloads. The new cargo loaded is never taken to the designated destination; rather it is diverted to a different port where the cargoes are sold off. These types of ships are often called as 'phantom ships'[27] as this form of piracy follows a typical pattern. The IMB considers these pirate attacks to be major criminal hijacks as they are very well resourced and meticulously planned aimed at hijacking the multimillion – dollar ship and its cargo. Moreover, such attack not only employs highly trained pirates but they are also armed with automatic weapons and rocket propelled grenade launchers (RPGs). It is widely believed that the heavily armed syndicates are working in tandem with the land-based operatives and brokers.

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[26] P Chalk (2005), *The Maritime Dimension of International Security Terrorism, Piracy, and Challenges for the United States*, California: Research and Development (RAND), 1-58.

[27] J Abhayankar (1998), "Phantom Ships", *Trends in Organized Crime*, 3 (4): 86-89.

However, the third and the most problematic form of piracy that we are witnessing today is the complete hijacking of the merchant vessels with the cargoes either on the high seas or in the territorial waters. However, the attacks are not launched to steal the cargoes but to abduct the crew and hold them at bay until the ransom is paid. At times, the pirates target the senior officers such as captains and chief engineers. This type of pirate attacks is generally carried out in the narrow sea-lanes and has the potential to seriously disrupt maritime navigation as the crew is kidnapped and detained. Such pirate attacks might also result into serious injury or murder of the resisting crew members as the well–organized gangs generally operate from a 'mother ship'[28] and are well equipped with modern weaponry such as AK–47 rifles and RPGs. The pirates involved in such type of attacks today monitor radio frequencies and the internet, receive information from spies in ports and confederates within the shipping industry and even get assistance from mariners willing to betray the shipmates.[29]

As the ultimate motto of the die – hard pirates is to hijack the vessels and then make demands for ransom, organised crime syndicates are actively involved as it is a hugely profitable exercise for them. The ransom money demanded by the pirates can fetch $50,000 for a crew and half a million for the entire ship. This form of piracy is mainly prevalent in the coastal region of Somalia in the Gulf of Aden connecting Red Sea and the Indian Ocean. This type of piracy emerging from Somalia has not only affected the global maritime trade and commerce along its coasts but has also raised a question mark on the safety and security of the sea routes, crew members and the vessels.

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[28] J Kraska and B Wilson (2008), "Fighting Pirates: The Pen and the Sword" *World Policy Journal*, 25 (4): 41-52.

[29] D Sekulich (2009), *Terror on the High Seas: True Tales of Modern Day Pirates*, New York: St. Martin's Press, p.26.

CHAPTER – 2

PIRACY EMERGING

FROM SOMALIA

Chapter – 2
Piracy Emerging From Somalia

2.1 Historical Background

An analysis of Somalia's history may help in developing the insights as to what has caused the dramatic increase in piracy in the recent past. The maritime piracy that is emerging from Somalia has got its roots within the country. Therefore, it becomes quite necessary to understand the political turmoil in which Somalia has been presently engulfed in.

2.1.1 Ethnic Identity

In contrast to the perception of developed countries that 'intra-national conflicts'[1] of Africa is driven by ethnicity, E G Lindner is of the opinion that the Somalis are 'united ethnically'[2] by way of a common 'Somaale' language being universally spoken though with different dialects; follow Sunni Islam; practise similar agro-pastoral customs; had a common political culture and a deeply held belief that almost all the Somalis have descended from a common founding father, the mythical 'Samaale' to whom most of the Somali population trace their genealogical origin. Thus, the Somali population identify themselves with their ethnicity and genealogy represents the heart of the Somali social system.

The Somali population has been divided on the basis of kinship in the form of clans, at times being referred as 'tribes'. The major four pastoral clan families are Hawiya, Dir, Isaaq and Daarod and two predominantly agricultural clans comprising of Digil and Rahanwayn. D D Laitin and S S Samatar have remarked that –

> *Saadia Touval noted in his brief study of Somali nationalism, these six clan-families correspond to the Old Testament version of the tribal segmentation of the Children of Israel.*[3]

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[1] J Geels (2009), "Raiding the State: Piracy and State-Building in Somalia", [Online: web] Accessed on 28 April, 2009, URL: http://www.yale.net/polisci/undergrad/docs/Geels_Jeff.pdf.

[2] E G Lindner (2000), *The Psychology of Humiliation: Somalia, Rwanda / Burundi, and Hitler's Germany*, Ph.D. Thesis, Oslo: University of Oslo, p.52.

[3] D D Laitin and S S Samatar (1987), *Somalia: Nation in Search of a State*, Boulder, Colorado: Westview Press, p. 30.

These clans are further divided into sub-clans on the basis of extended family system. It is this clan-based identification that dominates the Somali way of life. Thus, the people of Somalia identify themselves with their tribal ancestry as this was the Somali practise which was also reinforced by the colonial policies of distributing national resources through clans rather than through an impartial system of selection and distribution.

Figure 1: Outline of the Ethnic Somali Clan Structure.
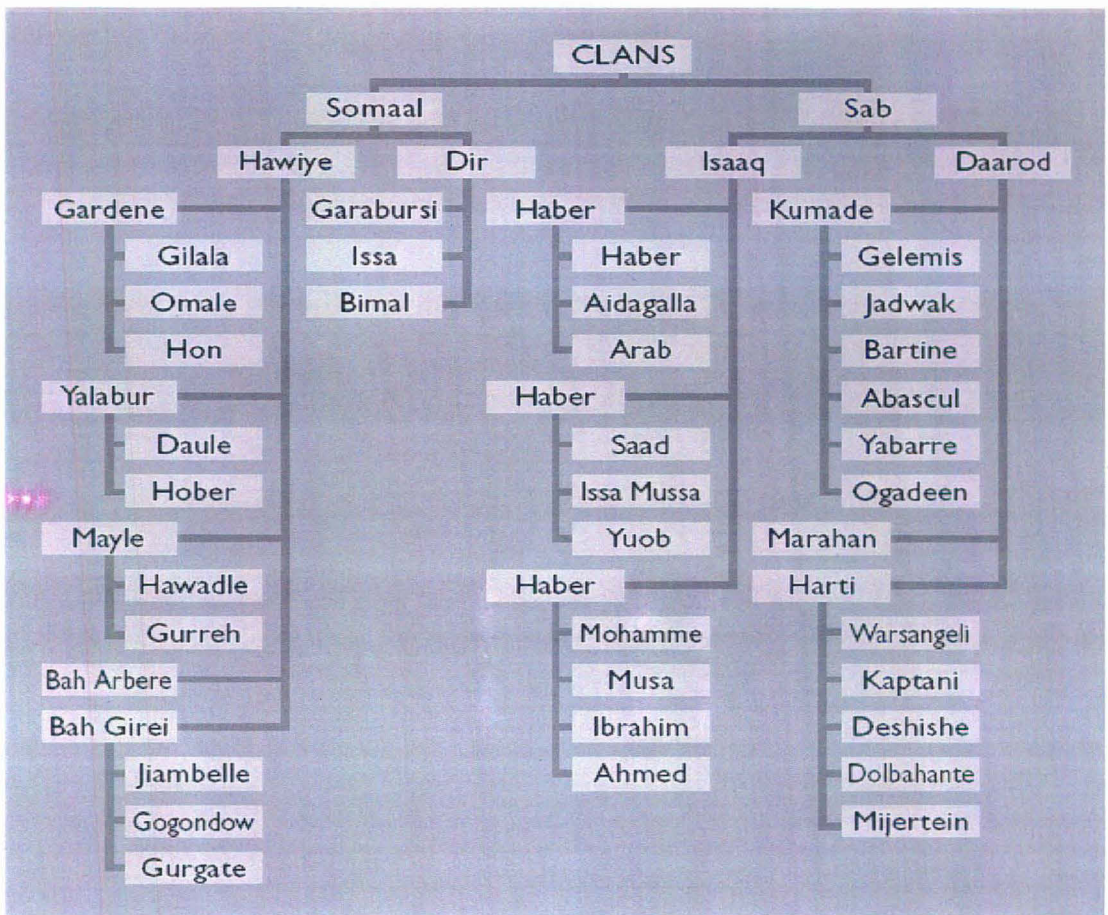
Source: Bjorn Moller (2009), *The Horn of Africa and the US "War on Terror" with a Special Focus on Somalia.*

It has been witnessed that throughout the region's history the importance and prominence of clan identification establishes itself as the central theme when a power grab takes place, as a person from a particular clan gives political allegiance to his immediate family. The legal foundation for traditional Somali politics is called

as the *heer*[4] considered to be an informal contract by means of which Somali society settles its legal and political disputes. The *heer* assemblies have the right to declare war and also to make peace.

Map 1: Ethnic Somali Settlement in Somalia and in Adjacent Countries.
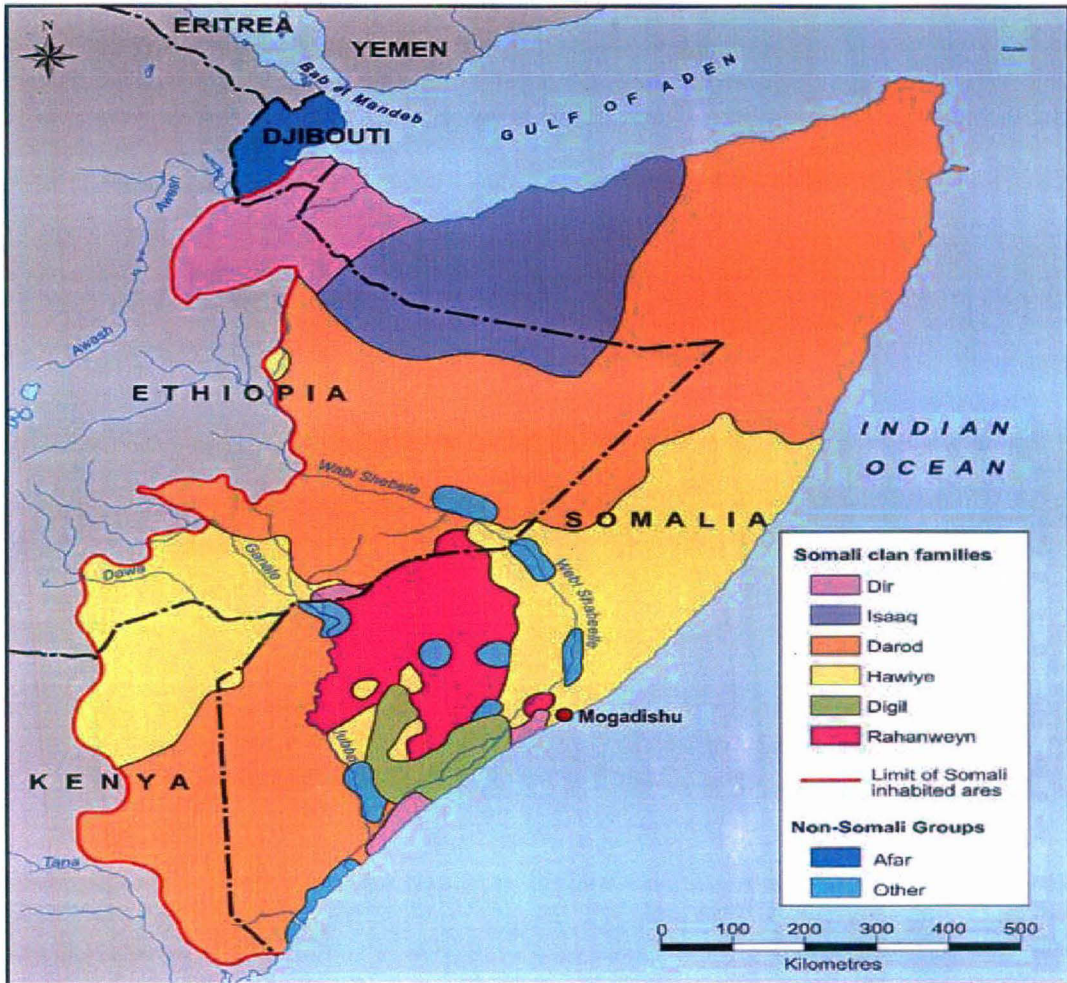
Source: Moshe Terdman (2008), *Somalia at War – Between Radical Islam and Tribal Politics*.

Though the clans tend to congregate all over the territory of Somalia, it is also scattered among the adjacent states. The people of Somali origin have been settled in Ethiopia's Ogden region, Northern provinces of Kenya and in the Republic of Djibouti.

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[4] D D Laitin and S S Samatar (1987), *Somalia: Nation in Search of a State*, Boulder, Colorado: Westview Press, p. 41.

2.1.2 Colonisation

The European interest developed in Somalia after 1839 when the British began to use Aden as a coaling station for its ships on the route to India realising the strategic location along the coasts of Indian Ocean. The British influence in the coastal areas of Zeila and Berbera also got formalized in the 1880s due to the series of treaties made with the chieftains of local Somali clans by way of promising protection to them. Thus, the region became a protectorate under the title of British Somaliland.

The French also sought to establish their own base in the Red Sea requiring the similar coaling facilities for their own Suez-bound ships. The French were also infuriated with the enhanced duties on their products and bureaucratic obstacles raised by the British on French shipping in the port of Aden. Thus, French established itself in the present Djibouti under the name of *Territoire Français des Afars et des Issas* (TFAI)[5]. This region called as French Somaliland, remained as a French colony till 1977 and became independent as the Republic of Djibouti.

Italy also established itself a little further up the coast at Aseb, in Eritrea in 1870 and proposed to set up a shipping service. The Italians also declared a protectorate on the Eritrean coast by 1885. Moreover, Italy was also active in southern Somalia, where it was the main coloniser and faced relatively little European competition.

Thus, there were three major European powers that competed and laid claims for the territory of Somalia primarily because of its strategic location in the Indian Ocean during the so-called 'Scramble for Africa'[6] of the nineteenth century and built up state like administrative institutions.

Soon the struggle for acquiring Somali territory was joined by Abyssinia (the present Ethiopia). Menelik II (1889-1913) expanded his territory southwards in the Ogaden province in order to acquire fresh lands for agriculture. He also found the seizure of

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[5] T A Marks (1974), "Djibouti: France's Strategic Toehold in Africa," *African Affairs*, 73 (290): 95-104.

[6] G Prunier (1996), "Somalia: Civil War, Intervention and Withdrawal (1990-95)", *Refugee Survey Quarterly*, 15 (1): 35-85.

pastoral livestock from the Somali herdsmen to be a valuable asset for his soldiers and people in order to replenish the diminishing reserves of the military garrisons.

After this land grab, by 1900, the colonisation of Somali peninsula, which was one of the most homogeneous regions of Africa, was radically partitioned into minilands and the Somali people had been divided into different provinces comprising of:

Map 2: Somalia under Colonization in late 19th Century.
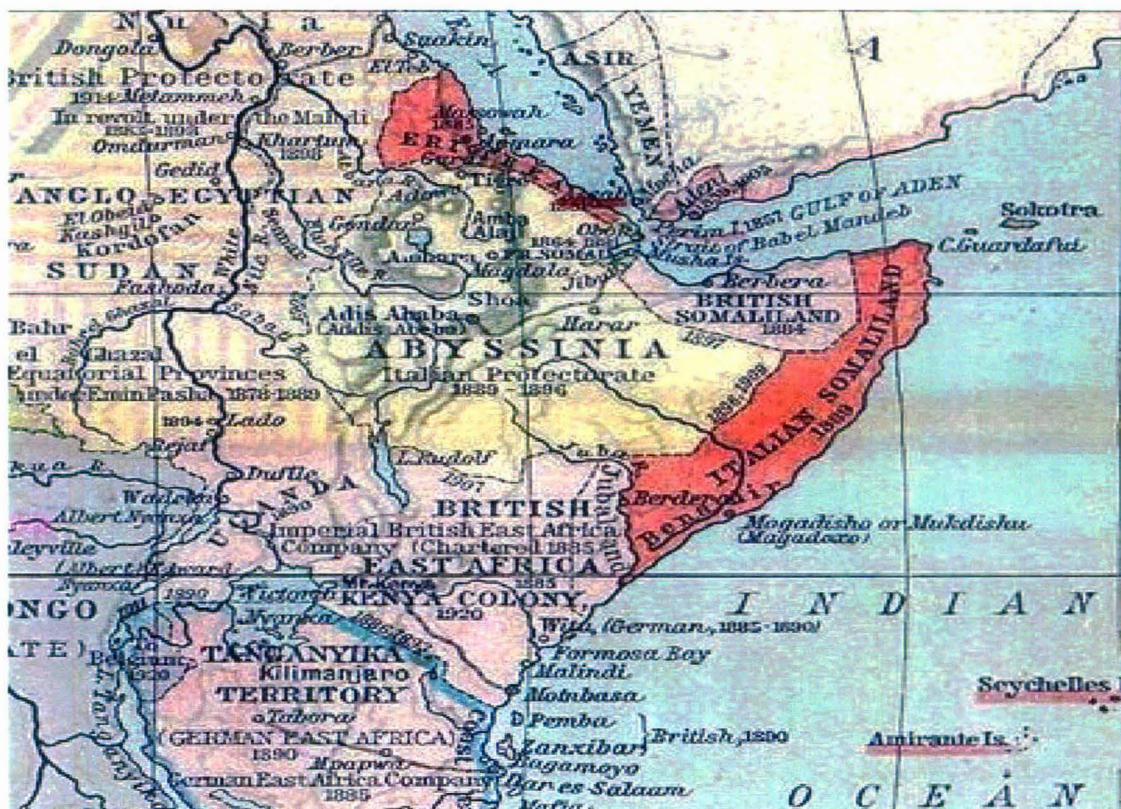
Source: Google Images.

1.   British Somaliland (presently Somaliland),

2.   French Somaliland (presently Djibouti),

3.   Italian Somaliand with Mogadishu as the capital,

4.   Ethiopian Somaliland (presently Ogaden),

5.   Northern Frontier District of British Kenya.

The ethnic Somali population, who already possessed a sense of distinctiveness, identified and established their own communities and operated as an autonomous

entity in a population of like-minded individuals, were now placed under the control of western powers. The people who were once united by the religion and ancestral roots were now separated by five artificially created borders and were forced to comply with the military might of the colonial powers that generally tended to ignore the economic necessity of the pastoral clans. Moreover, as the colonial powers drew their boundaries and converted them to blockades, they also destroyed the kinship units.

France and Britain had control over two valuable stretches of coastline in route to Suez Canal, but the largest part of Somalia had been in dispute between Italy and Ethiopia. Initially, Italy had congenial relations with Ethiopia, which resulted into the culmination of Treaty of Uccialli[7] in 1889. However, disagreement over the actual meaning of the Treaty rapidly soured the relations and an outright war broke out in 1896 between the two countries resulting into the crushing defeat of the Italians. Thereafter, Italy was in no position to resist the Ethiopian claims over Ogaden region with substantiative Somali population. As a result, Ogaden was granted to Ethiopia with many Somalis coming under the governance of Ethiopia.

However, with the defeat and annexation of Ethiopia by Italy in 1936, Ogaden region was unified by the Italians with their southern Somali colony, thus bringing together the Somali clans for the first time in forty years. During the Second World War, the Italians also captured the British Somaliland in August 1940 but the British forces recovered the whole area from the Italians and united almost the whole territory of Somali people under the British rule except the French Somaliland and also liberated Ethiopia.

With this, the situation reverted back to the colonial boundaries agreed in 1897 and Ogaden region came back to the fold of Ethiopia in 1954 after the British forces abandoned Ogaden and Reserved Areas. Though, the French and British Somaliland continued as before and the Italians returned to Somalia under a UN trusteeship in 1950 with the commitment to bring the colony to independence within ten years.

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[7] R L Hess (1973), "Italian Imperialism in Its Ethiopian Context", *The International Journal of African Historical Studies*, 6 (1): 94-109.

2.2.3 Somali Independence

The quest for Somali independence can be broadly divided into two periods. The first phase of struggle for independence of Somalia revolves around the Islamic religious leader, Sayyid Mahammad who belonged from the Ogaden region and undertook strenuous efforts to consolidate the disparate clans into a cohesive movement and lead the nationalist resistance against the three colonial powers (Britain, Italy and Ethiopia) for more than twenty years starting from 1895.

As he consistently believed that Christian colonisation was aimed at destroying the Muslim faith of the Somali people, he preached in the mosques and streets that the country was in danger and urged his compatriots to remove the 'English infidels'[8] and their missionaries. Such tactics used by him not only enhanced the feeling of patriotism in the Somali people but also increased his support base in the region. He began to collect men and arms with the object of helping his Ogaden kin against the Ethiopian raids. At the same time he gained a wide reputation for himself as he acted as a peacemaker in the inter-clan rivalry.

In the spring of 1901, the British and the Ethiopians with Italian logistical support agreed to undertake a common action against their common enemy who was now referred as the 'Mad Mullah'.[9] Thus, a pan – Somali resistance provoked a pan – colonial action.[10] After three years of bloody and inconclusive war, Sayyid wrote a common letter to the colonial powers which became extremely famous. He wrote -

> *I have no forts, no houses.... I have no cultivated fields, no silver or gold for you to take. You gained no benefit by killing my men and my country is of no good to you.... The country is jungle.... If you want wood and stone, you can get them in plenty. There are also many ant-heaps. The sun is very hot. All you can get from me is war.... If you wish peace, go away from my country to your own.*[11]

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[8] I M Lewis (1988), *A Modern History of Somalia: Nation and State in the Horn of Africa*, Boulder, Colorado: Westview Press, p. 67.

[9] R L Hess (1964), "The Mad Mullah and Northern Somalia", *The Journal of African History*, 5 (3): 415-433.

[10] D D Laitin and S S Samatar (1987), *Somalia: Nation in Search of a State*, Boulder, Colorado: Westview Press, p. 58.

[11] *Ibid.* p.58.

However, the colonial powers never moved out and by the end of 1920, the Somali resistance waded away as the pioneer of Somali nationalism, Sayyid Mahammad died due to influenza. With his death, the first phase of the Somali nationalist resistance to colonial occupation came to dramatic halt.

The second phase of the Somali resistance against colonialism got the boost with the unification of Somali peninsula under the British administration in the early 1940s. As the territory was declared to remain under the British flag for almost a decade, the most notable development was the growth of a new and fervent sense of national awareness. The Somalis began to question the legitimacy of colonial rule and called for political unity. Thus, the factors that contributed in the promotion of Somali nationalism were – memory of nationalist resistance led by Sayyid Mahammad, recent unification of the country, public humiliation of colonial masters, progress in education and economy, growth of an articulate elite and the lifting of ban on the open political debate by the new administration.

This led to the birth of a modern political party Somali Youth Club (SYC) later changed to Somali Youth League (SYL). It coordinated the efforts with other nationalist parties for Somali independence. However, the colonial powers except Italy suppressed the Somali resistance forcibly and the most brutal form of suppression was witnessed in Ogaden region where the Ethiopian forces carried out large scale executions, jailings and mass exiles.

In Italian Somalia, with regard to the United Nations (UN) mandated independence in 1960, electoral politics began in 1954 with a municipal election based on direct male suffrage. The SYL emerged victorious and formed the first Somali government. But, with the Italian power fading and growing opposition of the other clans, SYL started cracking down heavily on the opposition groups.

In contrast to Italian Somalia, the British banned the political parties in their protectorate and insisted on clan representation in governing councils whereby, prohibiting the development of national or supraclan parties.[12] In 1959, the first

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[12] *Ibid.* p.66.

general election took place in British Somalia. Over here also as it was witnessed in the south, voting and political coalitions correlated closely with clan membership.

With the UN General Assembly adopting a resolution in December 1959 stated that Somalia's trusteeship should end by 1st July, 1960, months before the stipulated period; the British in April 1960, made the swift decision to grant independence to their protectorates within days of Somalia's independence considering the view that if the union was to take place, then it should be done as soon as possible so that the differences in the administrative traditions could be sorted out by the protectorates themselves. The British Somaliland became fully independent on 26th June, 1960 and on 1st July, 1960, the Italian Somaliland followed suit. With this, both the territories merged together to form the Somali Republic on the basis of previously concluded separate agreements with the British and Italian governments.

2.1.4 Siad Barre Era

When the two newly liberated territories merged on 1st July, 1960, to form Somali Republic, there were -

> *Two different judicial systems; different currencies; different organization and conditions for service for the army, the police and the civil servants....The governmental institutions, both at the central and local level, were differently organized and had different powers; the systems and customs were different, and so were the educational systems.*[13]

The Somali people ratified the Constitution in June 1961 and started with participative democracy with an elected National Assembly, an independent judiciary and an active set of newspapers. At this time there were up to sixty political parties, all expressions of the various clans and sub-clans.

Although by 1969, the democratic regime had indeed solved the problem of the political integration of the two regions but failed to address in a sustained way, any of the Somalia's other problems. The corrosive impact of clannish infighting, bureaucratic ineptness and rampant nepotism had degenerated into a civil anarchy.

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[13] P Contini (1969), *The Somali Republic: An Experiment in Legal Integration*, London: Frank Cass, p. 11.

Moreover, the friction emerged between the President Shermaarke and the Prime Minister Igaal on the issue of 'Greater Somalia'[14], which related to the bringing of other Somalis living under rule of Ethiopia, Kenya and Djibouti under the single Somali flag. With the assassination of the President Shermaarke in October 1969 by a Somali soldier, terrible differences emerged between the various clans to choose the successor and finally the combined forces of Somalia's military and police led by Major – General Mohammad Siad Barre seized power in a bloodless coup d'état on 21st October, 1969.

He led the Supreme Revolutionary Council (SRC) in its quest to cure Somalia of its ills and talked of national unity. He focussed on the corruption of the old regime, tribal nepotism and the re-establishment of a just and honourable society. Though the SRC was made of military and police officers but it allowed civilians to hold ministerial portfolios. Appointments for the first time in the short history were not carefully scrutinised according to clan affiliation but the merit was given preference. He made serious attempts to reduce inequalities prevalent in the society and sent peace emissaries using the state's authority to cool down the conflicts among the tribal groups in rural Somalia. His regime not only tried to foster national unity across the clans but the nation also witnessed remarkable progress in the next six years (1970-1976).

