

The Failed State and Regional Dimensions of Combating Somali Piracy

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SUMMARY

Somali piracy cannot be successfully countered unless the phenomenon is understood in its proper context. This involves at least three closely connected premises:

First, like piracy anywhere else, Somali piracy is a crime of opportunity. It is an economically motivated activity by “rational actors.” As long as piracy remains a profitable business, it will continue to flourish.

Second, the inherent structure of any piracy, including Somali piracy, renders futile any attempt to stop it merely by focusing on countering suspect pirate vessels at sea. Piracy has always been a land-based crime which happens to manifest itself at sea; pirates will always require a port to operate out of.

Third, the Somali piracy is linked closely to Somali politics, or rather, the failure of national politics in what was once the Somali Democratic Republic. However, the political situation is complex, running the gamut from the chaos and conflict in southern and south-central Somalia to the rather ambiguous situation in Puntland to the relative stability of Somaliland. Each of these *de facto* regions and its impact on the piracy problem needs to be assessed in its own right.

While not directly related to the challenge of piracy, the rise of militant Islamism in Somalia cannot entirely be separated from it either, especially as The various factions of *al-Shabaab* (“the youth”), an umbrella group that was formally designated a “foreign terrorist organization” by the U.S. Department of State last year, and their assorted allies—including the *Hisbul Islamiyya* (“Islamic party”), a group led by Sheikh Hassan Dahir ‘Aweys, a figure who appears personally on both United States and United Nations antiterrorism sanctions lists—have proven themselves more resilient than many international observers have been willing to admit. Having in recent months consolidated their control of the area from the southern suburbs of the capital to the border with Kenya, the Islamist militants launched an offensive at the beginning of May with the apparent objective of circling the capital to its north as well. In the last two weeks, the militants, following up on earlier incursions, have brought their offensive into Mogadishu amid fierce combat and pushed the internationally-recognized “Transitional Federal Government” (TFG) led by Sheikh Sharif Sheikh Ahmed even closer to the brink of total collapse.

The collapse in 1991 of the Somali state is, without a doubt, the primary reason why piracy has flourished of the coasts of the country. Yet, if the failure so far of no fewer than fourteen internationally-sponsored attempts at establishing a national

government indicates anything, it is the futility of the notion that outsiders can impose a regime on Somalia. This leads to a series of questions, resisted by many both in Africa and abroad, that must be asked: Is there any purpose served by continuing to maintain the notional integrity of a unitary Somali state if large regions like Somaliland and Puntland are either openly opposed or resistant to it? Is it possible that not only the delivery of goods and services to the Somali people, but the interests of the international community—including the suppression of piracy offshore—might be better served by working with effective authorities wherever they are to be found, even if that means permitting the devolution of political authority?

In this respect, a broad consensus is emerging among experts who have tracked Somalia for any amount of time that any workable solution must embrace a “bottom-up” or “building-block” approach rather than the hitherto “top-down” strategy. Moreover, given the ripple effects of continuing lack of governance in the Somali lands, in addition to relations with whatever functional parts of the TFG there might be left in Mogadishu, it makes no sense for the international community to not work with effective authorities in Somaliland, Puntland (assuming a clear break on the part of the political leadership there from the complicity with piracy which even the United Nations reports have alleged), Gedo, and other areas as well seek to engage with traditional leaders, members of the vibrant business community, and civil society actors. These figures both enjoy legitimacy with the populace and have actual security and economic development agendas which address some of the root causes of piracy as well as complement the outside world’s goal of containing the spread of the disorders, including piracy, in Somali territory.

While the problem of Somali lawlessness at sea will only be definitively resolved when the international community summons up the political will to adequately address the underlying pathology of Somali statelessness onshore, the truth is such a process is literally a generational undertaking. That does not mean that, fatalistically, nothing should be done; rather, what needs to be acknowledged is that while the broader project needs to be attended to, it cannot be expected to pay immediate dividends in terms of improved security along the Somali coastline, for which interim measures will be needed. One proposal, which would both immediately lessen the current threat to merchant shipping in the region *and* contribute to ameliorating the security situation in support of building governance capabilities in the territory of the former Somali Democratic Republic, is the establishment of coast guards along the littoral. The idea is one which was commended by no less a figure than UN Secretary-General Ban Ki-moon when he advised the Security Council in March that:

In the interests of a durable solution to piracy and armed robbery off the coast of Somalia, it is important that local coast guards in the region, where possible, are assisted in ways that will enable them to constructively play a role in anti-piracy efforts conducted off the coast of Somalia and the surrounding region. As part of a long-term strategy to promote the closure of pirates’ shore bases and effectively monitor the coastline, I therefore recommend that Member States consider strengthening the capacity of the coast guards both in Somalia and the region.

Most interestingly, the Secretary-General added in this context that he “encourage[d] Member States to support the continued efforts by the United Nations and its partners to promote the development of local governance...in the relatively stable Somali regions of ‘Puntland’ and ‘Somaliland’”.

Ultimately, any policy adopted must, at the very least, do no harm. The most attractive course will be the one that proves best suited to buying Somalis themselves the time and space within which to make their own determinations about their future while at the same time allowing their neighbors and the rest of the international community the ability to achieve their legitimate security objectives, including the curbing of piracy in the waters off the Horn of Africa.