His every anti-American remark gained him more popularity as the US was being portrayed 'anti-Muslim' and against the unification of Somalia. This anti American zeal was due to the refusal of military aid by the US in the light of their friendship with Ethiopia in 1962, for the sole purpose of enhancing the military efficiency in order to achieve the aim of 'Unified Somalia'[15]. However, Soviet Union soon stepped in with massive military help to fill the power vacuum during the ongoing Cold War.

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[14] D Carment and P James (1995), "Internal Constraints and Interstate Ethnic Conflict: Toward a Crisis-Based Assessment of Irredentism", *The Journal of Conflict Resolution*, 39 (1): 82-109.

[15] D D Laitin and S S Samatar (1987), *Somalia: Nation in Search of a State*, Boulder, Colorado: Westview Press, p. 78.

The military coup soon hardened into a socialist dictatorship known as 'Scientific Socialism'.[16] To overcome the divisions based on clanship, everyone was referred as 'Comrade' (asking of a person's clan was prohibited) with the hope that socialist camaraderie will surpass kinship in the scientifically socialist state. The new government had all the accessories of the then fashionable socialist military regimes: a single party, a single trade union, a strongly controlled press, close ties with the USSR, and mass organizations for women, youth and workers.[17] It also had an aggressive foreign policy and spent a massive share of its budget on military expenses with regard to the 'reunification of the Somali people'.

However, with the fall of Ethiopian Emperor Haile Selassie in 1974, Siad Barre shifted his attention from socialism to annexing of Somali populated areas of Haud and Ogaden from Ethiopia. Initially he lent support to the guerrilla movement operating in Ethiopia but later sent his regular troops in 1977. Meanwhile, the Soviet Union switched sides and the Ethiopian forces aided by Cuba and Soviet Union drove back the Somali troops. Thus, Ogaden war turned out to be the turning point in Siad Barre's rule as the military setback in 1978 created intolerable refugee crisis, a domestic political crisis and an economic crisis as well.[18]

Subdued by internal opposition, lack of reliable foreign patron and by the threat of Ethiopian backed invasion, his main aim since 1978 was to hang over to power at any cost. At this juncture he also reverted back to the only political resource that was left, the clan system. In a rare confession he did accept that –

> *I believe neither in Islam, nor socialism, nor tribalism, nor Somali nationalism, nor pan – Africanism. The only ideology to which I am firmly committed is the ideology of political survival.*[19]

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[16] I M Lewis (1988), *A Modern History of Somalia: Nation and State in the Horn of Africa*, Boulder, Colorado: Westview Press, p. 209.

[17] G Prunier (1996), "Somalia: Civil War, Intervention and Withdrawal (1990-95)", *Refugee Survey Quarterly*, 15 (1): 35-85.

[18] D D Laitin and S S Samatar (1987), *Somalia: Nation in Search of a State*, Boulder, Colorado: Westview Press, p. 89.

[19] *Ibid.* p.159.

After facing the defeat in Ogaden war, some Mijertein officers of the army tried to stage a coup d'état which failed. On the orders of Siad Barre not only the coup-makers were shot dead but he held the whole clan responsible for the event. On his orders, the north-eastern area of the country which was home to the Mijertein clan was subjected to looting, rape and murder. In order to counter the Mijertein threat, he relied mainly on three clans namely; Marehan, Ogaden and the Dolbahante clan as he knew the fact very well that in Somali politics ethnicity always remained the paramount factor. His regime also began to get involved in massive corruption which made the citizens even more distrustful of his government.

In 1988 when the Ethiopian dictator Mengistu Haile Mariam offered peace with Somalia after suffering a major defeat in the war against the Eritrean independence movement, Siad Barre agreed for 'peace agreement' with both agreeing to stop supporting each other's opposition. Thus, realising the deal, the Somali National Movement (SNM) which operated in the north–west for a separate statehood launched a desperate 'all or nothing offensive'[20] against the key towns of northern Somalia. The counter – attack by the government troops had been extremely violent as heavy artillery and air bombardment was used leading to massive stream of refugees running towards Ethiopia as there were thousands of civilian casualties. In order to resist the SNM, Siad Barre also encouraged other clans in the north to organise militias and support the government. By using such tactics, Siad Barre in fact generated increasing levels of clan strife.

As the Hawiye officers of the national army had strong reservations about the war in the north, they started their own dissident movement by way of United Somali Congress (USC) during late 1989. By 1990, the Ogaden, also created their own opposition front, the Somali Patriotic Movement (SPM) and began to operate against the national army in the southern provinces.

By the end of 1990, the government had control over just ten or fifteen per cent of the 'national territory' and doom was in the air.[21] And the rest of the territory was

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[20] G Prunier (1996), "Somalia: Civil War, Intervention and Withdrawal (1990-95)", *Refugee Survey Quarterly*, 15 (1): 35-85.

[21] A Galaydh (1990), "Notes on the State of the Somali State", *Horn of Africa*, 13 (1-2): 1-28.

under the control of different clan-based political movements, the SNM in the north
– west, a revived Somali Salvation Democratic Front (SSDF) in the north–east, the
USC in the centre and the SPM in the south.

In January 1991, several irregular units of these various movements converged on
the capital which quickly fell into their hands. On 27th January 1991, the socialist
dictator, Mohamed Siad Barre fled in a tank, taking along gold and foreign currency
reserves of the Central Bank, worth an estimated \$27 million.[22] Thus, the start of a
new era of was characterized by violent clashes between the warlords of various
clans for the control of the country.

2.1.5 Civil War, State Collapse and UN Intervention

The violent takeover of the capital could not have been avoided as it was not
possible to negotiate any political solution during the dying days of Siad Barre's
dictatorship. He neither had the backing of the foreign patron nor had any control
over his rival clans. Even an attempt made by a group of politicians known as 'The
Manifesto Group'[23] in 1990, for convening the national conference was turned down
by Siad Barre and were detained thereby preventing any last chance of an orderly
transition of power. The initiative not only attracted the moderates who feared about
the armed takeover of Mogadishu, but also the members of Siad Barre regime who
were concerned about their own survival.

The civil war among the various clan factions started almost instantly on 29th
January, 1991, after the departure of General Siad Barre. The clan based political
organisations divided the country among themselves and operated more or less as
well armed militias. In such a precarious situation, 'The Manifesto Group' set up an
interim government with Ali Mahdi Mohamed as 'Interim President', but soon a
split occurred between and within the various rebel groups. On the streets of
Mogadishu, severe inter-clan fighting was taking place. The main protagonists

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[22] G Prunier (1996), "Somalia: Civil War, Intervention and Withdrawal (1990-95)", *Refugee Survey Quarterly*, 15 (1): 35-85.

[23] K Menkhaus (1996), "International Peacebuilding and the Dynamics of Local and National Reconciliation in Somalia", *International Peacekeeping*, 3 (1): 42-67.

involved in a bloody fight for power were the factions led by Interim President Ali Mahdi Mohamed and General Mohamed Farah Aydeed who led the USC branch.

It was this 'Mogadishu War' (17th November 1991 – 26th February 1992) which finally brought the Somali conflict to the attention of the world.[24] The root-cause for the violence underway was the competition for the control of the capital between two over – armed rival groups of related clans. It was the inter – clan violence that had ruined the already insufficient infrastructure and led to the looting of property, especially food. Both camps routinely used heavy artillery in the streets of the capital, without any thought for the civilian population. Prisoners were systematically shot and even the field ambulances were regularly fired at. Thus, Somalia unravelled into a Hobbsian situation where clan – based militias pitted themselves against one another in a brutal intra – state war.[25]

By March 1992, the situation had reached its peak of and Mogadishu had almost become a 'ghost town'. The severe famine also made the helpless people more vulnerable to death. This civil war also exceptional in the sense that for the first time in the history 'teenage soldiers' popularly known as 'mooryaan'[26] were being used by the various clans in the war. The people involved in the civil war were just warlords, a pure product of the disintegration of the state since 1978. It is against this background of humanitarian catastrophe that triggered foreign intervention.

During this time, the situation in the north differed greatly from that in the South. In the former British colony, SNM primarily belonging to the Isaaq clan proclaimed independence on 18th May 1991. At about the same time in the Mijerteen controlled northeast another semi–autonomous region, Puntland, was established by the SSDF who opposed the central government.

The UN involvement in the Somali crisis started in January 1992 with the passage of United Nations Security Council (UNSC) Resolution 733, which called for arms

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[24] G Prunier (1996), "Somalia: Civil War, Intervention and Withdrawal (1990-95)", *Refugee Survey Quarterly*, 15 (1): 35-85.

[25] P Lennox (2008), *Contemporary Piracy off the Horn of Africa*, Calgary: Canadian Defence and Foreign Affairs Institute, p.5.

[26] *Ibid.*

embargo, UN humanitarian assistance and a cease – fire. The subsequent UNSC Resolution 751 on 24th April, 1992, had created the United Nations Somalia Mission (UNOSOM) and mandated the dispatch of a small peacekeeping force to monitor the ceasefire which had been negotiated and to provide security for humanitarian agencies. This prompted the US President, George H W Bush to announce a major American military intervention related to securing the distribution of humanitarian aid in the worsening crisis. Thus, the US and the UN forces grouped under the United Nations International Task Force (UNITAF) for the 'Operation Restore Hope'.[27]

However, the differences emerged between the US and the UN on the question of disarmament of the warlords engaged in fighting as the main aim of the US was to stay out of trouble and ensure the distribution of humanitarian aid but the UN was keen on it as the aim of UNITAF's mission was described as a "return to normal conditions."[28] Though, the UN was tried to preserve the US involvement but the Americans started to withdraw unilaterally in late March 1993 and with it UNOSOM – 1 and 'Operation Restore Hope' concluded.

UNOSOM – 2 was the second phase of the United Nations intervention in Somalia, from March 1993 and was empowered with authority under Chapter VII of the United Nations Charter to use force. The basic idea of the UN behind UNOSOM was to restore a working Somali state to bring it back into the category of nation-states which has been the very basis of the UN concept since 1945. However, the Somali warlords had no interest in such a 'state' which would be devoted to the public good. So they fought against the UN with the same vigour as the UN tried to help them or prevent them from furthering their own goals, just like they had fought among themselves in 1991–1992.

With increasing tensions between the UN and the clans on the issue of handing over the warlords coinciding with the killing of UN led Pakistani soldiers resulted into the

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[27] C A Crocker (1995), "The Lessons of Somalia: Not Everything Went Wrong", *Foreign Affairs*, 74 (3): 2-8.

[28] P Lennox (2008), *Contemporary Piracy off the Horn of Africa*, Calgary: Canadian Defence and Foreign Affairs Institute, p.5.

passage of UNSC Resolution 837, authorising military operations against those responsible for armed attacks against UN Forces. To the Somali warlords, it was a war with the UN, and the UNOSOM – 2 had just become another clan for them. This war lasted for four months resulting into thousands of casualties. It reached its climax on 3rd October, 1993, when a major assault on General Aydeed's positions in Mogadishu resulted in the shooting down of a US combat helicopter whose pilot was taken prisoner while another crew member's dead body was dragged throughout the streets of the capital. This incident reminded the US once again what the renowned international experts had warned[29] about the danger of dealing with the warlords of Somalia.

By March 1994, all European countries withdrew and by May in the same year, the US withdrew citing financial reasons from Somalia with a pledge to not to interfere in the African affairs and there must be African solutions for the African problems.[30] Thereafter, the UNOSOM was manned by the contingents of the third world till 31st March 1995 when the operation was shut down.

Thus, it can be said that the situation in Somalia was not simply the result of 'anarchy' and 'a collapse of the state'. It was a logical consequence of the vulnerability of the state in a society where it had no traditional roots. An artificial state existed for thirty years and fell apart when the foreign resources which had held it together disappeared at the same time when the clan – based opposition was growing.

2.1.6 Current Scenario

In late 2000, the Transnational National Government (TNG) of Somalia was established in exile in Djibouti with Abdiqassim Salad Hassan as the transitional President and Ali Khalif Galaydh as an interim Prime Minister with the backing of the UN. The goal of the TNG was to take control of the southern two thirds of Somali area and unite the warlords who divided the country into a clan fiefdom.

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[29] G Prunier (1996), "Somalia: Civil War, Intervention and Withdrawal (1990-95)", *Refugee Survey Quarterly*, 15 (1): 35-85.

[30] B Moller (2009), *The African Union as Security Actor: African Solutions to African Problems?*, London: Development Studies Institute (DESTIN), 1-26.

However, the TNG was successful in controlling just some small areas in the capital and a few enclaves in the countries interior and never gained the clan support necessary to unite under the central government. Despite the government in exile, the President achieved the de–facto recognition from the UN by way of attending UN Millenium Summit and the summits of other organisations such as Arab League, Organisation of the Islamic Conference (OIC), Intergovernmental Authority on Development (IGAD) and the Organisation of African Unity (OAU).

Then in 2004, the Transnational Federal Government (TFG) was established along with a parliamentary system that allowed various clans to appoint parliament leaders. Since, the TFG was too weak to enforce its authority over the country; it requested in vain the assistance of the UN and African Union (AU) for protection. In 2006, with help of Ethiopian forces the TFG finally stood up in Mogadishu. However, the presence of the Ethiopian forces in the territory was considered to be an invasion which reignited the civil war.

In 2006, a group of Islamists came together and formed the Union of Islamic Courts (UIC) and took over the area the TFG sought to control. The UIC not only ousted the warlords who had controlled the area for the last fifteen years but also established a strict form of Sharia law that brought temporary stability to the volatile region. They also reopened the ports and the airport in Mogadishu. They dismantled many roadblocks throughout the city and helped in dramatically improving the day-to-day lives of the civilian population. Moreover, the UIC was in strict opposition to piracy and was able to effectively eradicate it in the second half of 2006.

However, the UIC rejected the role of the TFG and declared a defensive jihad on the Ethiopian military that tried to protect the TFG. The UIC had a mixture of radicals and moderates with no clearly defined leadership structure. The radical branch was suspected of carrying out terrorist attacks and supporting the violent Al-Shabab militia. The United States and Ethiopia rejected the Islamists rule and at the end of 2006, Ethiopian troops with the backing and support of a few US Special Operations teams[31] with the authority of the TFG removed the Islamists from power. The area

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[31] P Lennox (2008), *Contemporary Piracy off the Horn of Afrca*, Calgary: Canadian Defence and Foreign Affairs Institute, p. 6.

was once again reverted to clan–based factions struggling to establish control of the region.

Today, the stability and prosperity of Somalia is as diverse as the clans who occupy the area. There seems to be little optimism as a number of relevant parties have always boycotted the talks which also include some of the former Islamists. Moreover, even the transitional governments have been marred by the differences within the clans which had led to the fall of several transitional governments thus always providing room for the violence to step in.

However, in an attempt to save the country from further disintegration the current TFG government was established in 2004 in Djibouti with the backing of the UN, US and the regional organisation, IGAD, but it has limited capacity to enforce rule of law throughout the country. It is still trying to survive while facing the onslaughts of the warring warlords on the regular basis. It continues to battle Islamic and other militias with the fighting concentrated in the capital, Mogadishu. In this strenuous effort to bring all the clans together despite being at odds with the UIC and others, the government is being led by the President, Sheikh Sharif Sheikh Ahmad and Omar Abdirashid Ali Sharmarke as the Prime Minister. However, to complicate the matters, the TFG has no control over Puntland, which declared itself to be a semi-autonomous state in 1998 and is currently the base of piracy. Somaliland, which declared independence in 1991 after the overthrow of the Siad Barre regime, is also not part of the TFG.

The present condition of Somalia appears quite grim. In some areas a terrible humanitarian crisis rages as 3.6 million people are in need of immediate humanitarian assistance and nineteen percent of children under five are acutely malnourished.[32] The acute malnutrition in some areas has reached twenty seven percent. Of those in need of urgent humanitarian assistance, seventy five percent are located in central and southern Somalia, which are largely inaccessible because of escalations in violence.[33] However, the population enjoys relative prosperity in

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[32] UNICEF Humanitarian Action Report 2010, [Online: web] Accessed on 18 June 2010, URL: http://www.-unicef.org/har2010/index_somalia.php.

[33] *Ibid.*

Somaliland as it is relatively stable while the semi-autonomous region of Puntland is riddled with crime and likely harbours most of the pirates carrying out the attacks on international shipping.

Since 1991, there had been no central government, "no ministries, no systematic maintenance of infrastructure...since technically it does not exist".[34] Thus, the country fell into a state of anarchy leaving millions of people dead or starving because of increased level of unemployment and chronic poverty in the midst of civil war. This analysis seeks to provide a background to establish the root causes of piracy along with recognising the importance of clan structures in the Somali society.

2.2 Dynamics of Somali Piracy

In 2008, Somalia again attracted considerable international attention, as it had done during the civil war in the early nineties. The reason was not so much about the millions of refugees and internally displaced persons or the severe malnutrition among the Somali population along with other aspects of the extremely complex humanitarian emergency ravaging this country, but the new dangers posed to the international shipping industry and maritime trade and commerce by the surge of piracy emerging from the soil of Somalia.

There was a dramatic rise in maritime piracy along the coasts of Somalia and particularly in the Gulf of Aden as it is a vital node in the complex network that fuels international trade and links the Mediterranean Sea, the Suez Canal and the Red Sea to the Indian Ocean. This strategic area facilitates the trade between the East and West and the resurgence in maritime piracy in the region has sent ripples throughout the world which is yet to recover from the worldwide economic slowdown.[35] This resurgence is hampering the crucial sea routes as twenty thousand

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[34] E G Lindner (2000), *The Psychology of Humiliation: Somalia, Rwanda / Burundi, and Hitler's Germany*, Ph.D. Thesis, Oslo: University of Oslo, p.51.

[35] J Kraska and B Wilson (2008), "Fighting Pirates: The Pen and the Sword" *World Policy Journal*, 25 (4): 41-52.

vessels pass through the Gulf of Aden each year including twelve percent of the world's petroleum traffic.[36]

In recent years, though the incidents of maritime piracy in most parts of the world has been on decline due to cooperation among the littoral states and international community[37] but the threat has rapidly increased along the coasts of East Africa and particularly off Somalia. In contrast to previous patterns, pirate attacks emerging from Somalia are shifting from territorial waters to the high seas. Some successful attacks were carried out at greater distances from land than ever before such as 600 nautical miles away from the Somali coast extending out to Kenya, Tanzania, the Seychelles and Madagascar[38] while a cluster of attacks took place at 400 nautical miles southeast of Mogadishu. According to the report of IMB, in 2008 there were 141 attacks made by the Somali pirates in the Gulf of Aden and western Indian Ocean.[39]

Before 1990, piracy in the region was hardly witnessed barring few incidents of armed robbery against small fishing ships or leisure craft. However, a more structured form of maritime piracy emerged in the mid–1990s when some armed groups of fishermen began to patrol the exclusive economic zone of Somalia, claiming to be the authorised 'coast guards'[40] and referred themselves as 'the Kismayo Volunteer Coastguards' and 'the Somalia Marines for Hobyo and Haradheere'[41] and sanctioned their actions by stating they were protecting the

[36] E Boyanton and S Geary (2009), "Danger on the High Seas", [Online: web] Accessed on 14 February, 2009, URL: http://www.supplychainquarterly.com/topics/Logistics/scq200904piracy/.

[37] J Kraska (2009), "Coalition Strategy and the Pirates of the Gulf of Aden and the Red Sea", *Comparative Strategy*, 28 (3): 197-216.

[38] H Fouche (2009), "Somali Pirates Take to the High Seas: Expediency or Long Term Pirate Strategy?", *South African Journal of Military Studies*, 37(2): 67-81.

[39] ICC-IMB Piracy and Armed Robbery Against the Ships: Annual Report, 2009, [Online: web] Accessed on 28 April 2009, URL: http://www.icc-ccs.org/index.php?option=com_contact&view=contact&catid=12&id=3:inte-rnational-maritime-bureau.

[40] J Kraska and B Wilson (2009), "The Global Maritime Partnership and Somali Piracy", *Defence and Security Analysis*, 25 (3): 223-234.

[41] International Expert Group (2008), *Piracy off the Somali Coast: Final Report: Assessment and Recommendations*, Nairobi: Workshop Commissioned by the Special Representative of the Secretary General of the UN to Somalia, p.19.

Somali fishing resources which is considered to be one of the richest fishing grounds in the world.[42]

The attacks on the ships slowly expanded after 2000 where the vessels sailing near Somalia were at high risk of being hijacked. By 2005, the Somali 'coast guards' attacked ships at random sailing in the Indian Ocean off the coast of Somalia and it became very difficult to distinguish between vessels that were seized for illegally fishing, and vessels that were simply seized.[43] Somalia has a long coastline of approximately 3025 kilometres[44] and by the end of 2007, the maritime piracy which started along its southern coast near Mogadishu has shifted towards the north in the Gulf of Aden[45] clearly depicting that the Somali pirates are not only aiming to hijack

Graph 1: Northward shift of Attacks by the Somali Pirates.
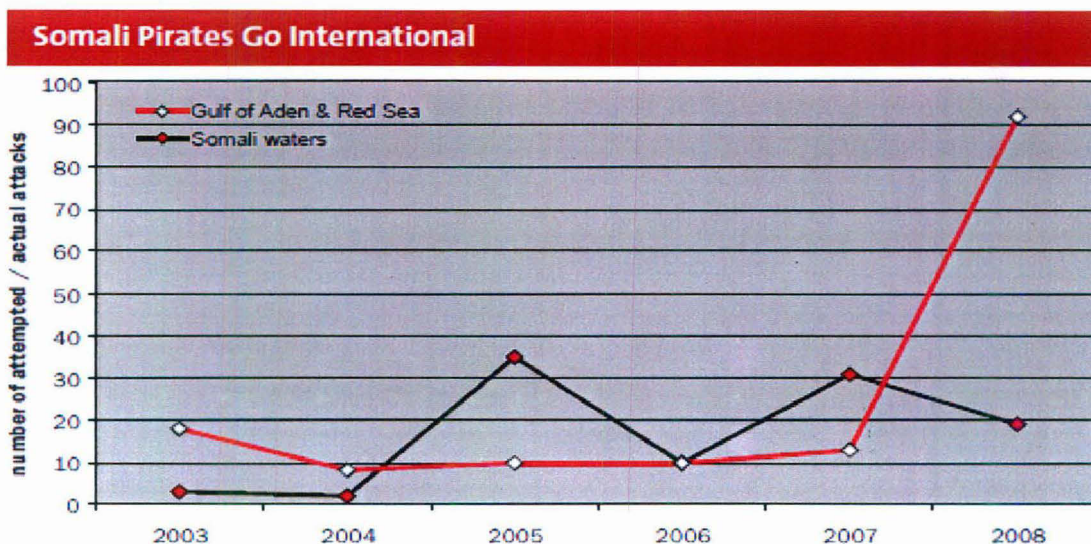
Source: Matthew Hulbert (2009), *Making Waves: Piracy Floods the Horn of Africa.*

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[42] R Lloyd (2009), "What is Piracy? Thoughts from the Human Rights in Africa Conference", *Peace and Justice News*, [Online: web] Accessed on 14 January, 2009, URL: http://www.pjcvt.org/M-ay%202009.pdf.

[43] J Kraska (2009), "Coalition Strategy and the Pirates of the Gulf of Aden and the Red Sea", *Comparative Strategy*, 28 (3): 197-216.

[44] R Gilpin (2009), *Counting the Costs of Somali Piracy*, Washington: United States Institute of Peace, p.1.

[45] R Middleton (2008), *Piracy in Somalia: Threatening Global Trade, Feeding Local War*, London: Chatham House, p.3.

hijack the ships in the Indian Ocean but also in the Gulf of Aden and at the mouth of the Red Sea. The most disturbing is the audacious nature of the Somali pirates who have not only attacked the fishing boats, containers, LPG carriers, tankers, general cargo ships, private yachts but also the UN chartered aid vessels.[46] Considering the phenomenal increase in the number of attacks made by the Somali pirates, the International Maritime Bureau (IMB) was forced to declare the Gulf of Aden to be the "most dangerous waterway on earth and the number one piracy hotspot in the world."[47] This has resulted in the formation of multiple pirate gangs in the region and the main base of pirate activity has been located at the Eyl, Hobyo and Haradheere[48] along the east coast of Somalia.

Somali pirates operating in the region are mainly interested in the hijacking of ships and crew members rather than stealing the cargo and reusing the ship for other purposes. When a ship is taken over by the Somali pirates and the crew are held for ransom, the ship is sailed to one of the bases along the coasts of Somalia, where they can have access to food, water, qat, weapons and ammunitions till the negotiations take place. According to media reports, in November 2008, at Eyl, where more than 220 hostages were being held were being well looked after and the treatment met to them had been relatively benign[49] as most of the crew members were not harmed in contrast to the pirate attacks where crew members have been injured and even murdered during hijackings . In fact, they were often taken out by their captors to eat in new restaurants as they are the most prized assets.[50]

[46] D Sekulich (2009), *Terror on the High Seas: True Tales of Modern Day Pirates*, New York: St. Martin's Press, p.142.

[47] M Simnpson (2009), "An Islamic Solution to State Failure in Somalia?", *Geopolitics of the Middle East*, [Online: web] Accessed on 19 May 2010, URL: http://www.andaledemo.net/geopolitics/images/articoli/An%20islamic%20solution.pdf.

[48] International Expert Group (2008), *Piracy off the Somali Coast: Final Report: Assessment and Recommendations*, Nairobi: Workshop Commissioned by the Special Representative of the Secretary General of the UN to Somalia, p.14.

[49] Mirror.co.uk (2008), *Pirates Want Ten Million Ransom for Tank Ship*, [Online: web] Accessed on 24 April 2010, URL: http://www.mirror.co.uk/news/top-stories/2008/09/30/pirates-want-10-million-ransom-for-tank-ship-115875-20761052/.

[50] J Clayton (2008), "Business Booms in Somalian Pirate Village Eyl", *The Australian*, Sydney, 19 November 2008.

Today as many as 5,000 Somali men are actively engaged in piracy divided into approximately five large groups[51] and the revenue generated through ransoms enters the Somali economy by way of payment for services, purchase of consumer durables, high end vehicles and real estate.[52] The ransom generated money is fuelling a construction boom along the coastline of the Puntland, as several new restaurants have opened up and gunmen flash their new weapons and 'middlemen' are seen wearing smart suits and showing off their latest mobile phones[53] in the region. Millions are starving in Somalia, but in this corner of the country, piracy is big a business as the ransom payoff of a single hijack amounts to $500,000 - $1 million[54] depending upon the value of the cargo. Moreover, the ransom has to be paid in cash prior to the release of the vessel and crew. However, the ransoms are also sometimes deposited into foreign bank accounts[55] of United Arab Emirates or Western Europe. It is estimated that in 2008, the total ransom payment collected by the Somali pirates was about $30 million[56] through hostage taking, ransoming vessels and cargo.

Since, piracy in Somalia has become an extremely organised and sophisticated crime as it provides rich remunerations. A single attack can be worth $10,000 for a working – level pirate, more than most Somalis can make in several years.[57] It has generated more pirate gangs and the recent success of the pirates operating from Somalia can be attributed to the securing of latest technology, armed with lethal weapons, better attack boats, operating in an enormous geographic area with

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[51] J Kraska and B Wilson (2009), "The Global Maritime Partnership and Somali Piracy", *Defence and Security Analysis*, 25 (3): 223-234.

[52] R Gilpin (2009), *Counting the Costs of Somali Piracy*, Washington: United States Institute of Peace, p.10.

[53] J Clayton (2008), "Business Booms in Somalian Pirate Village Eyl", *The Australian*, Sydney, 19 November 2008.

[54] J Kraska (2009), "Coalition Strategy and the Pirates of the Gulf of Aden and the Red Sea", *Comparative Strategy*, 28 (3): 197-216.

[55] J Clayton (2008), "Business Booms in Somalian Pirate Village Eyl", *The Australian*, Sydney, 19 November 2008.

[56] J Kraska (2009), "Coalition Strategy and the Pirates of the Gulf of Aden and the Red Sea", *Comparative Strategy*, 28 (3): 197-216.

[57] *Ibid.*

multiple targets and having no authority on land to challenge them. This indicates toward the Somalia's relentless descent into armed anarchy.

Piracy emerging from Somalia is turning out to be extremely harmful for the Red Sea states, as Suez Canal transits are being adversely impacted by the instability of the country as some companies have started plying their ships through Cape of Good Hope rather than the Suez Canal due to the threat of pirate attacks in the passage of Gulf of Aden.

2.2.1 Reported Incidents

Piracy off the coast of the 'failed state'[58] of Somalia has been growing at an alarming rate and threatens to drastically disrupt international trade.[59] There have been frequent attacks made by the Somali pirates operating along the coasts off Somalia and particularly in the Gulf of Aden. As a result, they have extorted millions of dollars as ransom payments from international shipping companies, governments and insurance companies. In 2008, 42 vessels were seized by the Somali pirates operating off the coast of Somalia and 815 mariners were held hostage[60] by them as part of ransom demands.

As 2009 drew to close, it was clear that there was no end to Somali piracy as the number of attacks made by the Somali pirates crossed all its limits. The IMB Piracy Reporting Centre, Kuala Lumpur reported that there were 211 pirate attacks made by the Somali pirates alone of the total 406 pirate attacks reported all across the world in 2009. There were 80 attacks of the east and south coast of Somalia along with 116 in the Gulf of Aden, while 15 attacks were made in the southern Red Sea, 4 off Oman and one each in Arabian and Indian Ocean. Overall, 47 vessels were hijacked by the Somali pirates. According to the same statistics, 867 crew members were held

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[58] L E Andersen (2009), "Piracy in the Gulf of Aden: Reflections on the Concepts of Piracy and Order", [Online: web] Accessed on 16 September 2009, URL: http://diis.dk/graphics/Publications/Books2009/Yearbook2009/-Yearbook_2009_web.pdf.

[59] R Middleton (2008), *Piracy in Somalia: Threatening Global Trade, Feeding Local War*, London: Chatham House, p.3.

[60] J Kraska and B Wilson (2009), "The Global Maritime Partnership and Somali Piracy", *Defence and Security Analysis*, 25 (3): 223-234.

as hostage and 10 were injured while 4 were killed during the attempt made by the Somali pirates to hijack the vessels.[61]

The act of maritime piracy emerging from Somalia can be witnessed with the help of the following tables and graphs that explores the gravity of the problem in the region. Since 2000, the attacks made by the Somali pirates can be described as of moderate level as the figures according to IMO fluctuate between sixteen and six, till 2004. However, the annual report of IMO states that in 2005, the number of attacks[62] almost got doubled and the attacks launched by the Somali pirates dramatically rose to 110 in 2008 and 211 in 2009 which captured the attention of the whole world. The rise in the numbers of pirate attacks not only signifies the problem that mars the sea-routes along the coasts of Somalia but also the problems of the country in which it has been engulfed, and now the problems of Somalia is diverging out in the seas and wreaking its havoc.

Since its inception in 1960, none of the western countries paid any attention to Somalia as it had few strategic interests to serve with, neither oil or gas reserves nor any important economic role in the global community. But Somalia attracted the attention of the whole world initially when an army helicopter of the US was shot down by the Somali warlords in October 1993 and recently by the increasing menace of piracy emerging from Somalia. In June 2005, a UN chartered vessel *Semlow* along with the crew was captured by the Somali pirates about thirty miles away from the Somali coast while carrying 850 tons of rice donated to Somalia by Japan[63] as an aid for those affected by the tsunami under the United Nations World Food Programme (WFP). The ship and the crew were released after $135,000[64] was

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[61] ICC-IMB Piracy and Armed Robbery Against the Ships: Annual Report, 2009, [Online: web] Accessed on 28 April 2009, URL: http://www.iccccs.org/index.php?option=com_con-tact&view=contact&catid=12&id=3:inte-rnational-maritime-bureau.

[62] IMO Annual and Monthly Reports, 2000-2009, [Online: web] Accessed on 13 May 2009, URL: http://www.imo.org/Circulars/index.asp?topic_id=334.

[63] D Sekulich (2009), *Terror on the High Seas: True Tales of Modern Day Pirates*, New York: St. Martin's Press, p.162.

[64] J N Anyu and S Moki (2009), "Africa: The Piracy Hot Spot and its Implications for Global Security", *Mediterranean Quarterly*, 20 (3): 95-121.

paid as ransom forcing the UN to suspend the relief assistance as it was unwilling to put its personnel at risk anymore.

Another act of maritime piracy by the Somali pirates highlighted the gravity of the problem when the pirates hijacked a Ukrainian owned vessel *Faina* on 25th September 2008, destined to Kenya while carrying Russian made T-72 tanks and armaments of all sorts. There were apprehensions that the Somali pirates might seize the weapons in order to enhance their capabilities but they released the vessel and the crew after the negotiated amount of $3.5 million was paid which is considered to be the largest ransom ever paid in the history of maritime piracy.[65]

Spurred by the success of the *MV Faina* episode, another group of Somali pirates seized the US bound Saudi supertanker, the *Sirius Star*, 450 nautical miles south – east of Kenya on 15th November 2008. This incident was considered to be the largest pirate attack in the records as the Somali pirates showcased their capability to operate in the high seas. The ship which was three times the size of the US aircraft carrier,[66] laden with two million barrels of oil valuing $100 million[67] was captured by the fifty armed pirates and commandeered it to the coast of Hobyo. As *Sirius Star* was the newly acquired vessel priced at $150 million, the combined total value of the ship stood at $250 million but the primary concern in this case was that any hot pursuit against the Somali pirates could trigger an ecological disaster[68] in the region. Finally, the merchant vessel was released when the negotiated amount of $3 million was parachuted on the deck of the ship.[69] These examples and the table given below indicate towards the concrete evidence of the organised maritime piracy that exists in Somalia.

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[65] R Crilly (2009), "Somali Pirates are Paid Record $3.5 Million Ransom for MV Faina", *The Times*, London, 5 February 2009.

[66] P Lennox (2008), *Contemporary Piracy off the Horn of Africa*, Calgary: Canadian Defence and Foreign Affairs Institute, p.10.

[67] J N Anyu and S Moki (2009), "Africa: The Piracy Hot Spot and its Implications for Global Security", *Mediterranean Quarterly*, 20 (3): 95-121.

[68] J Henley (2009), "All at Sea", *The Guardian*, London, 19 November 2008.

[69] X Rice (2009), "Hijacked Saudi Oil Tanker Released After Ransom Dropped by Parachute", *The Guardian*, London, 9 January 2009.

The given table highlights the number of the ships that have attacked by the pirates of Somalia since 2000. However, the data may have their own limitations as there is disagreement between the major maritime organisations on the definition of piracy. This eventually affects the statistics of the reported pirate attacks. Moreover, the data on regional variation is also not satisfactory as the divisions are too broad.[70] The IMB records by country and aggregates by region while the IMO only records by large region, e.g. 'East Africa'.

Table 1: Number of Attacks by the Somali pirates during 2000 – 2009.

Year	No. of Attacks
2000	16
2001	10
2002	12
2003	12
2004	06
2005	34
2006	17
2007	33
2008	110
2009	211

Source: IMO Annual and Monthly Reports, 2000 – 2009.[71]

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[70] M N Murphy (2007), "Contemporary Piracy and Maritime Terrorism: The Threat to International Security", *Adelphi Paper*, 388: 1-89.

[71] Compiled from the IMO Annual and Monthly Reports, 2000-2009, [Online: web] Accessed on 13 May 2009, URL: http://www.imo.org/Circulars/index.asp?topic_id=334.

Graph 2: Number of Attacks made by the Somali Pirates during 2000 – 2009.
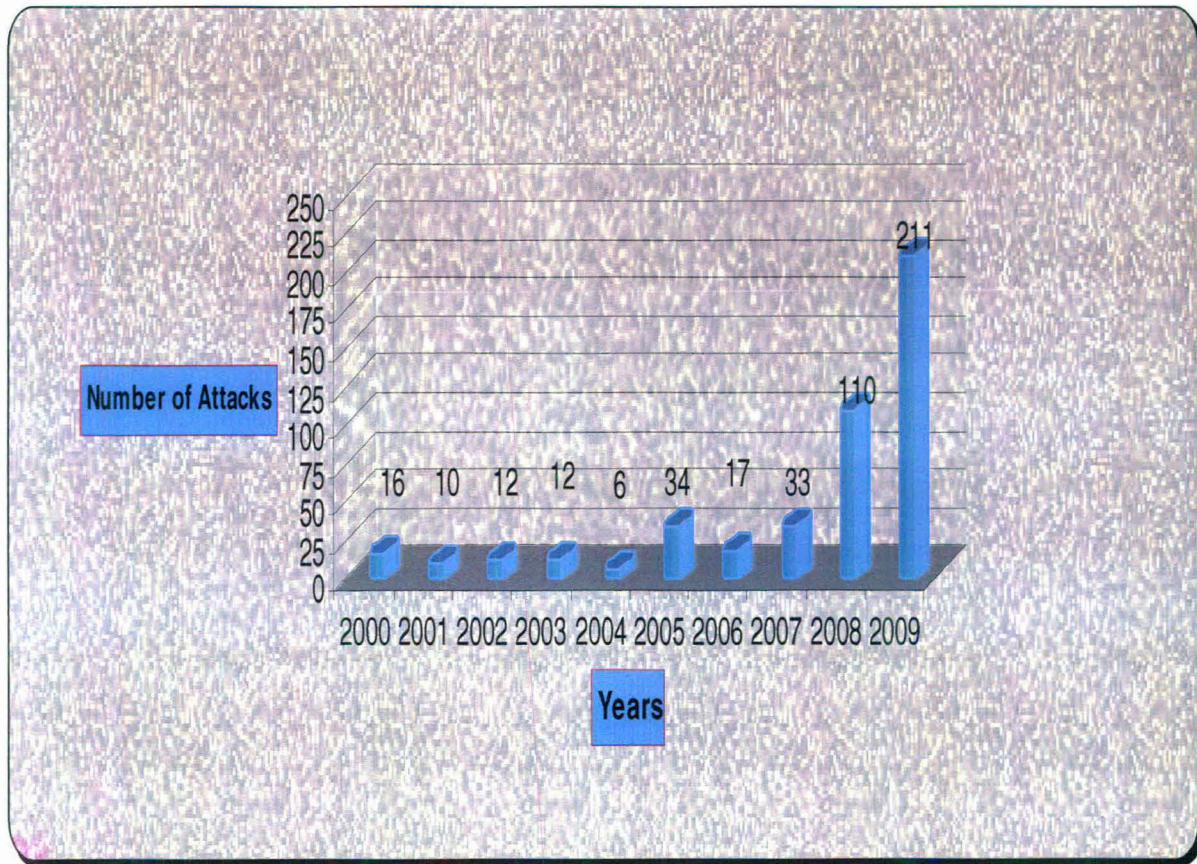
Map 3: Location of Somali Pirate Attacks in Gulf of Aden.
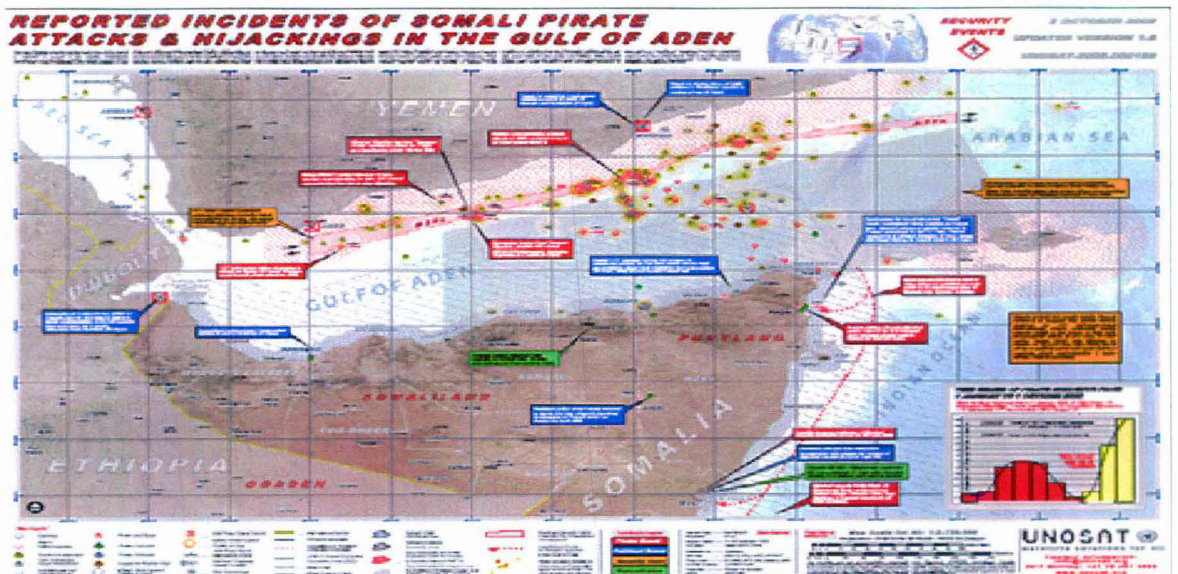
Source: Google Images.

Map 4: Location of Somali Pirate Attacks along the coasts of Somalia.
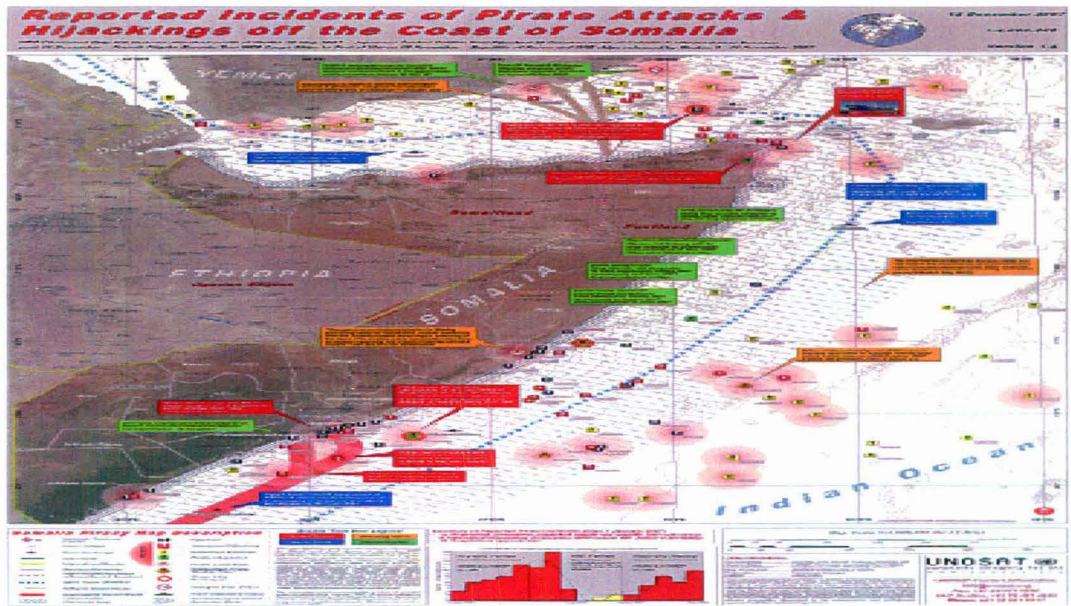
Source: Google Images.

2.2.2 Root Causes

There are many factors that have contributed in the emergence of maritime piracy in Somalia. Piracy has taken roots in Somalia due to the social upheavals, human hardship and environmental degradation. Moreover, now it is flourishing in the region as it has become a source of quick money which by passes all other means of income generation. While the action of piracy involves some risk, the benefits far outweigh that risk, a fact indicated by the few arrests made and less deaths and injury suffered by pirates to date.[72]

However, it all started in the early 1990's with the fall of the authoritarian dictatorship of General Siad Barre. With his departure from the political scene, anarchy stepped in as the warlords started fighting for the capture of the capital, Mogadishu. The whole country was ravaged by the civil war which led to political turmoil and volatile security of the country. The extraordinary complex of clan based rivalry and warfare led to the emergence of radicalised Islamic jihadist

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[72] Ambassador Ahmedou Ould☐Abdallah (2008), "Piracy off the Somali Coast: Final Report: Assessment and Recommendations", Workshop Commissioned by the Special Representative of the Secretary General of the UN to Somalia: Nairobi.

movement bent on uniting the country under sharia law. For the removal of hardliner UIC from power as there were fears in the international arena that some factions of the UIC had ties with Al–Qaeda, in December 2006, TFG forces supported by the Ethiopian military and the tacit approval of the Western countries managed to overpower the UIC. But the cost of the wish of foreign countries to not to allow Somalia become an Islamist state[73] was paid by the poor Somalis as it reignited the ongoing civil war. As a result, about sixteen thousand people died making it the world's worst humanitarian crisis.[74]

Due to the ongoing civil war, the existing infrastructure had already been destroyed leading to poverty, extreme unemployment and rampant corruption which is quite common throughout the country. According to the World Bank, forty percent of the Somalis live in extreme poverty i.e. less than a dollar a day and about two-thirds of the Somali youths are unemployed.[75] Also, according to the Transparency International Somalia in 2008 ranked first out of 180 countries in the Global Corruption Index. Thus, a combination of inter – clan rivalry, massive corruption, extreme poverty, extensive unemployment, reduction of pastoralist resources and displacement of people, environmental degradation due to two natural disasters and proliferation of arms has facilitated crime in Somalia which has started moving out in the sea.

Moreover, the environmental degradation due to the two natural disasters which included the consecutive drought for four years (2002 – 2006) and the Indian Ocean tsunami of 2004 brought catastrophe for the poor Somalis. The unpatrolled waters of Somalia since 1991 became a cost–free dumping ground of toxic wastes for the European countries as there was no central government in the country. These wastes dumped in the region affected many Somalis living on the coasts as initially they suffered from strange rashes, nausea and malformed babies. Then, after the 2004 tsunami, when hundreds of the dumped and leaking barrels washed up on shore, people began to suffer from radiation sickness, skin cancer, mouth and abdominal

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[73] D Sekulich (2009), *Terror on the High Seas: True Tales of Modern Day Pirates*, New York: St. Martin's Press, p.194.

[74] D Axe (2009), "Somalia, Redux: A More Hands off Approach", *Policy Analysis*, 649: 1-17.

[75] R Gilpin (2009), *Counting the Costs of Somali Piracy*, Washington: United States Institute of Peace, p.1.

bleeding[76] which resulted into the death of more than 300 people.[77] In 2005, the UN Environment Programme has documented about the damages done due to the dumping of nuclear and toxic wastes across the shores of Somalia. According to the spokesman of the Programme –

> There's uranium radioactive waste, there's lead, there's heavy metals like cadmium and mercury, there's industrial waste, and there's hospital wastes, chemical wastes, you name it. [78]

The dumping of nuclear or toxic wastes in the sea area had become a multi-billion dollar enterprise[79] as the report states that the dumping cost of the wastes was $2.50 per ton in Africa compared to $250 per ton in Europe.[80]

Moreover, the European ships which dumped toxic wastes along the coasts of Somalia returned home laden with illicit catches of fish and the poaching of fishes has proved to be far more devastating to the Somalis than the rusting containers of hazardous waste washed up on Somali beaches. Some Somalis argue that the fishermen have become pirates because their life was being destroyed by illegal fishing and dumping of the toxic wastes while the foreign governments chose to vehemently ignore these issues as their only source of livelihood was being robbed away.

Somalia which is one of the richest fishing grounds in the world and like all maritime countries has legal rights over an exclusive economic zone of 200 nautical miles but has no navy to enforce its control and the poor fishermen in the region simply do not have the resources to compete with the big ships of the foreigners. Therefore, theoretically it owned the fish and minerals in the area but it was being

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[76] D Sekulich (2009), *Terror on the High Seas: True Tales of Modern Day Pirates*, New York: St. Martin's Press, p.190.

[77] C Q Adade (2009), "Who are the Real Pirates in Somalia?: The Patriotic Vanguard", [Online: web] Accessed on 23 May 2009, URL: http://www.hiiraan.com/op2/2009/nov/who_are_the_real_pirates_in_so-malia.aspx.

[78] T Dagne (2009), "Somalia: Prospects for a Lasting Peace", *Mediterranean Quarterly*, 20 (2): 95-112.

[79] O S Ibrahim (2009), "To Patrol is to Control: Ensuring Situational Awareness in Africa's Maritime Exclusive Economic Zones", *African Security Review*, 18 (3): 124-131.

[80] T Dagne (2009), "Somalia: Prospects for a Lasting Peace", *Mediterranean Quarterly*, 20 (2): 95-112.

utilised by the countries other than the Somalis. Thus, the angry fishermen of Somalia left with no other choice picked up rifles and began to patrol the coastal areas considering themselves to be the authorised coastguards in the absence of any central government in the country. In this context, commenting on the piracy emerging from Somalia, Peter Lehr has remarked that –

> It's almost like a resource swap; Somalis collect up to $100 million a year from pirate ransoms off their coasts. And the Europeans and Asians poach around $300 million a year in fish from Somali waters.[81]

But slowly, the pirates who believed that they had every right and prerogative to attack illegal fishing vessels operating in their territorial waters began to attack the ships at random. The pirates did admit that the initial idea of protecting their coast line has been hijacked[82] to the current situation where any vulnerable vessel is a target and has been transformed into a huge international problem with the origin of the initial actions being forgotten.

Fouche mentions about the opinion of Daly who considers that "poverty and unrealised nationalistic ambitions in Somalia has caused a number of soldiers to turn to crime and join the Somali piracy."[83] Moreover, the availability of small arms in Africa, such as pistols, light or heavy calibre machine guns along with automatic assault rifles and RPGs provide pirates with an enhanced means to operate on a more destructive and sophisticated level.[84] Coupled with unemployment and poverty, this ready supply of arms makes piracy an easy alternative to earn a living through crime. The absence of a functioning navy, police force and civil authority to enforce laws has left Somalia helpless to prevent theft from taking place on the high seas in the vicinity of Gulf of Aden and along its coasts.

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[81] R Lloyd (2009), "What is Piracy? Thoughts from the Human Rights in Africa Conference", *Peace and Justice News*, [Online: web] Accessed on 14 January, 2009, URL: http://www.pjcvt.org/May%-202009.pdf.

[82] International Expert Group (2008), *Piracy off the Somali Coast: Final Report: Assessment and Recommendations*, Nairobi: Workshop Commissioned by the Special Representative of the Secretary General of the UN to Somalia, p.5.

[83] H Fouche (2009), "Somali Pirates Take to the High Seas: Expediency or Long Term Pirate Strategy?", *South African Journal of Military Studies*, 37(2): 67-81.

[84] Peter Chalk (2005), *The Maritime Dimension of International Security Terrorism, Piracy, and Challenges for the United States*, California: Research and Development (RAND), 1-58.

2.2.3 Characteristics of Piracy Emerging from Somalia

2.2.3.1 Groups Involved

In spite of the Somali society being structured on the basis of clans and sub-clans but there are no pirate gangs in Somalia which are strictly based on it. The pirate gangs do accept members from other clans in their groups if they have a particular skill or to have access to resources or knowledge of a specific area apart from the requirement of the extra members if required. The pirates also lure the fishermen in their gangs by promising them of a rich remuneration than what they earn at fishing and ask for their assistance in using their skiffs while operating in the high seas. If the fishermen do not fall in line with the demands made by the pirates, then at times they are intimidated to assist in their work. However, most of the Somali pirates are young, poorly educated and unemployed. They can be broadly categorised into – battle hardened clan based militia, youth looking for quick money to finance plans like marriage or emigration and fishermen who are forcibly recruited.[85]

Table 2: The Ethnic Clans Involved in Piracy at the Following Ports:

Place	*Groups of Clans*
Eyl	Isse Mahmuud and Leelkase of Darood Clan
Gerad	Omar Mahmuud of Darood Clan
Hobyo	Habargedir (Saad, Ayr, Suleiman) of Hawiye clan
Hardheere	Habargedir (Ayr, Sarur, Suleiman) of Hawiye clan
Mogadishu	Habargedir (Ayr) of Hawiye clan

Source: International Expert Group (2008), *Piracy off the Somali Coast.* Final Report: Assessment and Recommendations.

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[85] R Gilpin (2009), *Counting the Costs of Somali Piracy*, Washington: United States Institute of Peace, p.6.

Graph 3: The most frequently used Ports by the Somali Pirates.

- ■ Eyl (Puntland)
- ■ Gerad (Puntland)
- ☐ Basasso (Puntland)
- ☐ Ras Alula (Puntland)
- ■ Unknown
- ■ Las Qoray (Contested)
- ■ Haifun (Puntland)
- ☐ Outside Puntland
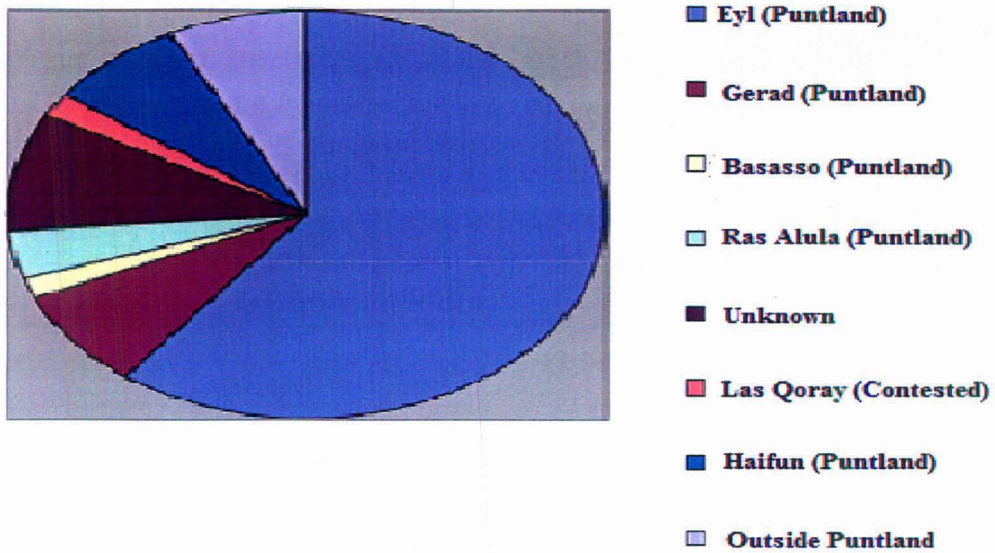
Source: Stig Jarle Hansen (2009), *Piracy in the Greater Gulf of Aden*.

At present the epicentre of maritime piracy emerging from Somalia is one of the semi – autonomous regions called Puntland and it has now crystallised around major clans based around the coastal villages of Eyl and Garaad in Puntland, and the coastal villages of Hobyo and Harardhere in the central area of Somalia.[86] The piracy over here is openly or covertly supported[87] by influential clans. As the pirate groups are closely associated with the main clan operating in the area from which the pirates initiate or launch their attacks, another group of pirates originated from the same clan would not get entangled in the clan conflicts. Therefore, it is assumed that pirates would show loyalty to their sub-clans in the conflicts, and would avoid capturing the ships belonging to the clan members or their supporters. Thus, ships captured by the territory of one clan rarely are led to other territories of other clans.[88]

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[86] R Middleton (2008), *Piracy in Somalia: Threatening Global Trade, Feeding Local War*, London: Chatham House, p.4-5.

[87] B Tsvetkova (2009), "Securitizing Piracy off the Coast of Somalia", [Online: web] Accessed on 28 April, 2009, URL: http://kms2.isn.ethz.ch/serviceengine/Files/RESSpecNet/102467/ichaptersection-_singledocument-/43BC7EE7-00DB-4615-84DD-8547F2A80B50/en/Ch_3.pdf.

[88] K Backhaus (2010), "Piracy in the Puntland Region of Somalia", [Online: web] Accessed on 28 June 2010, URL: http://oilprice.com/Geo-Politics/Africa/Piracy-In-The-Puntland-Region-of-Somalia.html.

The act of piracy in the region is also supported by the members of the TFG, by many in Somali society, and by several business communities in the neighbouring countries. In spite of the well known locations of the Somali pirates operating in the region, the TFG has not been successful in capturing and convicting the Somali pirates as the country does not have state-owned warships and the strong judiciary system. Moreover, the government does not have authority over the entire territory.

It is a widely known fact that piracy has infiltrated all segments of the society including government and its structures at the both senior and junior level. In fact, the relations are so visible that even common people could list names of government ministers whose own militia are the pirates.[89] It is also widely believed that members of the TFG benefit from piracy gains and therefore the current dysfunctional government has an incentive to permit the continuation of hijackings.

Moreover, Somali society has also expressed its support for piracy, and considers it as a lucrative and attractive enterprise. According to Somali citizens, maritime piracy has become a fashionable and appealing business for them as it is 'socially acceptable'[90] in the region mainly because it provides rich remunerations in a country where poverty is so extensive.

2.2.3.2 Logistical Support and Intelligence

The attacks made by the Somali pirate have increased dramatically along its coasts. They have attacked and hijacked successfully all types of ships; all types of tanker, bulk carrier, general cargo, container, fishing vessel, sailing yacht and tugboat. Moreover, now the Somali pirates are staging attacks over thousand nautical miles[91] away from Mogadishu. Their attack off Kenya, off Tanzania, off Seychelles, off

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[89] S Shiiq (2007), "Puntland: The Epicenter Of Somalia's Piracy And Human Trafficking", *The Somaliland Times*, 310, [Online: web] Accessed on 24 April 2009, URL: http://www.somalilandtimes.net/sl/2007/310/2-3.shtml.

[90] B Tsvetkova (2009), "Securitizing Piracy off the Coast of Somalia", [Online: web] Accessed on 28 April, 2009, URL: http://kms2.isn.ethz.ch/serviceengine/Files/RESSpecNet/102467/ichaptersection-_singledocument-/43BC7EE7-00DB-4615-84DD-8547F2A80B50/en/Ch_3.pdf.

[91] . A Mohamed (2009), "Armed US Ship Repels Attack by Somali Pirates", Accessed on 27 May 2010, URL: http://online.wsj.com/article/SB125854541908353475.html?mod=WSJ_hpp_MIDDL-TopStories.

Madagascar and in the Indian Ocean indicates towards their increased capability. This reflects that the pirates along the coasts of Somalia have evolved into sophisticated, adaptive, and multifaceted international organized crime.

The Somali pirates operating in the high seas have not only been successful in recruiting unemployed youths in their gangs but they also depend on the groups of people working on the land as a support group as it includes local traders who supply food, water, soft drinks, tea, qat and whatever other items of necessity. The pirates also rely for their logistical support on the fishing communities as they live near the coasts and operate on the seas. These communities also provide food and water on board for the crew and the pirates if the provisions prove to be inadequate.

Figure 2: Logistical Support of the Somali Pirates.
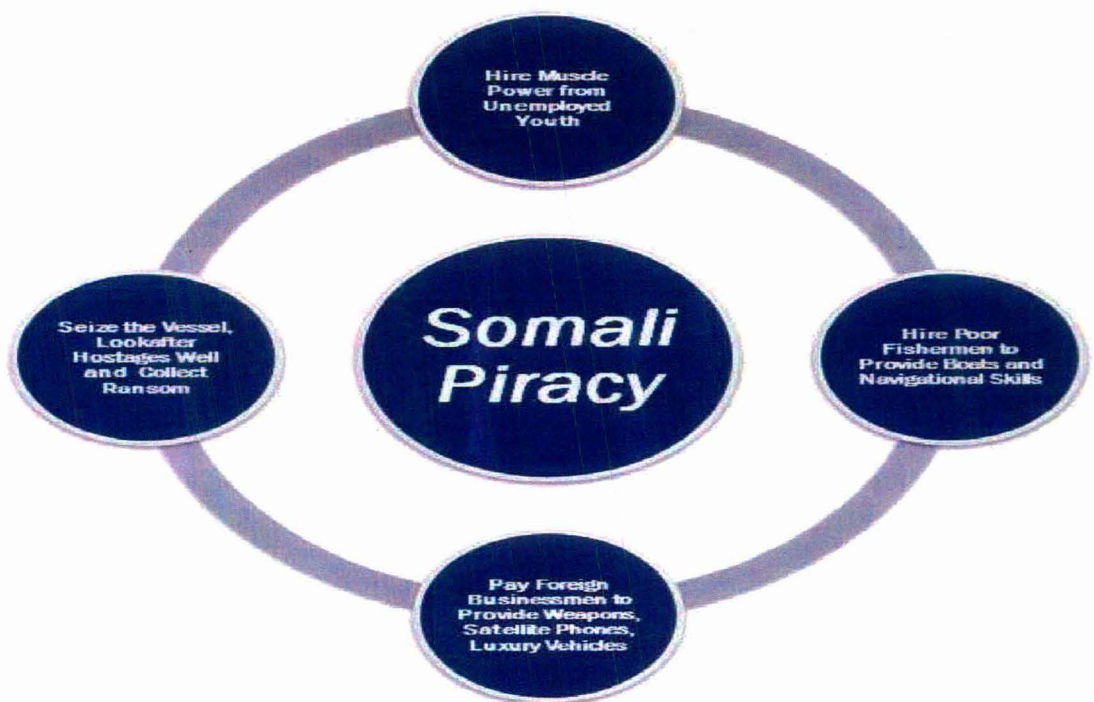
Source: Google Images.

It is reported that the Somali pirates have access to majority of their weapons from Yemen. They are also bought from Mogadishu through 'Hawala'.[92] Moreover, the Somali pirates maintain contacts in Dubai, and other neighbouring countries to

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[92] *Ibid.*

purchase new weapons, boats, and necessary technology which are crucial for conducting the pirate attacks. Therefore, much of the money generated through ransom of previous hijackings is allocated for this purpose.

However, some high profile attacks such as hijacking of *Sirius Star* and *Faina* by the Somali pirates clearly indicates that the Somali pirates are no more a small-time, rag-tag group of impoverished Somalia. Rather the Somali pirates are now using spies in ports like Jebbel Ali in Dubai to alert them to the most promising targets.[93] Apart from the Somalis living in Mombasa (Kenya) who aid pirates, providing intelligence and tips about merchant traffic,[94] the successful Somali pirate gangs are believed to receive ship information from port and government officials as well. Moreover, the financiers who invest in the piracy enterprise in the expectation of sharing the ransom generated do not engage directly.[95]

The Somali pirates are now using mother ships to tow their skiffs deep into international waters and are seriously working on their tactics to hijack the vessels with their crew. They hold negotiations and have spokesmen, accountants and financiers, logistics coordinators and caterers. In an interview, a Somali pirate spokesman said –

> we just want the money.... killings is not in our plans. We only want money so we can protect ourselves from hunger.[96]

The network of the Somali pirates also includes those who apparently hold political power in Puntland; as it has been alleged that government officials in that region are some of the main financiers of piracy and are rewarded for their allegiance and support with thirty percent of the total income through ransoms.[97] Moreover, it is

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[93] P Lennox (2008), *Contemporary Piracy off the Horn of Africa*, Calgary: Canadian Defence and Foreign Affairs Institute, p.10.

[94] D Sekulich (2009), Terror on the High Seas: True Tales of Modern Day Pirates, New York: St. Martin's Press, p.146.

[95] R Gilpin (2009), *Counting the Costs of Somali Piracy*, Washington: United States Institute of Peace, p.6.

[96] J Gettleman (2008), "Somali Pirates Tell Their Side: They Want Only Money", *The New York Times*, 30 September 2008.

[97] P Lennox (2008), *Contemporary Piracy off the Horn of Africa*, Calgary: Canadian Defence and Foreign Affairs Institute, p.10.

also alleged that the President 'Faroole' who benefited the most from the large pirate contributions in the Puntland elections, along with the minister of interiors Ilkajiir as well as Samatar, the Minister of Internal Security who was reportedly fired were on the pay list of the Somali pirates.[98]

The Somali pirates are also well equipped with the GPS navigation systems as they use it for tracking down the ships. Moreover, they know the waters extremely well in which they operate in and they understand the legal and political limits.

2.2.3.3 Pirate Methodology

In the initial stages when the Somali pirates started targeting vessels in 2000, they used to wait 50 nautical miles away from the east coast of Somalia for suitable vessels to come into view. The average attack launched by the Somali pirates composed of a group of ten armed members well divided into three skiffs involving low technology, made of wood and powered by 40–50 horsepower outboard engines whose range and safety was dictated by the state of the sea, amount of fuel on board and engine power. The ships hijacked in this case by the Somali pirates either moved slowly or had low sides.

However, the most highly regarded outboard motor has been the Yamaha 85 horsepower engines which allow the skiff to attain speed of 30 knots in relatively calm seas with four people aboard. However, recent attack indicates towards the skiffs being powered by two 150 horsepower motors. The pirates move in these skiffs move slowly at around 15 knots looking for slow moving vulnerable commercial or fishing vessels.

In the late 1990's and early 2000, the numbers of hijacked vessels were very few and consisted of fishing vessels, commercial carriers or private yachts. These were relatively rare incidents which often involved the support of the clan elders in assisting for breaking the stalemate. In these early cases the priority laid to the release of the crew as the vessels as their contents were looted by the pirates as part of their modus operandi.

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[98] Stockbruegger (2010), "Gunmen, Fish and Puntland: The Professionalization of Piracy?", [Online: web] Accessed on 28 April, 2009, URL: http://piracy-studies.org/?p=147.

However, since 2005, the Somali pirates started targeting and holding bigger commercial vessels for longer periods and demanding higher ransoms. Once the vessel is targeted the skiffs form a two or three pronged attack. Attacking from different directions simultaneously gives the skiffs sufficient time to approach a vessel unnoticed and enable a number of armed pirates to board the vessel. Then the crew members are easily captured. The pirated vessels are then taken to the base of operations[99] such as Eyl, Hobyo or Haradheere depending upon the origin of the pirate's sub–clan. Then the negotiations are allowed to take place for the release of vessels hijacked.

When the rewards of these actions began to bear financial returns, the Somali pirates began to launch attacks beyond the territorial waters of Somalia into the Indian Ocean. With it their modus operandi also changed. Now they venture out into the ocean by using 'mother ships' which are larger ships for carrying pirates, weapons and skiffs. They carry grappling hooks and aluminium ladders, RPGs, rifles, knives, narcotics, satellite phones, global positioning systems, and fishing lines.[100] When a targeted ship is spotted, the skiffs are released close by which race towards the targeted ship whereby the pirates armed with automatic weapons and RPG's race towards it. At times, the potential targets are lured by using deceptive methods such as making distress calls or posing as fishermen. In order to threaten or force for submission of the crew, the pirates either wave the weapons or open fire towards the vessels. The pirated vessel are then taken to one of the land bases, and held off-shore during the negotiations.

In late 2007, for enhancing the rewards of the successful pirate attempts, and for capturing of vessels with less danger and trouble, the Somali pirates started targeting the vessels in the narrow and one of the busiest sea routes of the world, Gulf of Aden as ships exited the Red Sea out of the Suez Canal. This resulted in many more vessels being attacked and hijacked. This situation exists until the current time.

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[99] International Expert Group (2008), *Piracy off the Somali Coast: Final Report: Assessment and Recommendations*, Nairobi: Workshop Commissioned by the Special Representative of the Secretary General of the UN to Somalia, p.18.

[100] P Lennox (2008), *Contemporary Piracy off the Horn of Africa*, Calgary: Canadian Defence and Foreign Affairs Institute, p.9.

With more number of warships operating in the region, the pirates have also modified their patterns and have adapted new tactics. They have staged 'dummy' attacks in the region to divert warships away from the area of a real attack and have called in false distress signals to confuse the shipping.[101]

The methodology of the pirate attacks, from transport preparation, weapons preparation, target identification and subsequent hostage negotiation has improved with practice and reinvestment of funds from ransom payments. And with little to fear from the local or international law, this illicit trade of maritime piracy has mushroomed incrementally.

Thus, it can be said the Somali piracy operates in seven phases which starts with reconnaissance and information gathering; coordinated pursuit; boarding and takeover; steaming to safe area; negotiations; ransom payment; and disembarkation and safe passage[102].

2.2.3.4. Ransom Incomes and Dispersion

Ransom demands made by the Somali pirates in the past few years have increased from $10,000 - $1 million. The estimated income from for the Somali pirates has been projected to $30 million. The ransom negotiated between the pirates of the seized vessel and the ship owners or companies is generally paid in cash or delivered on board of the seized ship. In case of payments made through other methods, the ships and hostages are released upon getting the confirmed information. Then the cash is divided amongst the members of the group. Daniel Sekulich has mentioned about the distribution formula[103] of the ransom received. It stands as –

a) *Maritime Militia - 30 percent distributed equally between all members, although the first pirate to board a ship receives a double share or a vehicle.*

b) *Pirates who fight other pirates must pay a fine. Compensation is paid to the family of any pirate killed during the operation.*

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[101] *Ibid.* p.10.

[102] R Gilpin (2009), *Counting the Costs of Somali Piracy*, Washington: United States Institute of Peace, p.8.

[103] D Sekulich (2009), Terror on the High Seas: True Tales of Modern Day Pirates, New York: St. Martin's Press, p.146.

c) *Ground Militia - 10 percent.*

d) *Local Community - 10 percent (Elders, local officials, visitors, and for hospitality for guests and associates of the pirate).*

e) *Financier - 20 percent (The financier usually shares his earnings with other financiers and political allies).*

f) *Sponsor - 30 percent.*

Local researchers have identified that in Puntland a total of fifty –one investors, mid-level businessmen mostly from the clans of the respective pirate groups join in to form a structure which resembles a shareholding company.[104] Piracy in Somalia is considered to be a respectable profession with pirates being the most admire and sought after by the Somali society in the region due to their new found wealth. The revenue brought by the pirates from ransoms is benefitting Puntland as the sizable amount of the income is being spent on the construction of large homes and expensive vehicles. Many ancillary businesses are also reaping the rewards of increased income thus improving their livelihood and standard of living. It has been witnessed that the pirates are attended to by prostitutes, nurses, bodyguards and even by men who procure and deliver their precious 'khat', a mildly narcotic leaf chewed for its stimulant effects.[105]

The income of Somali pirates is also considered to be the real reason behind Kenya's real estate boom[106] as the real estate in Kenya is mostly based on cash due to the absence any strong banking institutions. The Somali pirates who migrate to Kenya have lots of cash to pay for the genuine need of an affordable housing thus pushing the high rates of the real estate in the host country. Moreover, there are evidences which suggest that the members of the TFG benefits from piracy gains and therefore

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[104] K Backhaus (2010), "Piracy in the Puntland Region of Somalia", [Online: web] Accessed on 28 June 2010, URL: http://oilprice.com/Geo-Politics/Africa/Piracy-In-The-Puntland-Region-of-Somalia.html.

[105] S McCrummen (2009), "Somalia's Godfathers: Ransom – Rich Pirates", *The Somaliland,* 378, [Online: web] Accessed on 28 April, 2009, URL: http://www.somalilandtimes.net/sl/2009/378/-38.shtml.

[106] A Osman (2009), "Kenya Smearing Somali Entrepreneurs", [Online: web] Accessed on 17 September 2009, URL: http://www.hiiraan.com/op2/2009/mar/kenya_smearing_somali_entrepreneu-rs.aspx.

the current dysfunctional government has an incentive to permit the continuation of hijackings.[107]

It has also been witnessed that most of the pirate gangs appear to be raising money for warlords situated on the central and north–eastern coasts of Somalia.[108] As different warlords control different designated ports, therefore nothing gets in or gets out of Somalia without any money being paid. If one does not follow the dictates then the pirates on behalf these warlords launch the attacks. Thus, at times due to this stand of the warlords, the lives of the ordinary Somalis are affected as the humanitarian agencies do not make ransom payments and the Somali warlords do not allow them to either enter or leave the territorial waters. Therefore, the warlords, the gangs and the pirates as well starve their own people.[109] There is also the danger that ransom payments are creating new and better equipped warlords, with potentially adverse consequences for political reconciliation in Somalia.[110]

However, in spite of the fact that there are some members and businesses of the communities which benefit from the acts of piracy either intentionally or by default, but there are members of the communities who speak out openly and directly against the acts of piracy. These include the religious leaders who have condemned piracy and advised their communities not to support this action. They also advise people not to be attracted by the wealth of the pirates and have declared that any marriage to a pirate is regarded in their eyes as null and void and therefore breaking strict Islamic law.[111]

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[107] B Tsvetkova (2009), "Securitizing Piracy off the Coast of Somalia", [Online: web] Accessed on 28 April, 2009, URL: http://kms2.isn.ethz.ch/serviceengine/Files/RESSpecNet/102467/ichaptersection_singledocument-/43BC7EE7-00DB-4615-84DD-8547F2A80B50/en/Ch_3.pdf.

[108] J V Hastings (2009), "Geographies of State Failure and Sophistication in Maritime Piracy Hijackings", *Political Geography*, 28: 213-223.

[109] D Sekulich (2009), Terror on the High Seas: True Tales of Modern Day Pirates, New York: St. Martin's Press, p.166.

[110] R Gilpin (2009), *Counting the Costs of Somali Piracy*, Washington: United States Institute of Peace, p.11.

[111] International Expert Group (2008), *Piracy off the Somali Coast: Final Report: Assessment and Recommendations*, Nairobi: Workshop Commissioned by the Special Representative of the Secretary General of the UN to Somalia, p.18.

CHAPTER – 3

LAWS

ON PIRACY

Chapter 3

Laws on Piracy

Seaborne trade has become the most important means of transport today because it bridges the long distance between vast areas of the world where production costs differ significantly.[1] Moreover, it is more energy efficient and can transport the cargoes more profitably in comparison to other modes of transportation. That is why about ninety percent of merchandise trade[2] by volume is done through the oceans driving the global economy. Thus, the higher the degree of navigation, the lower is the cost of maritime transportation and any interference on the seas results into extra costs for maritime transport.

The freedom of navigation represents the most important principle of the law of the sea and the public international law in general as it provides the right to enter upon the oceans and pass unhindered by efforts of other states or other entities. However, any interference on the high seas is an intrusion into this principle. And the frequent interference caused by the Somali pirates along the coasts of Somalia has not only resulted into massive loss to the world economy, and if not checked will have serious ramifications as it is already in the process of destabilising the region.

3.1 International Laws

The International law defines maritime piracy in several conventions and provides for specific basis under which countries may capture and prosecute pirates if they hinder the sea routes.

3.1.1 United Nations Convention on the Law of the Sea

The first attempt to codify the law of piracy in the modern age took place in 1958, when eight articles addressing the issue of piracy were directly adopted in Geneva

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[1] P Wendel (2007), *State Responsibility for Interferences with the Freedom of Navigation in Public International Law*, Berlin: Springer, p.13.

[2] J Saul (2010), Ship Industry, Unions Urge End to Somali piracy [Online: web] Accessed on 19 June 2010, URL: http://www.alertnet.org/thenews/newsdesk/LDE641208.htm.

famously known as 'Geneva Convention'. These articles were subsequently included in the 1982 United Nations Conference on the Law of the Sea (UNCLOS). UNCLOS was supposed to be binding on all the nations as it was the international law relating to the maritime regime and it came into force in 1994. The UNCLOS of 1982, also known as the Constitution for the world's oceans defined 'piracy' in article 101 of Chapter VII[3] as:

a) *any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:*

    i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

    ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any state;

b) *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.*

c) *any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).*

Therefore, this definition used by the United Nations' shipping regulator, the International Maritime Organisation (IMO) must satisfy the four following criteria's in order to constitute piracy:

i) it must be committed on the high seas;

ii) it must be of a violent in nature;

iii) it must include at least two vessels; and

iv) it must be committed for solely private aims.

Though this definition was widely accepted as a reflection of customary law but it significantly narrowed[4] down the definition of piracy. In order to qualify as an act of

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[3] United Nations Convention on the Law of the Sea, United Nations Division for Ocean Affairs and the Law of the Sea. [Online: web] Accessed on 24 February 2010, URL: http://www.un.org/Depts/los/convention_agreeme-nts/convention_overview_convention.htm.

[4] B Moller (2009), "Piracy, Marititme Terrorism and Naval Strategy", Copenhagen: Danish Institute for International Studies, p.18.

piracy, an act must be committed on the high seas i.e. the area beyond territorial waters, which extends till twelve nautical miles from the shore.[5] This means that acts committed in the territorial waters of any state would not qualify as piracy even though they include the violent seizure of a victim vessel. Thus, according to this definition, acts committed by the Somali pirates in the Somali territorial waters would not constitute piracy, simply because they took place in the territorial waters rather than the high seas.

Figure 3: Legal complications in anti-piracy operations.
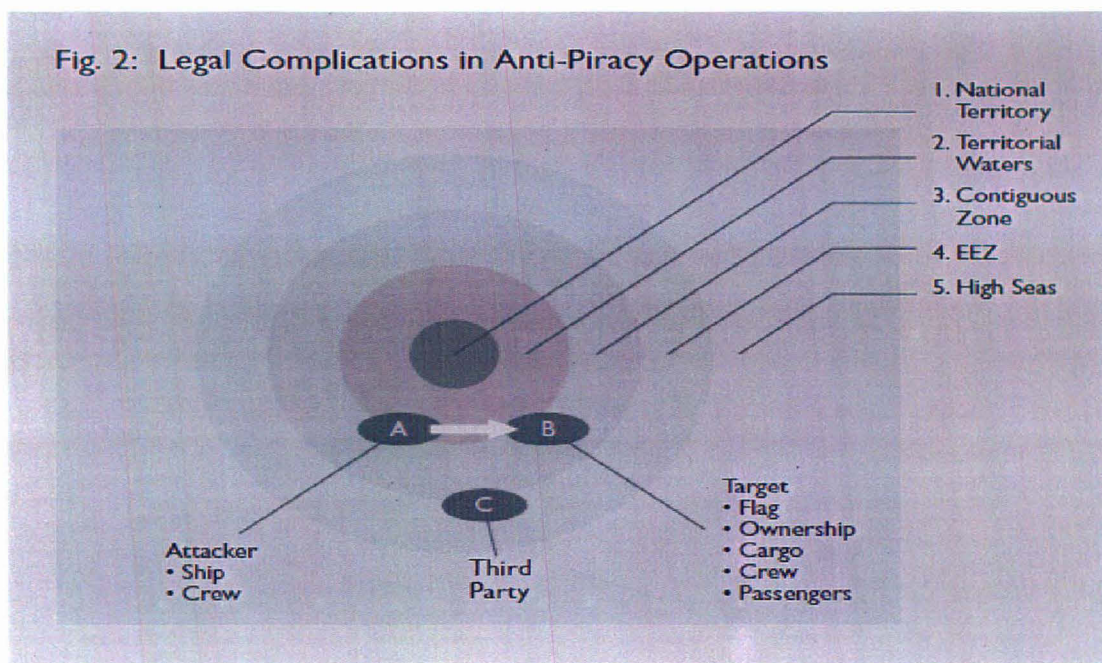
Source: Bjorn Moller (2009), *Piracy, Maritime Terrorism and Naval Strategy*, DIIS Report 2009:02.

Moreover, according to the UNCLOS definition, any act piracy must involve two vessels i.e. the victim vessel and the aggressor vessel. Thus, in this case if the Somali pirates board the victim vessel on ports and overtake it during the victim vessel's voyage on the high seas, such act would not qualify as piracy because there is no aggressor vessel involved in it.

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[5] M N Murphy (2007), "Contemporary Piracy and Maritime Terrorism: The Threat to International Security", *Adelphi Paper*, 388: 1-89.

Also, with regard to the UNCLOS definition, if an act of piracy is committed by a group which has links to a specific state, then the association of the state with the group would not allow this act to be referred as piracy because the alleged act lacked the private motive.

3.1.2 Convention for the Suppression of Unlawful Acts

The international maritime community on identifying the loopholes of the UNCLOS definition and realising the need for its expansion prepared a draft for the Convention of Suppression of Unlawful Acts against the Safety of Maritime Navigation popularly referred as SUA.[6]

The SUA Convention drafters tried to expand the definition of illegal violence at sea. Under the SUA Convention of 1988, the perpetrators of armed attacks on ships within the state's territorial waters could be charged with common law offences such as robbery, murder, assault and damage to property along with the state's statutory laws[7] irrespective of the unlawful acts whether they are conducted for political ends or for private ends. Moreover, if the offences are committed outside the territorial waters, any party to the convention may exercise jurisdiction and hand over the suspects to any other party. The signatories also obliged to extradite suspects to other parties.[8] The assembly of the Convention of the SUA adopted the following resolution A.584(14)[9] measures to prevent unlawful acts which threaten the safety of ships and security of their passengers and crew which notes –

> *with great concern the danger to passengers and crews resulting from*
> *the increasing number of incidents involving piracy, armed robbery*

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[6] M Halberstam (1988), "Terrorism on the High Seas: the Achilla Lauro, Piracy and the IMO Convention on Maritime Safety", *American Journal of International Law*, 82: 97-116.

[7] H Fouche (2009), "Somali Pirates Take to the High Seas: Expediency or Long Term Pirate Strategy?", *South African Journal of Military Studies*, 37(2): 67-81.

[8] B Moller (2009), "Piracy, Marititme Terrorism and Naval Strategy", Copenhagen: Danish Institute for International Studies, p.18.

[9] R O Cwinya-ai (2009), "Causes of Maritime Piracy off the Somali Coast; What Solutions can the Regional or International Community Offer", [Online: web] Accessed on 28 November 2009, URL: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1482044.

and other unlawful acts against or on board ships, including small crafts, both at anchor and underway.

However, the SUA Convention did not use the term 'piracy' at all and is listed as an anti–terrorist convention on the website of the United Nations.[10] It was mainly drafted against the maritime terrorism acts committed on the seas as the base for it was provided by the members of the Palestinian Liberation Front (PLF) who hijacked *Achille Lauro*, an Italian flag cruise ship at Alexandria. Thus, the SUA Convention alters the definition of piracy and tries to coagulate the links between piracy and terrorism by way of treating piracy as a form of maritime terrorism. This Act also equates the jurisdictional basis for the capture and prosecution of pirates with those that already existed in other antiterrorist conventions for the capture and prosecution of terrorists.

However, one of the limitations of all of the conventions is that they are only binding on the signatories i.e. only on those states that have signed and duly ratified them. And till now, none of the three main conventions namely, 'Convention on the High Seas', 'United Nations Conference on the Law of the Sea' and the 'Convention of Suppression of Unlawful Acts Against the Safety of Maritime Navigation' has been signed by all the states. Even the US has not shown any interest in ratifying the UNCLOS, but it frequently invokes and refers the UNCLOS convention mainly as a valid reflection of customary law.[11]

In the present era, maritime piracy has evolved to such an extent that it no longer conforms to the older definition of piracy and the rationales like, 'high seas', 'private ends' and 'two ships' requirements of the crime have no relevance. Moreover, today's grim realities clearly indicate that maritime piracy of the modern era cannot be suppressed just by the UNCLOS piracy laws. Thus, in this regard the definition of piracy given by the IMB appears to be in a better shape as it states –

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[10] M Sterio (2009), "Fighting Piracy in Somalia (and Elsewhere): Why More Is Needed", [Online: web] Accessed on 2 September 2009, URL: http://works.bepress.com/cgi/viewcontent.cgi?-article=1003&context=m-ilena_sterio.

[11] B Moller (2009), "Piracy, Maritime Terrorism and Naval Strategy", Copenhagen: Danish Institute for International Studies, p.18.

Piracy is the act of boarding any vessel with an intent to commit theft or any other crime, and with an intent or capacity to use force in furtherance of that act.[12]

Thus, this definition covers the crimes committed inside the territorial sea as well as inside the internal waters of a state. Moreover, in contrast to the IMO, IMB adopts the view that piracy need not be undertaken from another vessel or aircraft. IMB also does not require the conduct of a pirate to be necessarily committed for the private ends. Thus, the definition of piracy adopted by the IMB aims to include the all the acts of thefts, armed robbery or the hijacking of the vessels. It does not differentiate the acts of piracy even if it is committed within the territorial waters of the state.

3.2 Domestic Laws

Somalia is not a party to any of the relevant international treaties and does not have any domestic legislation directly applicable to piracy[13] in general and the piracy emerging from its soil in particular. However, the countries currently providing naval forces to combat piracy in the Gulf of Aden and along the coasts of Somalia are parties to one or more of the relevant treaties.

3.3 Legal Framework for Transferring and Prosecution of Pirates

According to the article 119 of the Geneva Convention, the states which carry out the arrest of the pirates were supposed to carry out the trials and determine the quantum of punishment along with the actions to be undertaken with regard to the seizures made. Similarly, article 105 of the UNCLOS states that any of the capturing nations has the right to confiscate and occupy the possessions of a pirate ship, arrest the crew and put them to trial under their national jurisdiction as long as such a seizure takes place on the high seas or any waters outside the jurisdiction of a particular state. Under these provisions, a ship may fire at the other ship only in self-

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[12] P Wendel (2007), *State Responsibility for Interferences with the Freedom of Navigation in Public International Law*, Berlin: Springer, p.18.

[13] International Expert Group (2008), *Piracy off the Somali Coast: Final Report: Assessment and Recommendations*, Nairobi: Workshop Commissioned by the Special Representative of the Secretary General of the UN to Somalia, p.25.

defence.[14] Moreover, the courts of the state that carried out the seizure may decide upon the penalties to be imposed and the actions to be taken with regard to the ships.[15] However, other states are not authorised to prosecute the pirates either under the Geneva Convention or under UNCLOS.[16]

Under the law of the seas, the high seas are viewed as no man's land and all the states have jurisdiction to capture the pirates. But the criminal law of many states does not apply beyond the territorial waters. Taking cue from such loopholes, at times the Somali pirates took advantage of this situation and after launching an attack on the ships in the Gulf of Aden would quickly return to the Somali territorial waters where they were immune[17] from persecution by nations patrolling the Gulf of Aden and trying to combat piracy. With this regard, the UNSC passed five different resolutions in 2008, authorizing any nation patrolling in the Gulf of Aden to enter the Somali territorial waters and to use force against the Somali pirates.

After unanimously adopting the US – France sponsored Resolution 1816 related to Somali piracy on 2nd June 2009, the UNSC on 2nd December 2008 acting under the Chapter VII of UN Charter, passed another resolution 1846 to address the issue of piracy in the territorial waters of Somalia. This resolution not only extended the authorisation of member states to enter Somalia's territorial waters for another twelve months but also emphasized the need for states to prosecute pirates legally under the SUA Convention of 1988 and directed to work together with the IMO in order to achieve the goal.[18]

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[14] M Silva (2009), "Somalia: State Failure, Piracy and the Challenge to International Law", [Online: web] Accessed on 12 September 2010, URL: http://works.bepress.com/cgi/viewcontent.cgi?-article=1000&context-=mario_silva.

[15] H Fouche (2009), "Somali Pirates Take to the High Seas: Expediency or Long Term Pirate Strategy?", *South African Journal of Military Studies*, 37(2): 67-81.

[16] M Sterio (2009), "Fighting Piracy in Somalia (and Elsewhere): Why More Is Needed", [Online: web] Accessed on 2 September 2010, URL: http://works.bepress.com/cgi/viewcontent.cgi?-article=1003&context=m-ilena_sterio.

[17] *Ibid.*

[18] *Ibid.*

On 16th December 2008, UNSC adopted resolution 1851 which invited states to make special agreements with other nations in the region to facilitate the prosecution of Somali pirates. It also encouraged the creation of an international cooperation system and a centre for the sharing of information. The UNSC also asked the states to undertake the measures in consistence with other applicable international humanitarian and human rights law while enhancing the time period of the resolution 1846 for another twelve months from the date it was adopted. The resolution adopted stated that –

> ....*states and regional organizations cooperating in the fight against piracy and armed robbery at sea off the coast of Somalia for which advance notification has been provided by the TFG to the Secretary-General, may undertake all necessary measures that are appropriate in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea, pursuant to the request of the TFG.*[19]

In consistency with the UNSC resolution 1851, the US, the UK and the EU signed agreements with Kenya in early 2009 for allowing the extradition of suspected Somali pirates for their prosecution in Kenya in exchange for legal and logistical support followed by Denmark[20] in August 2009. But, the Kenyan judicial system needs support to bring such pirates to trial as they face serious challenges in terms of "inadequate resources, inadequate remuneration of prosecutors, staff attrition, and placement of the police and the prosecutors under two separate authorities" in the criminal justice system.[21] In spite of the agreement signed by the countries mentioned above, it is still being debated that whether Kenya's corrupt judicial system[22] can be trusted for the conduct of free and fair trials.

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[19] M Silva (2009), "Somalia: State Failure, Piracy and the Challenge to International Law", [Online: web] Accessed on 12 September 2009, URL: http://works.bepress.com/cgi/viewcontent.cgi?-article=1000&context-=mario_silva.

[20] S McGregor (2009), "EU, Kenya Somali Pirate Treaty 'Violates Rights', Lawyers Say", Online: web] Accessed on 29 January 2010, URL: http://www.bloomberg.com/apps/news?pid=newsarchi-ve&sid=aDs_bA4DXiTg.

[21] J T Gathii (2009), "Jurisdiction to Prosecute Non – National Pirates Captured by Third States under Kenyan and International Law", [Online: web] Accessed on 29 September 2009, URL: http://works.bepress.com/cgi/vi-ewcontent.cgi?article=1013&context=james_gathii.

[22] B Moller (2009), "Piracy, Marititme Terrorism and Naval Strategy, DIIS Report 2009:2", Copenhagen: Danish Institute for International Studies, p.20.

However, the UNSC resolution 1851, was adopted despite being at odds with the Geneva Convention and UNCLOS which does not allow the pirates to be prosecuted by another country other than the one who captured the pirates as only the capturing state has the jurisdiction over the captured pirates. Thus, it gives the impression that the seizing states in spite of the broad powers granted under the UNCLOS are reluctant to exercise them as they were more concerned about the expense[23] involved in the legal complexities and prosecution of Somali pirates as the criminal proceedings were to be held in their courts far away from the place where the alleged crime was committed.

A classic example of the difficulties in this regard was demonstrated when the Danish Navy ship, *Absalon*[24] captured ten pirates on 17th September 2008 in the waters off Somalia and after six days of detention and confiscation of their weapons, ladders, and other implements, the Danish government decided to free the pirates by putting them ashore on a Somali beach. The Danish authorities came to the conclusion that the pirates risked torture and even death penalty if surrendered to Somali or some other authorities and as the Danish law prohibits the extradition of criminals if they face death penalty, this move was unacceptable to them. Thus, it was the human rights considerations which prevailed over the fight against piracy.[25]

Carrying forward the legacy, the IMO on 26th January 2009, convened a meeting of seventeen states from the Western Indian Ocean, Gulf of Aden and Red Sea at Djibouti to discuss cooperation in a manner consistent with international law, for interdicting and seizing suspect ships and the property on board such ships and rescuing ships, persons and property subjected to acts of piracy.[26] The meeting

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[23] T Treves (2009), "Piracy, Law of the Sea, and Use of Force: Developments Off the Coast of Somalia", *The European Journal of International Law*, 20 (2): 399-414.

[24] L E Andersen (2009), "Piracy in the Gulf of Aden: Reflections on the Concepts of Piracy and Order", [Online: web] Accessed on 16 September 2009, URL: http://diis.dk/graphics/Publications/Books2009/Yearboo-k2009/-Yearbook_2009_web.pdf.

[25] Z Keyuan (2009), "New Developments in the International Law of Piracy", *Chinese Journal of International Law*, 8 (2), 323-345.

[26] H Fouche (2009), "Somali Pirates Take to the High Seas: Expediency or Long Term Pirate Strategy?", *South African Journal of Military Studies*, 37(2): 67-81.

adopted a code of conduct, effective from 29th January 2009, which was signed by nine countries in the region namely Djibouti, Ethiopia, Kenya, Madagascar, Maldives, Seychelles, Somalia, Tanzania and Yemen. However, the code of conduct has been still kept for consideration and acceptance of the remaining countries in the region, including South Africa. The signatories of the code of conduct were supposed to review their national legislation with a view to make sure that there were laws which criminalised piracy and armed robbery against ships and adequate guidelines for the exercise of jurisdiction, conduct of investigation and prosecution of alleged offenders.[27] The meeting was also attended by an international body such as Interpol.

However, the reluctance of the states is not the only cause of lack of efficiency in dealing with captured pirates and armed robbers. The lack of capacity, domestic legislation, and clarity about how to dispose of pirates after their capture has hindered more robust international action against the pirates off the coast of Somalia and in some case led to the pirates being released without facing justice.[28]

Despite the tough measures undertaken by the international community, the nature of international response at this stage can be considered as defensive because the pirates belonging from Somalia are unless caught in the midst of a hijacking, are not being fired upon, nor are they being attacked in their home ports.[29] Instead of killing pirates and destroying their hide-outs and boats, there is a necessity to provide them with fair trials, even if the international legal architecture does not exist. Moreover, the western countries are not prepared and interested in trying those suspected of piracy in their own courts due to fear of bogus asylum claims[30] after being released when the sentence ends and also because of the religious or ethnically-based protests.

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[27] *Ibid.*

[28] T Treves (2009), "Piracy, Law of the Sea, and Use of Force: Developments off the Coast of Somalia", *The European Journal of International Law*, 20 (2): 399-414.

[29] *Ibid.*

[30] D Mugridge (2009), "Malaise or Farce: The International Failure of Maritime Security", *Canadian Naval Review*, 4 (4): 20-24.

Thus, the practise of double standards by the western countries on the issue of prosecution of the pirates can be witnessed. In spite of the provision under UNCLOS and SUA, the western countries did not prefer to prosecute pirates as their domestic law did not had any scope for it. But, when in April 2009, an American ship was attacked and a captain was held hostage by the Somali pirates, the US became an available forum for the prosecution of pirates as the American interests were attacked.[31] Similarly, the French laws allow the prosecution of Somali pirates if there is any attack on the French interests. Thus, the agreement with Kenya of the US, UK and the EU for the prosecution of pirates has raised apprehensions in the minds of the Kenyans as they fear that they might become the dumping ground of the Somali pirates.[32]

Thereafter, a suggestion came forward for the establishment of an ad–hoc piracy tribunal, situated in the neighbourhood of piracy in order to prosecute all the captured pirates avoiding the problems of domestic prosecution. On 27th April 2010, the UNSC forward the possibility of establishing international tribunals to try pirates, as the members called for tougher legislation aimed at prosecuting and jailing suspects caught off the coast of Somalia. The resolution unanimously adopted, appealed all the states once again –

> *To criminalize piracy under their domestic law and favourably consider the prosecution of suspected, and imprisonment of convicted, pirates apprehended off the coast of Somalia, consistent with applicable international human rights law.*[33]

[31] M Sterio (2009), "Fighting Piracy in Somalia (and Elsewhere): Why More Is Needed", [Online: web] Accessed on 2 September 2009, URL: http://works.bepress.com/cgi/viewcontent.cgi?-article=1003&context=m-ilena_sterio.

[32] S McGregor (2009), "EU, Kenya Somali Pirate Treaty 'Violates Rights', Lawyers Say", Online: web] Accessed on 29 January 2010, URL: http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aDs_bA4DXiTg.

[33] Somalilandtimes.net (2010), "Istanbul to Host UN Conference on Somalia, Piracy", *The Somaliland Times*, 433, [Online: web] Accessed on 6 July 2010, URL: http://www.somaliland-times.net/sl/2010/433/26.shtml.

CHAPTER – 4

INTERNATIONAL

RESPONSES

Chapter 4
<u>International Responses</u>

The incidents of piracy emerging from the soil of Somalia were quite limited till the middle of this decade. However, piracy along the coasts of Somalia exploded with an unprecedented number of attacks in 2008. Not only has the frequency of piratical attacks increased steeply but the attacks were also daring in nature as they were launched against steaming ships. Moreover, the incidents of pirate attacks also recorded the use of firearms quite frequently.

Piracy emerging from Somalia has not only affected the maritime trade adversely in the nature but also aggravated the humanitarian crisis prevalent within the country as two of the ships carrying food for the Somali civilians under WFP were attacked in 2005 and 2007 resulting into one death.[1] Thereafter, the UN suspended the WFP and other humanitarian relief work in Somalia as it was unwilling to risk its personnel anymore.

4.1 International Responses

Transnational actors are non-state actors which operate across the national boundaries and these actors are performing at the centre stage in the fight against the Somali pirates. The primary transnational actors associated with the piracy emerging from Somalia are the United Nations, the European Union and the Combined Task Forces.

4.1.1 United Nations

As an immediate reaction against piracy, besides adopting and seeking to enforce international conventions, the UN granted an ad–hoc authorisation to suppress piracy forcefully in Somalia. The UNSC has so far passed several resolutions authorising the states to enter Somali territorial waters (1816), to suppress piracy 'by all necessary means,' and explicitly urging third parties to do so (1838), and even to

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[1] Wfp.org (2007), "Coordinated Action Urged: Piracy Threatens UN lifeline to Somalia", [Online: web] Accessed on 6 June 2010, URL: http://www.wfp.org/node/328

operate in Somalia itself (1851), with the permission of the TFG in spite of being a 'quasi-government'.[2]

The first resolution to be adopted by the UNSC to address the issue of piracy emerging from Somalia was the US – France sponsored resolution 1816, adopted unanimously on 2nd June 2008. Through this resolution, the UNSC expressed particular concern about the pirate attacks taking place against ships carrying urgently required humanitarian support to Somalia. Moreover, acting on the requests made by the TFG for the international assistance to suppress piracy in its territorial waters, the Council decided to authorise the states approved by the TFG to –

> *(a) enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and*
>
> *(b) use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery.[3]*

These actions were supposed to be carried out in the cooperation of the TFG for the period of six months. This resolution also allowed the establishment of Maritime Security Patrol Area (MSPA) for the purpose of patrolling waters. Finally, the resolution of foreign warships entering into the territorial waters of Somalia came into effect with TFG giving its consent soon after it.

In the follow–up resolution, the Security Council, explicitly acting under Chapter VII of the UN Charter on 7th October 2008, adopted the resolution 1838, which stated that –

> *with an implicit authorisation to use force,*

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[2] B Moller (2009), "Piracy, Maritime Terrorism and Naval Strategy, DIIS Report 2009:2", Copenhagen: Danish Institute for International Studies, p.20.

[3] UN Security Council, S/RES/1816 (2008), [Online: web] Accessed on 19 May 2010, URL: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/361/77/PDF/N0836177.pdf.

(2) calls upon States interested in the security of maritime activities to take part actively in the fight against piracy on the high seas off the coast of Somalia, in particular by deploying naval vessels and military aircraft, in accordance with international law, as reflected in the Convention;

(3) Calls upon States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to use on the high seas and airspace off the coast of Somalia the necessary means, in conformity with international law, as reflected in the Convention, for the repression of acts of piracy.[4]

This was a far-reaching resolution, where by all the interested states were invited to participate in the suppression of piracy emerging from Somalia.

The UNSC on 2nd December 2008, under Chapter VII of the UN Charter, passed another resolution 1846 to address the issue of piracy in Somalia's territorial waters. This resolution extended the authorization of other states to enter the territorial waters of Somalia provided by resolution 1816 for another twelve months. However, this resolution also emphasized the need for states to prosecute pirates legally under the SUA Convention. The Security Council again condemned all acts of piracy and armed robbery taking place in the territorial waters of Somalia and the high seas along with the coasts of Somalia. It also called upon the organisations to cooperate with the shipping industry and the IMO, and being consistent with this resolution and relevant international law,

by deploying naval vessels and military aircraft, and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery off the coast of Somalia, or for which there is reasonable ground for suspecting.[5]

Similarly, the UNSC on 16th December 2008 went a substantial step further by authorising –

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[4] UN Security Council, S/RES/1838 (2008), [Online: web] Accessed on 19 May 2010, URL: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/538/84/PDF/N0853884.pdf.

[5] UN Security Council, S/RES/1846 (2008), [Online: web] Accessed on 19 May 2010, URL: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/630/29/PDF/N0863029.pdf.

> *...states and regional organizations cooperating in the fight against piracy and armed robbery at sea off the coast of Somalia for which advance notification has been provided by the TFG to the Secretary-General, may undertake all necessary measures that are appropriate in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea, pursuant to the request of the TFG.*[6]

This meant that the participating states can also attack pirate support bases on land, only after a formal request made being accepted by the TFG. This resolution also invited states to make special agreements with other nations in the region to facilitate prosecution. It also encouraged the creation of an international cooperation system and a centre for the sharing of information. It further enhanced the time period of the resolution 1846 for another twelve months from the date it was adopted. However, the measures to be undertaken were supposed to be consistent with applicable international humanitarian and human rights law.

At a first look, these UN Security Council Resolutions paint a picture where it appears that any state who wishes to participate in the suppression of piracy emerging from the soil of Somalia can infringe its sovereignty by legally operating militarily either on the land or in the territorial waters. However, the reference to coordinate and co-operate the actions undertaken by the foreign states with the TFG makes it to be as the legitimate successor of the previous governments and to imply that Somalia does have the freedom to franchise its sovereignty over the land and the territorial waters. Moreover, the text clearly emphasised that the resolutions were only to be applied on Somalia and none other country.

Besides the Security Council, other members of the UN family have also played a significant role in order to contain the maritime piracy emerging from Somalia. The UN has been involved in the fight against piracy in general and Somali piracy in particular through the IMO, UNCLOS of 1982 and the resolutions that have been passed by the Security Council to address the issue of piracy emerging from Somalia.

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[6] UN Security Council, S/RES/1851 (2008), [Online: web] Accessed on 19 May 2010, URL: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/655/01/PDF/N0865501.pdf.

4.1.2 International Maritime Organisation

The IMO is the specialized UN agency for maritime matters and has one hundred and sixty seven member states and works extensively with non – governmental organizations and the cargo and shipping industry[7] being situated at London. As the organization is technical rather than political, and operates under a consensus decision making rules, it has served as an effective, no-nonsense venue for making shipping safer and more secure.

In 2005, the IMO adopted Resolution A.979 (24),[8] strongly urging the nations to take legislative, judicial and law enforcement action to receive and prosecute or extradite pirates arrested by warships or other government vessels. In the context of addressing the piracy emerging from Somalia, IMO adopted Resolution A.1002 (25)[9] which called up regional states in East Africa to conclude an international agreement to prevent, deter and suppress piracy.

Moreover, the IMO has issued guidance to flag states and ship owners on measures to take to prevent incidents of piracy. It has also promulgated a code of practice for the investigation of the crimes of piracy and armed robbery against ships. The premier organisation is currently sponsoring the development of an arrangement to facilitate additional cooperation among affected States, particularly those in the East African region.[10] Thus, the main effort of IMO and UNCLOS is to provide the basis for a UN led effort to promote maritime security. However, the development of modern legal capacity and frameworks in international law is extremely essential to defeat piracy which is the motto of IMO.

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[7] J Kraska (2009), "Coalition Strategy and the Pirates of the Gulf of Aden and the Red Sea", *Comparative Strategy*, 28 (3): 197-216.

[8] J Kraska and B Wilson (2008), "Combating the Pirates of the Gulf of Aden: Collaboration, Not Kinetics", [Online: web] Accessed on 23 March 2010, URL: http://papers.ssrn.com/sol3/papers.cfm?-abstract_id=1308271.

[9] *Ibid.*

[10] International Expert Group (2008), *Piracy off the Somali Coast: Final Report: Assessment and Recommendations*, Nairobi: Workshop Commissioned by the Special Representative of the Secretary General of the UN to Somalia, p.35.

4.1.3 International Maritime Bureau (IMB)

The International Maritime Bureau (IMB) is a specialised division of International Chamber of Commerce (ICC), London. It is a non-profit making organisation, established in 1981 to act as a focal point in the fight against all types of maritime crime and malpractice. The Piracy Reporting Centre (PRC) of ICC–IMB is based in Kuala Lumpur, Malaysia. It provides a communications channel for ships under attack to seek assistance from nearby forces. The main objective of the PRC is to be the first point of contact for the shipmaster to report an actual or attempted attack or even suspicious movements thus initiating the process of response and raise awareness within the shipping industry which includes the shipmaster, ship-owner, insurance companies, traders, etc. of the areas of high risk associated with piratical attacks.

The PRC keeps track of trends in global piracy and works closely with various governments and law enforcement agencies and is often involved in information sharing.[11] It also cajoles the shipping industry and the prod governments to take a more active position to reduce and ultimately eradicate the crime known as maritime piracy.[12]

However, it is interesting to note that as both IMO and IMB, maintains record of the pirate attacks and disseminates it to those who require it, the data may have their own limitations as there is disagreement between the major maritime organisations about the nature of attacks on ships. The IMO in accordance to the UNCLOS considers armed robberies at the ports when the ships are anchored and pirate attacks at high seas to be two different issues where as IMB does not differentiate between them. Moreover, the data on regional variation is also not satisfactory as the

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[11] International Expert Group (2008), *Piracy off the Somali Coast: Final Report: Assessment and Recommendations*, Nairobi: Workshop Commissioned by the Special Representative of the Secretary General of the UN to Somalia, p.25.

[12] D Sekulich (2009), *Terror on the High Seas: True Tales of Modern Day Pirates*, New York: St. Martin's Press, p.93.

divisions are too broad.[13] The IMB records by country and aggregates by region while the IMO only records by large region, e.g. 'East Africa'.

The data accumulated also cannot be always accurate in spite of both the organisations sharing it as they follow different time frames to publish it. At times, it varies because the ship may report the pirate attack to one organisation and not to the other or it may report it to both the organisations but on different dates.

There are also reasons for under or mis–reporting the pirate attacks. The shipping companies have multiple reasons for doing so, mainly to avoid damage to their reputations because of insufficient precautions undertaken, to prevent crew demands for additional pay for sailing through pirate prone regions and to avoid the expense incurred by ship's delay during an investigation. And most importantly, reporting incidents will hugely raise maritime insurance premiums.[14] Therefore, the combined magnitude of losses associated with reporting incidents would greatly outweigh those resulting from a piracy attack.

4.1.4 Multilateral Missions

Only a few actors have responded to the Security Council's call for international assistance. However, by the end of 2008 there were three multilateral missions that had been deployed which were fielded by the external actors for the anti-piracy operations under the aegis of United Nations Security Council Resolutions.

4.1.4.1 Combined Task Force – 150 (CTF – 150)

CTF – 150 was deployed under the auspices of the US Combined Joint Task Force – Horn of Africa (CJTF–HOA) headquartered at Camp Lemonier in Djibouti and was mainly established in support of the US led 'Operation Enduring Freedom – Horn of Africa' (OEF–HOA), which has been mainly tasked with counter–terrorist

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[13] M N Murphy (2007), "Contemporary Piracy and Maritime Terrorism: The Threat to International Security", *Adelphi Paper*, 388: 1-89.

[14] R Middleton, (2008), *Piracy in Somalia: Threatening Global Trade, Feeding Local War*, Briefing Paper. London: Chatham House, 1-8.

operations.[15] Even though the CTF – 150 is autonomous but it is formally under the supreme command of an American Vice Admiral.

The nations that contribute mainly to the CTF – 150 are drawn from North America and Europe such as US, Canada, UK, France, Germany, Denmark, the Netherlands, Portugal, Spain, Italy and Turkey. However, it also includes other regional partners such as Australia, New Zealand, Singapore, South Korea and Pakistan. The number of vessels under this force includes thirty six which covers around 2.5 million square miles[16] of international waters ranging from the straits of Hormuz to the south of the Indian Ocean, but their primary mission is to repress terrorist activity.[17] Though they are also deployed on counter – piracy duties in the limited areas for the limited time, they move out to assist the vessels in the region if attacked by the pirates. CTF – 150 has also established a MSPA in the Gulf of Aden due to the threat of the Somali pirates. To lessen the ambiguities, a new combined coalition task force was created in January 2009, with a mandate for the anti-piracy measures.

4.1.4.2 Combined Task Force – 151 (CTF – 151)

CTF – 151 is a multinational naval task force created by the United States Central Command (CENTCOM) in response to focus solely on the pirate attacks emerging from Somalia. It was established in January 2009 and the main area of its operation is in and around the Gulf of Aden, Red Sea, Arabian Sea and the Indian Ocean particularly along the eastern coasts of Somalia. It has a mandate to conduct counter – piracy operations throughout the area covered by the Combined Maritime Forces (CMF) under the UNSC resolutions. As CTF – 151 is a mission specific task force and is not geographically constrained, it actively deters, disrupts and suppresses piracy in order to protect global maritime security and secure freedom of navigation

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[15] P Kagwanja (2005), "Counter – Terrorism in the Horn of Africa: New Security Frontiers, Old Strategies," *African Security Review*, 15 (3): 72-86.

[16] M Nakamura (2009), "Piracy off the Horn of Africa: What is the Effective Method of Repression", Newport: Naval War College.

[17] International Expert Group (2008), *Piracy off the Somali Coast: Final Report: Assessment and Recommendations*, Nairobi: Workshop Commissioned by the Special Representative of the Secretary General of the UN to Somalia, p.36.

for the benefit of all the nations while patrolling the area of 1.1 million square miles. It was earlier declared as MSPA. It complements a separate EU maritime security force. Though the naval ships and assets from twenty three different countries were supposed to comprise the CTF – 151 but the countries whose presence can already be noticed are the US, Canada, UK, France, Denmark, the Netherlands, Turkey, Saudi Arabia, Pakistan, Singapore, South Korea, Australia and New Zealand. CTF – 151 essentially replaces US Task Force – 151 which operated in the region in counter – terrorism operations from 2002 to 2004.[18]

However, the Germans particularly believe with regard to the formation of the CTF – 151 by the US Navy had a particular purpose. They consider that the US Navy which was not so committed till date in the fight against piracy took a sudden and a proactive approach against the menace simply because Germany was supposed to take the command of CTF – 150 within a week and the US Navy would have been quite content operating under the German command. Moreover, the German Navy has a very specific mandate in the region regarding action against piracy and the German command of the CTF – 150 to take proactive steps to curb piracy could have created political problems.[19]

4.1.4.3 NATO Standing Naval Maritime Group

NATO secured the permission under UNSC resolution 1838 to enter in an agreement with the TFG in October 2008, to deploy the Standing NATO Standing Naval Maritime Group – 2 (SNMG – 2) and the warships in the territorial waters of Somalia for 'Operation Allied Provider' tasked with both providing escort for merchant vessels as well as ships chartered by humanitarian agencies such as the WFP and for anti-piracy operations. During the time of its initial deployment SNMG comprised with the Greek, British, German and Turkish frigates along with the

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[18] K Backhaus (2010), "Piracy in the Puntland Region of Somalia", [Online: web] Accessed on 28 June 2010, URL: http://oilprice.com/Geo-Politics/Africa/Piracy-In-The-Puntland-Region-of-Somalia.html.

[19] Informationdissemination.net (2009), "Observing the Establishment of Combined Task Force – 151", [Online: web] Accessed on 12 February 2010, URL: http://www.informationdissemination.net/2009/01/observing-establishment-of-combined.html.

Italian and US destroyer and a German auxiliary ship.[20] With it, NATO began to escort the UN WFP vessels transiting through the Somali waters during October – December 2008. Operation Allied Provider was then succeeded by 'Operation Allied Protector' from March – August 2009. Thereafter, the 2010 'Operation Ocean Shield' was to provide protection to the vessels and also offered training to the regional countries in developing their capacity to combat piracy activities.[21] This operation was approved by the North Atlantic Council on 17th August 2009, and was extended until the end of 2012. It was implemented by the SNMG – 2.

4.1.4.4 European Union

The European Council meeting of 10-11 November 2008 marked the launch of the 'Operation Atalanta'. Under this mission, the two main tasks were to deploy protective armed units onboard vessels of the WFP delivering food aid to the displaced Somali population and to protect the vulnerable vessels in the region while acting as a deterrence to the Somali pirates. The mission was mandated for twelve months with a budget of €8.3 million.[22] The European Parliament also adopted a resolution requesting a clear distinction between the EU mission and the operations under OEF–HOA which was meant for anti-terrorism activities and made clear that the detention and prosecution of the apprehended pirates "under no circumstances should acts of piracy as well as acts against piracy be considered acts of war."[23]

EU in its response to the piracy emerging from Somalia deployed its first naval vessel and surveillance planes to the Horn of Africa under 'Operation Atalanta' which also included twenty warships from fourteen different nations with an assortment of air assets including helicopters, Unmanned Aerial Vehicles, and fixed

[20] B Moller (2008), "Piracy, Marititme Terrorism and Naval Strategy", [Online: web] Accessed on 24 December 2009, URL: http://www.dcism.dk/graphics/_Staff/bmo/Pdf/Piracy.pdf.

[21] K Backhaus (2010), "Piracy in the Puntland Region of Somalia", [Online: web] Accessed on 28 June 2010, URL: http://oilprice.com/Geo-Politics/Africa/Piracy-In-The-Puntland-Region-of-Somalia.html.

[22] R E Unie (2008) "EU operation against acts of piracy and armed robbery in Somalia", [Online: web] Accessed on 30 October 2009, URL: http://www.nieuwsbank.nl/en/2008/11/10/h018.htm.

[23] B Moller (2008), "Piracy, Marititme Terrorism and Naval Strategy", [Online: web] Accessed on 23 December 2009, URL: http://www.dcism.dk/graphics/_Staff/bmo/Pdf/Piracy.pdf.

– wing aircraft patrolling the region and providing security for commercial vessels transiting the Gulf of Aden.[24] Atalanta's entire manpower, including the Operational Headquarter, Force headquarter, Support Area and military assets, amounts to approximately two thousand personnel from nineteen EU contributing countries. The operations were initially commanded by a Greek Commodore with the operational headquarters being located at Northwood, London.

However, Operation Atalanta faced some challenges while operating in the region. First was that this operation was not designed to put an end to piracy emerging from Somalia. Moreover, no consensus emerged between the US and UK on the measures to adopt to combat Somali piracy on land and secondly, the operation at times had to be carried out with insufficient assets.[25]

Some individual European states also deployed their naval units in the region, mainly for the protection of their own merchant ships. France provided this protection in the form of naval escorts for convoys as a 'public good' without any charge to everybody, under the auspices of an EU 'Close Support Protection' programme.[26]

4.1.5 Other States

After the UNSC passed several important resolutions regarding the suppression of piracy emerging from Somalia, the UN member States individually or collectively sent warships to the Somali waters and the Gulf of Aden in compliance with the UNSC resolutions. In addition to the EU force and CTF – 151, ships from Russia, China, Iran and India are cooperating in the region although not under the common command.

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[24] J Kraska (2009), "Coalition Strategy and the Pirates of the Gulf of Aden and the Red Sea", *Comparative Strategy*, 28 (3): 197-216.

[25] D Helly (2009), *EU NAVFOR*, Paris: European Union Institute for Security Studies, p.395.

[26] B Moller (2008), "Piracy, Marititme Terrorism and Naval Strategy", [Online: web] Accessed on 23 December 2009, URL: http://www.dcism.dk/graphics/_Staff/bmo/Pdf/Piracy.pdf.

4.1.5.1 China

People's Liberation Army Navy (PLAN), for the first time ever, sent its warships to the sea areas around Somalia on 18th December 2008, thus contributing in the international efforts to contain the maritime piracy emerging from Somalia. Earlier, PLAN had never ever deployed its naval vessels outside the seas adjacent to it.[27] The Chinese naval fleet which included two destroyers – Haikou 171 and Wuhan 169, along with a large supply vessel – Weishanhu completed its first escort mission on 6th January 2009 for four Chinese merchant ships. Since their deployment, the PLAN has sustained three – ship flotillas comprising of two warships and one supply ship in the Gulf of Aden. These vessels were supposed to stay in the Gulf of Aden on a three-monthly rotation. The Ministry of Transport, also announced that the Chinese merchant vessels including those from Hong Kong, Macao and Taiwan can apply for naval escort while entering the Gulf of Aden and the sea around Somalia sea area through the Chinese Association of Ship owners.[28]

Map 5: Chinese String of Pearls (Ports) securing its Oil routes.

Source: http://www.informationdissemination.net.

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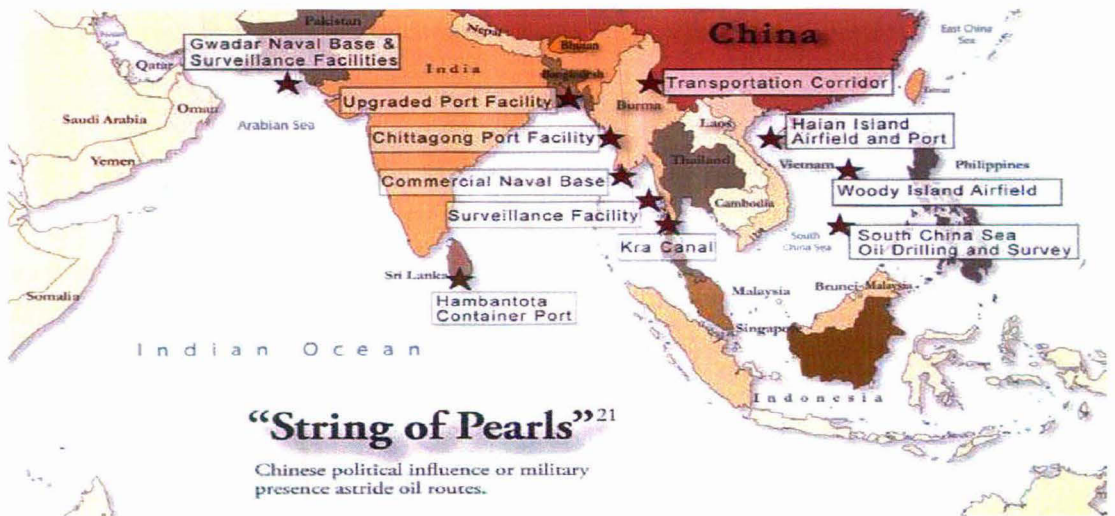
[27] T Treves (2009), "Piracy, Law of the Sea, and Use of Force: Developments off the Coast of Somalia", *The European Journal of International Law*, 20 (2): 399-414.

[28] Z Keyuan (2009), "New developments in the International Law of Piracy", *Chinese Journal of International Law*, 8 (2): 323-345.

In order to safeguard its energy sea–lane security, China has broadly taken initiatives to create security architecture in the Indian Ocean by way of building ports at the pivotal locations popularly known as 'String of Pearls'[29]. China has bolstered this initiative by way of developing maritime infrastructure in Pakistan (Gwadar), Sri Lanka (Hambantota), Bangladesh (Chittagong), by building and developing road and energy pipelines and electronic surveillance installations in Myanmar. The thrust of these traditional security and economic initiatives are complemented by naval diplomacy involving maritime multilateralism with Indian Ocean littoral states.

China also has vested interest in keeping the waterways clear not only in the Gulf of Aden, but elsewhere also in the region so that the natural resources flow east from the Middle East and Africa just as readily as Asian goods flow west.[30] The Gulf of Aden already accounts for a third of all Chinese maritime trade.[31] Thus, the Chinese military has been enhancing its capacity to protect critical maritime lines of communication and transportation that connect Chinese goods and services with essential foreign markets particularly the pirate infested Gulf of Aden through the Suez Canal route which is a major shipping zone for crude oil from the Persian Gulf and Middle East.[32]

Therefore, this initiative of China has considerably attracted the attention of the US naval observers and officials[33] as China has displayed its interest, desire and ability in the naval operations in the Gulf of Aden to protect the international shipping far away from the Chinese shores which was the first potential combat operation for the

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[29] G S Khurana (2008), "China's 'String of Pearls' in the Ocean and its Security Implications", *Strategic Analysis*, 32 (1): 1-39.

[30] M Hulbert (2009), "Making Waves: Piracy Floods the Horn of Africa", *CSS Analyses in Security Policy*, (55): 1-3.

[31] *Ibid.*

[32] R Weitz (2009), "Operation Somalia: China's First Expeditionary Force?", *China Security*, 5 (1): 27-42.

[33] L Ploch, C M Blanchard, R O'Rourke, R C Mason and R O King (2009), *Piracy off the Horn of Africa*, Washington D C: Congressional Research Service, 1-31.

fleet[34] outside the Pacific. This critically highlights the China's intentions and ability to militarily defend its expanding, globalizing national interests.[35]

Apart from the objective of protecting the Chinese shipping with the deployment of its naval forces, China showcases its growing military capabilities to domestic and foreign audiences. Moreover, by engaging in the high profile waters of the Gulf of Aden, the PLAN demonstrates that it is fulfilling its new transnational duties but at the same time has declined[36] to conduct joint patrols with Western or other foreign navies.

As China is signatory to The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP)[37], it is obliged to suppress piracy and armed robbery against the ships with respect to the national laws and regulations along with the available resources and capabilities. It also allows the signatories to take legal and judicial measures including extradition for the suppression of piracy and armed robbery.

Therefore, China has gradually formulated a set of judicial procedures to try piracy cases and render harsher punishment to the pirates including death penalty and long-term imprisonment. The trials in China and the harsher punishments have deterred the pirates from regarding China as an attractive destination for disposing of the hijacked vessels and cargo and turning them instead to other preferred destinations in India and Iran.[38]

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[34] R Weitz (2009), "Operation Somalia: China's First Expeditionary Force?", *China Security*, 5 (1): 27-42.

[35] A A Kaufman (2009), *China's Participation in Anti-Piracy Operations off the Horn of Africa: Drivers and Implications*, Alexandria: CNA Analysis and Solutions, 1-13.

[36] *Ibid.*

[37] B Thomas (2005), *Scaling Rising Tides; A Three Pronged Approach to Safeguard Malacca Straits*, Singapore: Institute of Defence and Strategic Studies, 1-3.

[38] Z Keyuan (2009), "New developments in the International Law of Piracy", *Chinese Journal of International Law*, 8 (2): 323-345.

4.1.5.2 India

Due to India's geostrategic location, its maritime horizon covers the entire northern arch connecting Australia, Southeast Asia, South Asia, Persian Gulf region and the African littoral up to the Cape of Good Hope along with the island states in the Indian Ocean. Historically, Indian Ocean has been a major highway for maritime trade and commerce. Moreover, its geostrategic importance has increased due to the energy related interdependence between the Persian Gulf and the rest of the world. Thus, India's maritime region extends far beyond the narrow confines of South Asia.[39]

A rapid economic growth has forced India to depend more on the seas because of the increased maritime trade and energy resources. Therefore, in order to revitalise its maritime diplomacy, India promoted regional maritime cooperation to create a more stable maritime order around Indian waters in the Indian Ocean. India signed agreements for maritime cooperation with various countries such as Sri Lanka, Maldives, Seychelles, Singapore, Mauritius, Oman, South Africa, France, Japan and the US. India also got admitted to the ASEAN Regional Forum (ARF) in the 1990's with the help of its 'Look East policy' and naval diplomacy.[40] Moreover, India signed the 'Treaty of Amity and Cooperation' with the Southeast Asian states in October 2003.

In the present era, ninety–seven per cent of India's trade by volume is sea–borne and more than seventy per cent of its energy needs are met through sea–borne imports.[41] In this scenario the focus of maritime security revolves around the issues of piracy and hijacking of ships and crew. An Indian vessel *Bhaktisagar* was hijacked with its twenty–two crew members in February 2006 by Somali warlords. Similarly, another Indian vessel *Smiti* was attacked and fired upon in an attempt for its seizure resulting

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[39] K R Singh (2004), "India, Indian Ocean and Regional Maritime Cooperation", *International Studies*, 41 (2): 195-218.

[40] G S Khurana (2005), "Cooperation among Maritime Security Forces: Imperatives for India and Southeast Asia", *Strategic Analysis*, 29 (2): 295-316.

[41] G S Khurana (2007), "Security of Sea Lines: Prospects for India-Japan Cooperation", *Strategic Analysis*, 31 (3): 139-153.

into the damage to the vessel. While piracy is undoubtedly the predominant and prevailing concern, Indian vital interests are also growing in the Indian as well as the Western Pacific Ocean due to its overwhelming reliance on sea transportation for its trade and energy imports.

As CENTCOM controls the area of the Middle East and Pakistan and India comes under the area of jurisdiction of the US Pacific Command (PACOM), thus, according to the US Navy rules, India was not invited to join CTF – 150.[42] This force maintains a sanitised corridor in the Gulf of Aden almost 400 miles long and ships join the corridor at either end. Ships join at either end and a warship convoys them through.

However, due to the diplomatic efforts under the banner of UNSC resolutions, *INS Tabar* of India joined the Eastern end of the corridor on 23rd October 2008 and has been patrolling the Gulf of Aden which is the world's busiest shipping lanes connecting Red Sea to the Indian Ocean. Soon, after the deployment according to the spokesman of the Indian Navy, *INS Tabar* effectively averted piracy attempts and once when it noticed a pirate vessel patrolling 285 nautical miles (528km) south–west of Salalah in Oman on 18th November 2008, well armed with guns and RPGs, demanded for an investigation. Thereafter, the pirates responded by threatening to "blow up the naval warship if it closed on her",[43] and started firing leading to the retaliation from the Indians resulting into the pirate vessel being destroyed. Thus, *INS Tabar* became the first warship in the region to confront the pirates and destroying the Somali pirate mother-ship while arresting the eight pirates. Boilard remarks about the Commodore Khurana who suggests that -

> *By sinking the pirate mother ship, the Indian Navy amply demonstrated that even while adhering to its government's strict adherence to the tenets of international law (UNCLOS) of not*

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[42] R Menon (2010), "Piracy, Somalia and India", [Online: web] Accessed on 14 January 2010, URL: http://ex-pressbuzz.com/Opinion/Op-Ed/piracy%20somalia%20and%20india/21812.html.

[43] BBC.co.uk (2008), "India 'Sinks Somali Pirate Ship'", [Online: web] Accessed on 25 May 2010, URL: http://news.bbc.co.uk/2/hi/south_asia/7736885.stm.

entering Somalia's territorial waters, it was still possible to cause attrition on piracy along with a substantial measure of deterrence.[44]

In an another incident in December 2008, when the Ethiopian flagged *MV Gibe* was being attacked, the Indian marine commandoes on being despatched by the Indian navy ship chased and arrested twenty three pirates of which twelve were Somali and eleven Yemeni.[45]

The Indian Navy has also deployed the Guided Missile Frigate *INS Betwa*, with an armed helicopter and a marine elite commando team on anti-piracy patrol, replacing the *INS Beas* which returned to Mumbai. However, none of its ultra–long range TU–142 aircrafts has been deployed to the Red Sea and Gulf of Aden.[46] *INS Betwa* is the sixteenth Indian Naval ship to be deployed in the region since October 2008. During this period, Indian Naval ships have safely escorted more than 930 merchant ships of different nationalities, with over 7780 Indians as crew which included over 124 Indian flagged merchant ships. Moreover, no merchant ship under the escort of an Indian Naval warship has ever been hijacked so far and more than 15 piracy attempts have been prevented by Indian Naval warships.[47]

However, in spite of the mandate from the TFG in accordance to the UNSC resolutions to enter Somali waters to restrain piracy in the region, one of the officials of the Indian government remarked that –

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[44] M C Boilard (2010), "Improving Policy Responses to Piracy in the Red Sea and Gulf of Aden Region: What Role for India?", *Strategic Analysis*, 34 (4): 625-638.

[45] Aljazeera.net (2008), "India Captures Somali Pirates", [Online: web] Accessed on 25 May 2010, URL: http://-english.aljazeera.net/news/africa/2008/12/20081213145033661925.html.

[46] M C Boilard (2010), "Improving Policy Responses to Piracy in the Red Sea and Gulf of Aden Region: What Role for India?", *Strategic Analysis*, 34 (4): 625-638.

[47] S Joshi (2010), "Indian Dhows, Dubious Partners Invite Somali Piracy", [Online: web] Accessed on 19 May 2010, URL: http://www.stratpost.com/indian-dhows-dubious-partners-invite-somali-piracy.

Our main concern will remain the ships under Indian flag, to deter
piracy and instil confidence in the shipping community. The main role
will remain patrolling and surveillance.[48]

The limitations imposed and clear instructions to not to venture the Somali territorial waters by the Indian warships can be understood as on 30th March 2010, around 120 sailors on 8–10 Indian dhows of the Kismayo coast[49] have been held as captive by the Somali pirates. As it "is a potential hostage situation, we are not taking any chances. We are very closely monitoring the situation",[50] was remarked by Commander P.V.S. Satish, an Indian Navy official. Moreover, there have been several other incidents where many Indian seafarers have been captured by the Somali pirates while being board on the foreign vessels and released only after the ransom being paid by the shipping company.

After cementing a comprehensive security cooperation agreement with Maldives, India decided to increase its maritime cooperation with Seychelles and help the island nation deal with the increased incidents of piracy occurring near its waters. As it is believed that the Somali pirates shifted their base near the island chain due to the increased international patrolling in the Gulf of Aden,[51] which affected the economy of Seychelles adversely as due to its dependence on tourism and fishing for its revenues. India first deployed a warship *INS Nirdeshak*,[52] responding to an urgent request in April 2009 and now maintains a warship permanently stationed in the area to thwart any piracy attempts.

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[48] Thaindian.com (2008), "Somalia Seeks India's Help to Quell Piracy", [Online: web] Accessed on 13 June 2010, URL: http://www.thaindian.com/newsportal/uncategorized/somalia-seeks-indias-help-to-quell-piracy_100121994.html.

[49] Hindustantimes.com (2010), "Somali Pirates Abduct 120 Indian Sailors", [Online: web] Accessed on 13 June 2010, URL: http://www.hindustantimes.com/Somali-pirates-abduct-120-Indian-sailors/Article1-24860.aspx.

[50] B Mazumdar (2010), "India Says its Vessels Seized by Somali Pirates", [Online: web] Accessed on 13 June 2010, URL: http://www.alertnet.org/thenews/newsdesk/SGE62T0C2.htm.

[51] Hiraan.com (2010), "India and Seychelles Join Forces against Somali Pirates", [Online: web] Accessed on 13 June 2010, URL: http://www.hiiraan.com/news2/2010/jun/india_and_seychelles_-join_forces_against_somali_pirates.aspx.

[52] *Ibid.*

Moreover, in a shocking development it has been realised that the Somali pirates are increasingly turning their attention eastwards from the Gulf of Aden as it has been alleged that in late April 2010, pirate attacks reported around 565 km off Lakshadweep in the Arabian Sea were carried out by the Somali pirates prompting Indian ship–owners to approach the government for more security in the Arabian Sea.[53] This piece of news also got confirmed when BBC News in March 2010 reported that according to EU naval force, Somali pirates have hijacked a Turkish owned ship around 1,800 km (1,100 miles) from their bases which happens to be more closer to India[54] than Africa.

Map 6: Somali Pirates Launching Attacks Closer to Indian Coasts

Source: BBC News (2010), *http://news.bbc.co.uk/2/hi/africa/8583027.stm*.
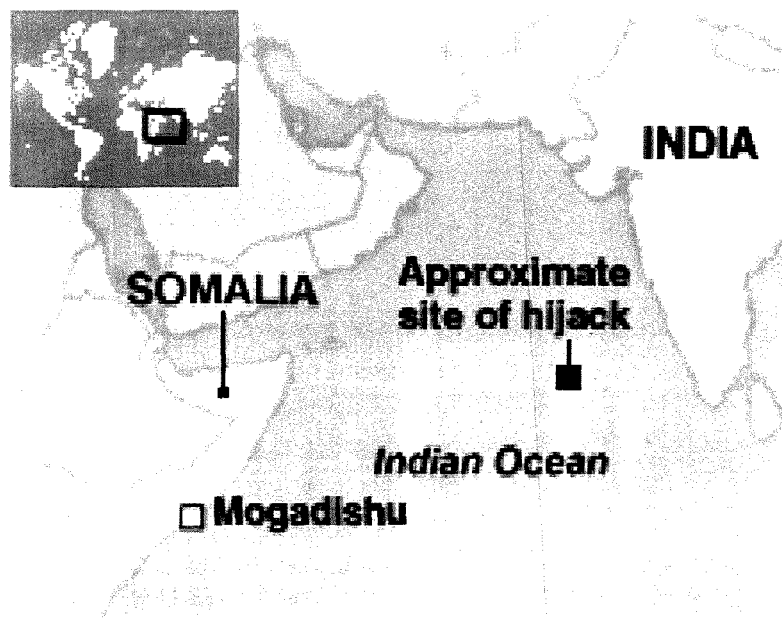
With the India and China both deploying their warships in the region were considered to be very important initiatives as both India and China have a vested

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[53] P R Sanjai (2010), "Somali Pirates Turn Attention to India's Western Coast", [Online: web] Accessed on 13 June 2010, URL: http://www.livemint.com/2010/05/11224259/Somali-pirates-turn-attention.html.

[54] BBC.co.uk (2010), "Somali Pirates Move towards India", [Online: web] Accessed on 13 June 2010, URL: http://news.bbc.co.uk/2/hi/africa/8583027.stm.

interest in keeping the waterways clear not only in the Gulf of Aden, but also elsewhere in the region, to ensure that natural resources flow east from the Middle East and Africa just as readily as Asian goods flow west.[55]

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[55] M Hulbert (2009), "Making Waves: Piracy Floods the Horn of Africa", *CSS Analyses in Security Policy*, (55): 1-3.

CHAPTER – 5

CONCLUSION

Chapter 5
Conclusion

A certain level of state weakness is required to provide for the existence of maritime piracy where as a complete lawlessness and anarchy prevailing in a state that too having long maritime borders not only acts as a breeding ground for the organised crime but also displays the state weakness and failure of its political institutions. As a failed state it is not in a position to deliver public security goods over the territory. Thereby, warlords and criminals step in to fill the void either through violence or threat. Moreover, the waters in or around the failed states are characterized by hijackings whose aim is extracting a ransom from the ships or crew members without disposing of the ship or its cargo. Since, Somalia typically represents these characteristics; it is often referred as a failed state and has become the hot – bed of the maritime piracy in the Horn of Africa.

The Republic of Somalia has been a nation in turmoil since its inception. This turmoil is the root cause for both the destruction of rule of law within the nation and for the complete disenchantment of the Somali people with the concept of a national government. Over the last nineteen years, Somalia has witnessed 'governance' by a succession of tribal factions, warlords, Islamist groups, and foreign interventions with and without the UN blessing. Rather than directly intervening in Somalia, the UN, the US and other nations have generally ignored Somalia as a problem too difficult and costly to resolve as it does not possess much mineral resources nor do have potentials to contribute significantly in the global economy. Thus, Somalia was left tottering to find answers to its own problems by the international community.

The current strategy of the international community to establish a state centric model for dealing with instability in the country by way of providing both political and financial support has repeatedly failed. The TFG is the fourteenth interim government since 1991 and the experiences till date indicate that this might not be the viable strategy for addressing the lawlessness in Somalia, at least in the short-term.

The UN and the international community need to acknowledge that as there is no national authority broadly recognised and respected by the Somalis, therefore, trying to artificially impose one might not last for long. Therefore, the international community should prefer to help the people of Somalia in order to evolve the system of local governance from the grassroots level based on the existing traditional clan authorities. Even the local government leaders, who have tried to prove to be legitimate and capable of governing responsibly, should be provided with an opportunity on the ground that they do not support or have links to piracy, terrorism, or radical Islam.

The peace and stability in the country is one of the solutions that can bring an end to the menace of piracy but it can only be possible when a strong and stable government takes the charge of the government. For this, TFG would have to form a set of alliances with largely autonomous clans and make sure that their aspirations are satisfied which will be quite necessary in order to have a successful coalition in the deeply divided country on the basis of clans.

Moreover, the TFG which has gained the recognition of being the de–facto government of Somalia from the international community despite only controlling certain pockets of the capital will have to earn the internal support of the clans as well as the populace. Thus, it will help it in presenting it as the legitimate and genuine Somali solution seeking peace both within Somalia and with the neighbours.

Also, in order to restore the hope of the people, the government officials along with the cabinet members and the parliamentarians will have to work hard and demonstrate their dedication despite of the real threats of assassinations by the UIC and other opposition clans. Apart from improving the government's financial accountability and transparency the TFG would have to also curb the rampant corruption prevalent in the society.

The above strategy of bolstering and spreading the responsible governance in Somalia should help in the reduction of pirate attacks emerging from the soil of Somalia. This would not only help in decreasing the lawlessness that permits piracy to flourish but also lead to stability in the region and mutual respect towards the

clans. However, in order to get the desired outcome this process has to be assisted with the anti-piracy measures.

Somali piracy within a short period of time from being a simple act of protest has become a highly organized activity. This development can be attributed to a number of factors. While poverty is often considered to be the root cause of piracy emerging from Somalia, it is not the only cause. Somalia is a destitute nation where poor Somalis battle against poverty and famine on a daily basis. Rampant corruption is quite prevalent through out the country and it certainly makes things simpler for the Somali pirates to do what they please without paying any regard to the rule of law. Thus, it can be said that the piracy emerging from Somalia has its roots in its past and the failed nature of state is the major cause of it has a multi-faceted problem.

As the epidemic of Somali piracy had generated an intense media coverage thereby seeking an international response. The UNSC passed several resolutions and allowed international naval patrols to engage in hot pursuit of pirates into the Somali territorial waters as well as on land. Even agreements were reached to facilitate the legal dispensation of the captured pirates. An international contact group was also established to coordinate the anti–piracy measures. Three naval task forces – an EU led Operation Atalanta, NATO's Operation Allied Protector, and the US led CTF – 151, currently patrol the waters off the coasts of Somalia apart from the naval warships of Russia, Iran, China and India are patrolling in the region independently to deter the Somali pirates.

Though the deployment of armed vessels into the pirated waters of the region can be considered to be the most effective deterrents to the problem but it cannot be done so easily. In order to carry out the anti–piracy measures, it is difficult to locate the pirates operating in the vast area of the high seas as 1.1 million square mile would require around sixty–six ships to monitor it effectively. At times, the demands are made to attack the bases of pirates but Somalia has a coastline of 3025 km which makes it quite difficult for the warships to look for the pirates. Thus, it can be said that a vast area is being patrolled by an insufficient force. Moreover, to effectively respond to the threat of piracy emerging from Somalia requires a sophisticated intelligence gathering infrastructure.

Though, the Somali pirates try to avoid direct confrontation with the warships but taking cue of the loopholes prevalent in the international law and the benefit of the concept of sovereignty of the state, they stage the attacks accordingly. The Somali pirates even make fake distress calls and launch dummy attacks to distract the attention of the warships present in the region. Thus, in spite of measures undertaken by the international community the figures of 2009 do reflect that the measures have not been effective so far. The Somali pirates have not been deterred and have continued to launch attacks that too far away in the Indian Ocean at times around thousand miles away from the coasts.

While the Western navies can certainly pursue and fire on pirates in Somali territorial waters, commando operations cannot be considered to be a long – term replacement for adequate governance and enforcement on land. On–shore operations are a crucial component of piracy as the pirates live in Somalia, get resources for more missions, and collect intelligence from their on–shore sources. If anti–piracy efforts are to be successful then an effort has to be made to deny them safe harbour.

However, some critics while contending the naval response have argued that the international response is misplaced as the solution to maritime piracy emerging from Somalia has to be found on–shore rather than off–shore as any purely maritime operation will not directly address the issues of the country. Also, they consider the robust naval response of the navies to the piracy emerging from Somalia can be considered to be a training exercise aimed at improving the coordination with other navies.

By way of adopting the resolutions, the UNSC tried to depict a strong face to the international community in order to resist the piracy emerging from Somalia. But, inadequacy of the laws at home and the lack of willingness to destroy the support structure and the bases of the Somali pirates have not contributed in this effect. Moreover, the loopholes in the laws has also made by the Somali pirates to work fearlessly as there is no concrete international law that deals with piracy. Along with it, as it is very common that all the countries are not signatories to the law so it also provides the opportunity to the Somali pirates to operate with freedom.

Moreover, in order to counter the threats of Somali piracy, the UN can only pass the resolutions, as it cannot prosecute the Somali pirates for the attacks nor can it authorise naval peacekeepers. Instead, it has been left on the individual states to safeguard their territorial waters or dispatch the warships to patrol the area which is quite an expensive affair. Hence, an unlimited mandate for the counter–piracy operations to be fielded by external actors has been granted in the UNSC resolutions. However, this also limits the scope of anti–piracy measures as the measures undertaken are being applied by the international world rather than coming from the region itself.

The utility and relevance of the resolutions adopted by the UNSC can be considered to be dubious by Peter Chalk as he argues in his RAND report that in spite of the permission to undertake all measures to suppress piracy, military raids and air strikes against pirate bases in Somalia could not take place as it would certainly breed anti – Western sentiment and hostility against 'foreign occupiers', particularly in the case of extensive civilian collateral damages. Moreover, such reactions would surely strengthen the position of the radical Islamist insurgents and could potentially undermine efforts towards the long-term emergence of responsible and moderate governance within the country.

The UNSC can also assist by blessing a more aggressive interdiction of ports in Somali and other nations where pirates have demonstrably been able to seek refuge, recognizing local authorities as part of the process toward establishing a legitimate national government in Somalia, supporting a benchmark process for access to foreign assistance, and eschewing a UN peacekeeping force as a means for artificially bolstering the TFG.

Also, in the context of piracy emerging from Somalia along its coasts and in the Gulf of Eden, the prospects of regional collaboration do not look to be very promising as there is a sub – regional organisation covering the Greater Horn of Africa and with a security agenda known as the IGAD but it is quite weak as it is marred by rivalries and conflict between the member states due to historical past. Moreover, its members like Sudan, Djibouti, Ethiopia, Eritrea, Somalia, Kenya and Uganda have

serious internal problems and none of them have naval forces. In fact, the regional power, Ethiopia, is also landlocked.

Moreover, The African regional organisations and the UN have not managed to stabilise Somalia yet, despite a renewed debate to send peacekeeping troops or strengthen the TFG since 2008. Though the TFG is internationally recognised by IGAD, the AU and the UN, it has hardly been able to settle itself in the country as it is completely embroiled in the civil war against the remnant of the former de facto government and the Islamist UIC. Hence, it is virtually incapable of dealing with the piracy problem. The same is the case of the break away republic of Somaliland, which has been a non – recognised state since its declaration of independence in 1991 and also lacks any naval capacity. Moreover, it is also believed that the regional authorities of another semi–autonomous region, Puntland, are collaborating with the pirates, and even a sizeable amount of ransom generated through the acts of piracy ends up in the pockets of some of the TFG members. Thus, the US and other nations can also apply pressure to Puntland and other Somali authorities linked to piracy by undermining the profit motive.

The lack of legal punishment and deterrence at the local, regional, and international levels has allowed pirates to expand their activities without any hindrances. The international community has hesitated to act decisively and promptly in countering piracy and thereby has generated a conducive environment for pirates to operate freely. This is coupled with the fact that large sections of Somali society have been benefiting from piracy activities which has made piracy a legitimate and justified business in the country, providing pirates with social protection and even respect.

As a result, piracy has developed its own dynamic and now resembles a professional and highly organized business venture, starting from the selection of maritime targets to the final stage of receiving and dispensing the ransom. The fact that piracy is a high-profit, low–cost and low–risk business yielding quick returns has allowed pirates to invest a part of their income into capability enhancement.

Given these factors, it is likely that Somali piracy will continue to pose a threat to the security and freedom of international maritime navigation in the immediate future. This situation may change only when the international community is able to solve the larger problem in Somalia that has resulted from the failure of the state, or decides to act resolutely on the operational level to make the cost of piracy exceed the gains by implementing stringent and sustainable security measures on Somali territory and along its coast and in international waters around Somalia.

Thus, it can be said that the international responses comprising of the warships can only be helpful in containing the pirate attacks at sea but it cannot solve the problems prevalent on the land of Somalia, nor can it be addressed through military means. However, the destruction of the pirate network on the coasts by way of military response being considered by the international community can be fruitful if applied. Hence, it can be said that in spite of the collective response undertaken by the international community, it has not been effective so far.

APPENDIX

Appendix

Ships Attacked by the Somali Pirates in the year 2000.

Sl. No.	Ship's Name	Flag State	Date	Place of Incident
1	Jasali	Antigua and Barbuda	07/05/2000	Off the coast of Somalia
2	Mad Express	France	04/07/2000	Off the coast of Somalia
3	Bonzita	Panama	13/0/7/2000	Southern Red Sea
4	Bold Endurance	Barbados	15/07/2000	Southern Red Sea
5	Dias	Panama	24/07/2000	Southern Red Sea
6	Saraji Trader	Liberia	29/07/2000	Southern Red Sea
7	Arrow	Malta	01/0/8/2000	Red Sea
8	Dreamtime	Australia	01/0/8/2000	Red Sea
9	Stellar Light	Denmark	01/09/2000	Off the coast of Somalia
10	Robela	Cyprus	07/10/2000	Red Sea
11	Sun King	Malta	12/10/2000	Red Sea
12	Crystal	Panama	12/10/2000	Red Sea
13	Ibn Al Moataz	Saudi Arabia	23/10/2000	Red Sea
14	Sabarimala	India	25/10/2000	Bab Al Mandeb Strait, Gulf of Aden
15	Eco Elham	Iran	16/11/2000	Off the coast of Somalia
16	Polymok	St. Vincent and the Grenadines	11/12/2000	Off the coast of Somalia

Ships Attacked by the Somali Pirates in the year 2001.

Sl. No.	Ship's Attacked	Flag State	Date	Place of Incident
1	Jaffar	Syria	01/01/2001	Off the coast of Somalia
2	Dehkhoda	Iran	03/02/2001	Red Sea
3	Bonita Light	Hong Kong, China	22/02/2001	Red Sea
4	Ya Samadu	Panama	02/04/2001	Off the coast of Somalia
5	MSC Floriana	Panama	10/04/2001	East of Kismaayo, Somalia
6	Stathis	Panama	29/06/2001	Red Sea
7	IDC – 1	Turkey	02/07/2001	Red Sea
8	Ocean Breeze	Cyprus	24/09/2001	Red Sea
9	Cap Najran	Norway	28/10/2001	Off the coast of Somalia
10	Zahra	Comoros	05/11/2001	Kismayu Port, Somalia

Ships Attacked by the Somali Pirates in the year 2002.

Sl. No.	Ship's Attacked	Flag State	Date	Place of Incident
1	Princess Sarah	Lebanon	14/01/2002	Off the coast of Somalia
2	Princess Sarah	Lebanon	17/01/2002	Off the coast of Somalia
3	Princess Sarah	Lebanon	28/01/2002	Off the coast of Somalia
4	Enalios Titan	Malta	31/03/2002	Gulf of Aden
5	Zhao Shan	St. Vincent and the Gerandines	28/04/2002	Red Sea
6	Great Ocean	Hong Kong, China	11/05/2002	Gulf of Aden
7	Gina – 1	Singapore	01/06/2002	Straits of Bab Al Mandeb, Gulf of Aden
8	Panagia Tinou	Cyprus	15/06/2002	Alula Cape, North Somalia
9	Jenlil	Denmark	30/07/2002	Off the coast of Somalia
10	Sweet Lady II	Malta	07/11/2002	Socotra Islands, Gulf of Aden
11	Stavoula	Malta	16/11/2002	SE of Socotra Islands, Gulf of Aden
12	Giannis	Malta	21/11/2002	Straits of Bab Al Mandeb, Gulf of Aden

Ships Attacked by the Somali Pirates in the year 2003.

Sl. No.	Ship's Attacked	Flag State	Date	Place of Incident
1	Monneron	Cyprus	22/02/2003	Off the coast of Somalia
2	Bambola	-	02/03/2003	Gulf of Aden
3	Gypsy Days	Australia	09/03/2003	Gulf of Aden
4	Imani	Unites States of America (USA)	09/03/2003	Gulf of Aden
5	Narena	Australia	09/03/2003	Gulf of Aden
6	Penyllan	Australia	09/03/2003	Gulf of Aden
7	Sea Dove	-	09/03/2003	Gulf of Aden
8	Trader	Cyprus	13/03/2003	Socotra Islands, Gulf of Aden
9	Beira – 9	South Korea	01/04/2003	Off Kismayo, Somalia
10	Nine Hawk	Singapore	20/04/2003	Gulf of Aden
11	Fu Tong	Hong Kong, China	08/05/2003	Gulf of Aden
12	Rubin Energy	Panama	13/06/2003	Straits of Bab Al Mandeb, Gulf of Aden

Ships Attacked by the Somali Pirates in the year 2004.

Sl. No.	Ship's Attacked	Flag State	Date	Place of Incident
1	Algosaibi – 21	Bahrain	30/01/2004	Southern Red Sea
2	Notredame	-	27/02/2004	Gulf of Aden
3	Astron Spirit	Hong Kong, China	07/06/2004	Gulf of Aden
4	MY Alcor	United Kingdom	20/06/2004	Off Raas Xaafuun, Somalia
5	Sea Witch	Panama	26/08/2004	Southern Red Sea
6	Sunman	Cyprus	26/09/2004	Perim Island, Southern Red Sea

Ships Attacked by the Somali Pirates in the year 2005.

Sl. No.	Ship's Attacked	Flag State	Date	Place of Incident
1	Honor Pescadores	Panama	15/03/2005	Somalia
2	Or Sirichainava	Thailand	16/03/2005	Off the coast of Somalia
3	Trust Dubai	Panama	31/03/2005	Somalia
4	Tim Buck	Cyprus	10/04/2005	Eastern Coast of Somalia
5	Reef Malindi	St. Kitts and Nevis	22/05/2005	Somalia
6	NMT Elise	Panama	24/05/2005	Southern Red Sea
7	Tigris	-	06/06/2005	Off Mogadishu, Somalia
8	Semlow	St. Vincent and the Gerandines	26/06/2005	Off the coast of Somalia
9	Hanseduo	Antigua and Barbuda	16/07/2005	Eastern Coast of Somalia
10	MMM Parana	Malaysia	16/07/2005	Eastern Coast of Somalia
11	Car Star – I	Cyprus	17/07/2005	Off Caluula, NE Coast of Somalia
12	MSC Namibia	Greece	18/07/2005	Off Caluula, NE Coast of Somalia
13	Jolly Marrone	Italy	21/07/2005	Eastern Coast of Somalia
14	San Felice	Malta	21/07/2005	Eastern Coast of Somalia
15	Cielo Di Milano	Italy	26/07/2005	Eastern Coast of Somalia
16	Alexis	Gibraltar, United Kingdom	28/07/2005	Eastern Coast of Somalia
17	Captain George I	Panama	29/07/2005	Off Caluula, NE Coast of Somalia
18	Takis	Panama	03/08/2005	Gulf of Aden

19	Ibn Batouta	Algeria	26/09/2005	Mogadishu, Somalia
20	Pleione	Bahamas	30/09/2005	Eastern Coast of Somalia
21	Torgelow	St. Vincent and the Gerandines	09/10/2005	Eastern Coast of Somalia
22	Miltzow	St. Vincent and the Gerandines	12/10/2005	South of Mogadishu, Somalia
23	Panagia	Liberia	18/10/2005	Eastern Coast of Somalia
24	San Carlo	Malta	20/10/2005	Somalia
25	Orion Princess	Panama	26/10/2005	Eastern Coast of Somalia
26	Great Morning	Hong Kong, China	05/11/2005	Eastern Coast of Somalia
27	Seabourn Spirit	Bahamas	05/11/2005	Eastern Coast of Somalia
28	Laemthong Glory	Thailand	06/11/2005	Eastern Coast of Somalia
29	MSC Selin	Panama	06/11/2005	Eastern Coast of Somalia
30	Makran	Pakistan	08/11/2005	Eastern Coast of Somalia
31	Sirichai Petroleum – 2	Thailand	06/12/2005	NE Coast of Somalia
32	Julia 54	Georgia	07/12/2005	Off Hobyo, Eastern Coast of Somalia
33	Laemthong Glory	Thailand	11/12/2005	Gulf of Aden
34	Fortune Spirit	Hong Kong, China	14/12/2005	Gulf of Aden

Ships Attacked by the Somali Pirates in the year 2006.

Sl. No.	Ship's Attacked	Flag State	Date	Place of Incident
1	Golden Frienship	Panama	07/01/2006	Gulf of Aden
2	Delta Ranger	Bahamas	20/01/2006	Eastern Coast of Somalia
3	Victoria Island	Marshall Islands	21/01/2006	Southern Red Sea
4	Dal Madagascar	Liberia	25/0/1/2006	Southern Red Sea
5	Osman Mete	Turkey	27/01/2006	Off Cape Guardafui, Somalia
6	Maersk Delft	United Kingdom	08/02/2006	Gulf of Aden
7	Bhakti Sagar	India	26/02/2006	Off Mogadishu, Somalia
8	Rozen	St. Vincent and the Gerandines	13/03/2006	Eastern Coast of Somalia
9	Lin – I	Panama	29/03/2006	Off Mogadishu, Somalia
10	Regal Star	St. Vincent and the Gerandines	01/04/2006	Gulf of Aden
11	Dong Won no. – 628	South Korea	04/04/2006	Eastern Coast of Somalia
12	Al Taj	United Arab Emirates (UAE)	27/04/2006	Off Barawe, SW of Mogadishu, Somalia
13	Palenque	Liberia	10/05/2006	Gulf of Aden
14	Torgelow	St. Vincent and the Gerandines	22/05/2006	SE of Mogadishu, Somalia
15	Veesham – I	St. Kitts and Nevis	01/11/2006	Off Elmann, Somalia
16	Vinashin Iron	Panama	28/11/2006	Gulf of Aden
17	Sheila McDevitt	Unites States of America (USA)	19/12/2006	Eastern Coast of Somalia

Ships Attacked by the Somali Pirates in the year 2007.

Sl. No.	Ship's Attacked	Flag State	Date	Place of Incident
1	Sea Energy	Panama	08/02/2007	Off Mogadishu, Somalia
2	Rozen	St. Vincent and the Gerandines	25/02/2007	Somalia
3	Nimatullah	-	01/04/2007	Off Mogadishu Port, Somalia
4	Nishan	United Arab Emirates (UAE)	03/04/2007	Off Mogadishu Port, Somalia
5	Sahiba	-	05/04/2007	Off Kismayo Port, Somalia
6	Belfin	Turkey	11/04/2007	Gulf of Aden
7	Mariam Queen	St. Kitts and Nevis	03/05/2007	Off Mogadishu, Somalia
8	Ibn Younus	Qatar	14/05/2007	Somalia
9	Victoria	Jordan	19/05/2007	Off the coast of Somalia
10	Bitumen Ride	Panama	20/05/2007	Somalia
11	Al – Caqiq	United Arab Emirates (UAE)	24/05/2007	Off Mogadishu, Somalia
12	Danica White	Denmark	02/06/2007	Somalia
13	Ken	Marshall Islands	06/06/2007	SE of Mogadishu, Somalia
14	Bitumen Ride	Panama	13/06/2007	Somalia
15	CSK Beilun	Singapore	20/06/2007	Somalia
16	Trave Trader	Antigua and Barbuda	08/07/2007	Somalia
17	Stadt Master	Norway	10/07/2007	Northern Coast of Somalia, Gulf of Aden

18	MSC Natalia	Panama	20/07/2007	West of Socotra Islands, Gulf of Aden
19	CEC Svendborg	Gibraltar, United Kingdom	20/07/2007	Gulf of Aden
20	Great Jade	Hong Kong, China	29/07/2007	Off the coast of Somalia
21	Maersk Nolanville	Liberia	03/08/2007	Off the coast of Somalia
22	Med Carrara	Cayman Islands, United Kingdom	07/08/2007	Somalia
23	Parana	United Kingdom	11/08/2007	Somalia
24	Greko – 2	Greece	20/09/2007	West of Berbera, Somalia
25	Almarjan	Comoros	17/10/2007	Off Mogadishu Port, Somalia
26	Rabbana	-	18/10/2007	Off Mogadishu Port, Somalia
27	Maria	Cyprus	18/10/2007	Off the coast of Somalia
28	Jaikur – II	Comoros	21/10/2007	Off Brava, Somalia
29	Oriental Green	Hong Kong, China	21/10/2007	Gulf of Aden
30	Jag Pavitra	India	22/10/2007	Gulf of Aden
31	Golden Nori	Panama	28/07/2007	Gulf of Aden
32	Dai Hong Dan	North Korea	29/10/2007	Mogadishu, Somalia
33	Maersk Seville	Liberia	11/12/2007	Gulf of Aden

Ships Attacked by the Somali Pirates in the year 2008.

Sl. No.	Ship's Attacked	Flag State	Date	Place of Incident
1	Svitzer Korsakov	St. Vincent and the Gerandines	01/02/2008	Off Cape Raas Caseyr, Gulf of Aden
2	Oriental Green	Malta	01/02/2008	Off Cape Raas Caseyr, Gulf of Aden
3	Eide Trader	Marshall Islands	02/03/2008	Somalia
4	Lina – 2	Yemen	31/03/2008	West Coast of Al-Kuri Island, Gulf of Aden
5	Brum Ocean	Yemen	01/04/2008	South of Mukaala Port, Gulf of Aden
6	Sunshine Sky	Panama	01/04/2008	Gulf of Aden
7	Le Ponant	France	04/04/2008	Gulf of Aden
8	Playa De Bamako	-	20/04/2008	Somalia
9	Al – Khaleej	United Arab Emirates (UAE)	21/04/2008	Off Bosasso Port, Somalia
10	Takayama	Japan	23/04/2008	Off the coast of Somalia
11	Alexander Carl	South Korea	28/04/2008	Off Bosasso Port, Somalia
12	Navajo Princess	Philippines	28/04/2008	Gulf of Aden
13	Fairchem Pegasus	Marshall Islands	04/05/2008	Off the coast of Somalia
14	Victoria	Jordan	17/05/2008	Off the coast of Somalia
15	Red Dragon	Cayman Islands, United Kingdom	19/05/2008	Gulf of Aden
16	River Elegance	Panama	19/05/2008	Gulf of Aden
17	Cape Merlin	-	23/05/2008	Gulf of Aden

18	Taiyoh –II	Singapore	24/05/2008	Gulf of Aden
19	Furtrans Bulk	Marshall Islands	25/05/2008	Gulf of Aden
20	Amiya Scan	Antigua and Barbuda	25/05/2008	Gulf of Aden
21	Lehmann Timber	Germany	28/05/2008	Gulf of Aden
22	Montreux	Liberia	28/05/2008	Gulf of Aden
23	YM Ocean	-	03/06/2008	Gulf of Aden
24	Hudson Bay	Antigua and Barbuda	21/06/2008	Gulf of Aden
25	Rockall	-	23/06/2008	Off the coast of Somalia
26	Shamrock	Liberia	06/07/2008	Off Mayyun Island, Gulf of Aden
27	Chemstar Moon	-	15/07/2008	Gulf of Aden
28	MSC Rania	Panama	18/07/2008	Gulf of Aden
29	Stella Maris	Panama	20/07/2008	SE of Mukalla, Gulf of Aden
30	Yenegoa Ocean	Panama	04/08/2008	Off Bosasso Port, Somalia
31	Gem of Kilakarai	Singapore	08/08/2008	Gulf of Aden
32	Thor Star	Thailand	12/08/2008	Gulf of Aden
33	Bunga Melati Dua	Malaysia	19/08/2008	SW of Al Mukulla, Gulf of Aden
34	Iran Deyanat	Iran	21/08/2008	Gulf of Aden
35	Irene	Panama	21/08/2008	Gulf of Aden
36	BBC Trinidad	Antigua and Barbuda	21/08/2008	Gulf of Aden
37	Aizu	Panama	23/08/2008	Gulf of Aden
38	St. Anna	Liberia	23/08/2008	Gulf of Aden

39	Bunga Melati – 5	Malaysia	29/08/2008	Gulf of Aden
40	Carre D'As – IV	France	02/09/2008	Gulf of Aden
41	Al Mansourah	Panama	03/09/2008	Off Al Mukalla, Gulf of Aden
42	Orsolina Bottiglieri	Italy	03/09/2008	Gulf of Aden
43	Jin Yuan Men	St. Vincent and the Gerandines	05/09/2008	Gulf of Aden
44	Sigloo Discovery	Singapore	06/09/2008	Gulf of Aden
45	Front Voyager	Bahamas	06/09/2008	Gulf of Aden
46	Fonarun Naree	Thailand	07/09/2008	Gulf of Aden
47	OOCL Tokyo	Hong Kong, China	08/09/2008	Gulf of Aden
48	Ocean Queen	Singapore	08/09/2008	Gulf of Aden
49	Darya Gyan	Hong Kong, China	10/09/2008	Gulf of Aden
50	Michael S	Malta	10/09/2008	Gulf of Aden
51	Bright Ruby	South Korea	10/09/2008	Gulf of Aden
52	Le Tong	China	12/09/2008	Gulf of Aden
53	Golden Elizabeth	Panama	13/09/2008	Gulf of Aden
54	Drennec	France	13/09/2008	Off Mogadishu, Somalia
55	Shou Chang Hai	China	14/09/2008	Gulf of Aden
56	Stolt Valor	Hong Kong, China	15/09/2008	Gulf of Aden
57	Centauri	Malta	18/09/2008	Off Mogadishu, Somalia
58	Great Creation	Hong Kong, China	18/09/2008	Gulf of Aden
59	Jo Oak	Norway	18/09/2008	SE of Al Mukulla, Gulf of Aden

60	UNI Premier	Panama	19/09/2008	Gulf of Aden
61	Hengam	Malta	20/09/2008	Off the coast of Somalia
62	Capt Stefanos	Bahamas	21/09/2008	Off the coast of Somalia
63	Faina	Belize	25/09/2008	East Coast of Somalia
64	Genius	Liberia	26/09/2008	Gulf of Aden
65	Vancouver Victory	Panama	01/10/2008	Gulf of Aden
66	Athena – 4	Panama	01/10/2008	Gulf of Aden
67	Ever Unicorn	Panama	01/10/2008	Gulf of Aden
68	Toronto	United Kingdom	02/10/2008	Gulf of Aden
69	As Salaam	Panama	09/10/2008	Somalia
70	Wael H	Panama	09/10/2008	Gulf of Aden
71	Action	Panama	10/10/2008	Gulf of Aden
72	Shri Shiv Shamboo	India	14/10/2008	Gulf of Aden
73	African Sanderling	Panama	15/10/2008	Gulf of Aden
74	Sophia	Bahamas	15/10/2008	Gulf of Aden
75	Iran Hormoz	Iran	16/10/2008	Gulf of Aden
76	Leander	Panama	28/10/2008	Gulf of Aden
77	Noor	Malta	28/10/2008	Gulf of Aden
78	Aquilo	Cayman Islands, United Kingdom	28/10/2008	Gulf of Aden
79	Yasa Neslihan	Marshall Islands	29/10/2008	Gulf of Aden
80	Britta Maersk	Denmark	02/11/2008	Gulf of Aden

81	CEC Future	Bahamas	07/11/2008	Gulf of Aden
82	Al Mareekh	Saudi Arabia	10/11/2008	Somalia
83	Stolt Strangth	Philippines	10/11/2008	Gulf of Aden
84	Jag Arnav	India	11/11/2008	Gulf of Aden
85	Haraz	Cyprus	12/11/2008	Gulf of Aden
86	Karagol	Turkey	12/11/2008	Gulf of Aden
87	Tai Bai Hai	China	13/11/2008	Gulf of Aden
88	Kapitan Maslov	Cyprus	13/11/2008	Off Southern Somalia
89	Tianyu No. – 8	China	14/11/2008	Off Southern Somalia
90	Golden Ambrosia	Singapore	14/11/2008	Gulf of Aden
91	TS Colombo	Hong Kong, China	14/11/2008	Off Southern Somalia
92	Sirius Star	Liberia	15/11/2008	Off Southern Somalia
93	Chemstar Venus	Panama	15/11/2008	Gulf of Aden
94	Delight	Hong Kong, China	18/11/2008	Gulf of Aden
95	Ekawatnava – 5	Kiribati	18/11/2008	East of Ash Shir, Gulf of Aden
96	Josco Suzhou	Hong Kong, China	24/11/2008	Gulf of Aden
97	Biscaglia	Liberia	28/11/2008	Gulf of Aden
98	Neverland	Italy	29/11/2008	Gulf of Aden
99	Tai Shun Hai	China	29/11/2008	Gulf of Aden
100	Nautica	Marshall Islands	30/11/2008	Gulf of Aden
101	Ginga Saker	Panama	03/12/2008	Gulf of Aden
102	Maersk Regensburg	Liberia	06/12/2008	Off Southern Somalia

103	Ionian Sea	Singapore	12/12/2008	Gulf of Aden
104	Al Tair	Panama	12/12/2008	Gulf of Aden
105	Conti Express	Cyprus	13/12/2008	SW of Ras Al Kalb, Gulf of Aden
106	Masindra – 7	Malaysia	16/12/2008	Gulf of Aden
107	Bosphorus Prodigy	Antigua and Barbuda	16/12/2008	Gulf of Aden
108	Zhen Hua – 4	China	17/12/2008	Gulf of Aden
109	Wadi Al-Arab	Egypt	25/12/2008	Gulf of Aden
110	S Venus	Panama	31/12/2008	Gulf of Aden

Ships Attacked by the Somali Pirates in the year 2009.

Sl. No.	Ship's Attacked	Flag State	Date	Place of Incident
1	Abul Kalam Azad	India	01/01/2009	Gulf of Aden
2	S Venus	Panama	01/01/2009	Gulf of Aden
3	Blue Star	St. Kitts and Nevis	01/01/2009	Gulf of Aden
4	Christina A	Turkey	01/01/2009	Gulf of Aden
5	Corina	Panama	01/01/2009	Gulf of Aden
6	Super Star – III	Panama	01/01/2009	Gulf of Aden
7	King Daniel	Marshall Islands	02/01/2009	Gulf of Aden
8	Chipolbrok Sun	Hong Kong, China	02/01/2009	Gulf of Aden
9	Samanyolu	Netherlands	02/01/2009	Gulf of Aden
10	Sea Princess – II	Panama	03/01/2009	Gulf of Aden
11	Donat	Croatia	04/01/2009	Gulf of Aden
12	Vulturnus	Panama	04/01/2009	Gulf of Aden
13	Darin Naree	Thailand	04/01/2009	Gulf of Aden
14	Nedllyod Barentsz	Netherlands	13/01/2009	Gulf of Aden
15	Daylam	Malta	14/01/2009	Gulf of Aden
16	Longchamp	Bahamas	29/01/2009	Gulf of Aden
17	Eleni G	Malta	29/01/2009	Gulf of Aden
18	Ocean Diamond	Panama	11/02/2009	SE of Socotra Island, Somalia
19	Polaris	Marshall Islands	11/02/2009	South of Balhaf, Gulf of Aden

20	Prem Divya	Iceland	12/02/2009	Gulf of Aden
21	Jolbos	Cyprus	12/02/2009	Gulf of Aden
22	Thai Union	Thailand	14/02/2009	Gulf of Aden
23	Bahia	Cyprus	21/02/2009	Gulf of Aden
24	Saldanha	Malta	22/02/2009	Gulf of Aden
25	Lia	Liberia	24/02/2009	Gulf of Aden
26	Yan Dang Hai	China	25/02/2009	Gulf of Aden
27	Diana C	Panama	26/02/2009	Gulf of Aden
28	Pro Alliance	Panama	02/03/2009	Gulf of Aden
29	Courier	Antigua and Barbuda	03/03/2009	Gulf of Aden
30	Consul Poppe	Malta	04/03/2009	Gulf of Aden
31	Prabhu Daya	Singapore	05/03/2009	Off Somalia
32	Sanghai Venture	Thailand	09/03/2009	Off Somalia
33	Mar Reina	Panama	10/03/2009	SE of Socotra Island, Somalia
34	Atlanta	Marshall Islands	11/03/2009	Off Al Mukalla, Gulf of Aden
35	Chong Chon Gang	South Korea	11/03/2009	SE of Mogadishu, Somalia
36	Felipe Ruano	Spain	13/03/2009	Off Somalia
37	Diamond Falcon	Vietnam	14/03/2009	Off Al Mukalla, Gulf of Aden
38	Serenity	Seychelles	16/03/2009	Off Somalia
39	Northern Star	Panama	16/03/2009	Gulf of Aden
40	Titan	St. Vincent and the Grenadines	19/03/2009	Gulf of Aden

41	Iasonas	Liberia	20/03/2009	Gulf of Aden
42	Valle Di Aragona	Italy	20/03/2009	Gulf of Aden
43	Ryu Gyong	South Korea	20/03/2009	Off Somalia
44	Al Rafiquei	India	21/03/2009	Easetrn Coast of Somalia
45	MSC Denisse	Panama	22/03/2009	SE of Mogadishu, Somalia
46	Pantanassa	St. Vincent and the Grenadines	22/03/2009	SE of Mogadishu, Somalia
47	Jasmine Ace	Cayman Islands, United Kingdom	22/03/2009	SE of Mogadishu, Somalia
48	Ryu Gyong	South Korea	23/03/2009	Off Mogadishu, Somalia
49	Preventer	Panama	25/03/2009	Off Southern Somalia
50	Explorer III	Netherlands	25/03/2009	Off Southern Somalia
51	Mount Adams	Hong Kong, China	25/03/2009	Straits of Bab Al Mandeb, Gulf of Aden
52	Nipayia	Panama	25/03/2009	SE of Hobyo, Somalia
53	Bow Asir	Bahamas	26/03/2009	SE of Mogadishu, Somalia
54	Hugli Spirit	Bahamas	26/03/2009	Gulf of Aden
55	Indian Ocean Explorer	Seychelles	28/03/2009	Off Seychelles / Off Southern Somalia
56	Grandezza	-	28/03/2009	Gulf of Aden
57	Maersk Neustadt	Liberia	28/03/2009	Off Somalia
58	Steam Leader	Singapore	29/03/2009	Gulf of Aden
59	Eastern Queen	South Korea	30/03/2009	Off Somalia
60	Grain Express	-	02/04/2009	SW of Ras Sharwayn, Gulf of Aden

61	CMA CGM Azteca	Marshall Islands	02/04/2009	Off Somalia
62	Tanit	France	04/04/2009	Off Somalia
63	Hansa Stavenger	Germany	04/04/2009	SE of Mogadishu, Somalia
64	Africa Star	Malta	04/04/2009	Off Socotra Island, Somalia
65	Al Shahir	Yemen	05/04/2009	Gulf of Aden
66	Win Far – 161	-	06/04/2009	SE of Mogadishu, Somalia
67	Malaspina Castle	Panama	06/04/2009	Gulf of Aden
68	Maersk Albama	United States of America (USA)	07/04/2009	Off Somalia
69	Calm Seas	Marshall Islands	09/04/2009	Gulf of Aden
70	Ryu Gyong	South Korea	07/04/2009	Gulf of Aden
71	Samarah Ahmad	Egypt	10/04/2009	Gulf of Aden
72	Momtaz – 1	Egypt	10/04/2009	Off Bossaso, Gulf of Aden
73	Anatolia	Panama	11/04/2009	Gulf of Aden
74	Buccaneer	Italy	11/04/2009	Gulf of Aden
75	Dal Madagascar	Marshall Islands	12/04/2009	Off Somalia
76	Panamax Anna	Malta	12/04/2009	Gulf of Aden
77	Irene EM	St. Vincent and the Grenadines	13/04/2009	Gulf of Aden
78	Sea Horse	Togo	14/04/2009	East of Mogadishu, Somalia
79	Safmarine Asia	Liberia	14/04/2009	East of Mogadishu, Somalia

80	Liberty Sun	United States of America (USA)	14/04/2009	Off Southern Somalia
81	Puma	Denmark	17/04/2009	Gulf of Aden
82	Afraaf	Yemen	18/04/2009	Gulf of Aden
83	Farei Ali	Yemen	18/04/2009	Gulf of Aden
84	Pompei	Belgium	18/04/2009	Off Southern Somalia
85	Handytankers Magic	-	18/04/2009	Gulf of Aden
86	Front Ardenne	Norway	18/04/2009	Gulf of Aden
87	Atlantica	Malta	20/04/2009	Gulf of Aden
88	New Lehend Honor	Panama	20/04/2009	Gulf of Aden
89	S Bothnia	Antigua and Barbuda	25/04/2009	Gulf of Aden
90	Patriot	Malta	25/04/2009	Gulf of Aden
91	Melody	Panama	25/04/2009	SE of Mogadishu, Somalia
92	GNA	Yemen	26/04/2009	Gulf of Aden
93	NS Commander	Liberia	27/04/2009	Gulf of Aden
94	Skaftafell	Gibraltar, United Kingdom	28/04/2009	Gulf of Aden
95	Boularibank	Antigua and Barbuda	28/04/2009	Gulf of Aden
96	Jolly Smeraldo	Italy	29/04/2009	SE of Mogadishu, Somalia
97	Jasper S	Antigua and Barbuda	30/04/2009	Alphouse Island, Somalia
98	Christina A	Turkey	30/04/2009	SE of Mogadishu, Somalia
99	Mare Caribbean	Marshall Islands	01/05/2009	Off Southern Somalia

100	IVS Cabernet	Singapore	01/05/2009	Off Southern Somalia
101	Ariana	Malta	02/05/2009	Off Southern Somalia
102	Mare Caribbean	Marshall Islands	02/05/2009	Off Southern Somalia
103	Almezzan	Panama	02/05/2009	Off Southern Somalia
104	Michael S	Malta	05/05/2009	Gulf of Aden
105	Neverland	Italy	05/05/2009	Gulf of Aden
106	Grand Victory	Panama	05/05/2009	Off Southern Somalia
107	Victoria	Antigua and Barbuda	05/05/2009	Gulf of Aden
108	Nepheli	Panama	06/05/2009	Gulf of Aden
109	Marathon	Netherlands	07/05/2009	Gulf of Aden
110	Omo Wonz	Ethiopia	07/05/2009	Gulf of Aden
111	Anny Petrakis	Malta	07/05/2009	Gulf of Aden
112	Sea Giant	Liberia	07/05/2009	Gulf of Aden
113	NS Spirit	Liberia	10/05/2009	Gulf of Aden
114	Safmarine Bandama	Panama	12/05/2009	East of Mogadishu, Somalia
115	Amira	Egypt	13/05/2009	Gulf of Aden
116	Dubai Princess	Marshall Islands	17/05/2009	Gulf of Aden
117	Noor	Malta	18/05/2009	Gulf of Aden
118	Jurkalne	Marshall Islands	18/05/2009	Gulf of Aden
119	Vinalines Galaxy	Vietnam	19/05/2009	Off Southern Somalia
120	Sarv	Malta	19/05/2009	Gulf of Aden
121	Maria K	St. Vincent and the Grenadines	22/05/2009	Gulf of Aden

122	Costis	Panama	22/05/2009	Gulf of Aden
123	Antonis	Greece	26/05/2009	Gulf of Aden
124	Maud	Liberia	28/05/2009	Gulf of Aden
125	Lake Globe	Bahamas	29/05/2009	Gulf of Aden
126	Sea Phnatom	Marshall Islands	29/05/2009	Gulf of Aden
127	FGS Spessart	Germany	29/05/2009	Gulf of Aden
128	British Mallard	Isle of Man, United Kingdom	31/05/2009	Gulf of Aden
129	Stolt Strength	Philippines	31/05/2009	Red Sea
130	United Lady	Liberia	01/06/2009	Gulf of Aden
131	Vishwa Kalyan	India	03/06/2009	Gulf of Aden
132	Cemtex Venture	Hong Kong, China	07/06/2009	Gulf of Aden
133	Aisha	Liberia	07/06/2009	Gulf of Aden
134	Gockan	Turkey	10/06/2009	Off Somalia
135	Charelle	Antigua and Barbuda	12/06/2009	Off Somalia
136	Gorgonilla	Panama	13/06/2009	Strait of Bab Al Mandeb, Gulf of Aden
137	Richmond Bridge	Bahamas	14/06/2009	Strait of Bab Al Mandeb, Gulf of Aden
138	Salalah	Panama	14/06/2009	Strait of Bab Al Mandeb, Gulf of Aden
139	Al Masilah	Yemen	14/06/2009	Strait of Bab Al Mandeb, Gulf of Aden
140	Milos	Greece	14/06/2009	Strait of Bab Al Mandeb, Gulf of Aden
141	Hadi	Cyprus	15/06/2009	Gulf of Aden

142	Kang Long	Hong Kong, China	18/06/2009	Southern Red Sea
143	Tenjun	Panama	19/06/2009	Strait of Bab Al Mandeb, Gulf of Aden
144	Bolan	Pakistan	22/06/2009	Gulf of Aden
145	Maersk Phoenix	Singapore	22/06/2009	Gulf of Aden
146	Horizon – 1	Turkey	08/07/2009	Gulf of Aden
147	Nafeya	-	10/07/2009	Coast of Bossaso, Somalia
148	A Elephant	Liberia	13/07/2009	Gulf of Aden
149	Rimar	Togo	03/08/2009	Gulf of Aden
150	Notos Scan	Bahamas	04/08/2009	Gulf of Aden
151	Elgiznur Cebi	Turkey	14/08/2009	Gulf of Aden
152	Tian Wang Xing	Panama	16/08/2009	Off Somalia
153	An San	South Korea	05/09/2009	Off Mogadishu, Somalia
154	North Sea	Singapore	16/09/2009	Southern Red Sea
155	Harmony	Liberia	18/09/2009	Gulf of Aden
156	Prisco Alexandria	Cyprus	19/09/2009	Gulf of Aden
157	Danny Boy	Bahamas	19/09/2009	Gulf of Aden
158	Harvest Moon	Marshall Islands	19/09/2009	Gulf of Aden
159	BBC Portugal	Antigua and Barbuda	20/09/2009	Gulf of Aden
160	Barwaaqo	Panama	24/09/2009	Near Mogadishu harbour, Somalia
161	Gem of Cochin	Panama	26/09/2009	Gulf of Aden
162	Panamx Peppou	Panama	26/09/2009	Gulf of Aden
163	Southern Cross	Italy	26/09/2009	Gulf of Aden

164	Alakrana	Spain	02/10/2009	SE of Mogadishu, Somalia
165	Hoegh Pusan	Singapore	04/10/2009	Eastern Coast of Somalia
166	Sea Green	Panama	06/10/2009	Gulf of Aden
167	Delta Ios	Greece	07/10/2009	Gulf of Aden
168	MCP Salzburg	Cyprus	12/10/2009	Gulf of Aden
169	Kota Wajar	Singapore	15/10/2009	Gulf of Aden
170	Thor Spring	Malta	16/10/2009	Gulf of Aden
171	De Xin Hai	China	19/10/2009	Gulf of Aden
172	Jolly Rosso	Italy	22/10/2009	Off Somalia
173	Al Khaliq	Panama	22/10/2009	Off Somalia
174	CMA CGM Maasai	Gibraltar, United Kingdom	25/10/2009	Off Somalia
175	Cap Saint Vincent	France	27/10/2009	Off Somalia
176	Thai Union – 3	Thailand	29/10/2009	Off Somalia
177	Alcyon	Bahamas	31/10/2009	Gulf of Aden
178	Harriette	United States of America (USA)	02/11/2009	South of Mogadishu, Somalia
179	Jo Cedar	Netherlands	02/11/2009	SE of Mogadishu, Somalia
180	Theoforos – I	-	05/11/2009	Gulf of Aden
181	Delvina	Marshall Islands	05/11/2009	South of Mogadishu, Somalia
182	BBC Thames	Liberia	05/11/2009	Gulf of Aden
183	Almezaan	Panama	07/11/2009	Gulf of Aden

184	Sea Diamond	St. Kitts and Nevis	07/11/2009	Gulf of Aden
185	BW Lion	Hong Kong, China	09/11/2009	East of Mogadishu, Somalia
186	Nele Maersk	Denmark	10/11/2009	East of Mogadishu, Somalia
187	Felicitas Rickmers	Marshall Islands	10/11/2009	SE of Mogadishu, Somalia
188	Filitsa	Marshall Islands	11/11/2009	East of Mogadishu, Somalia
189	Fengli – 8	Panama	12/11/2009	Gulf of Aden
190	Full Strong	Hong Kong, China	12/11/2009	Gulf of Aden
191	Theresa – VIII	Kiribati	16/11/2009	Off Somalia
192	Lady Juliet	St. Vincent and the Grenadines	16/11/2009	Gulf of Aden
193	Maersk Albama	United States of America (USA)	18/11/2009	NE of Mogadishu, Somalia
194	Red Sea Spirit	Panama	19/11/2009	Gulf of Aden
195	Margarita	Liberia	20/11/2009	Off Mogadishu, Somalia
196	Aspendos	Greece	20/11/2009	Eastern Coast of Somalia
197	Smiti	India	24/11/2009	East of Mogadishu, Somalia
198	Maran Centaurus	Greece	29/11/2009	SE of Mogadishu, Somalia
199	Sikinos	Greece	01/12/2009	Off Mogadishu, Somalia
200	BBC Togo	Antigua and Barbuda	02/12/2009	Gulf of Aden
201	Shahbaig	Pakistan	06/12/2009	Off Somalia
202	Nordic Sprite	Norway	07/12/2009	Gulf of Aden

203	Coral Globe	Bahamas	07/12/2009	Off Somalia
204	Sea Witch	Panama	09/12/2009	Southern Red Sea
205	Delta Ranger	Bahamas	11/12/2009	Gulf of Aden
206	Nafeya	-	16/12/2009	Off Somalia
207	Al Mahmoud	Yemen	18/12/2009	Gulf of Aden
208	Maersk Warsaw	Hong Kong, China	27/12/2009	Off Somalia
209	St. James Park	United Kingdom	28/12/2009	Gulf of Aden
210	Navios Apollon	Panama	28/12/2009	Off Somalia
211	Album	Kuwait	30/12/2009	Off Somalia

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