Options for Combating Piracy in Somalia

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When Somali pirates seized the U.S.-flagged Maersk *Alabama*, taking the ship's captain hostage, resulting news coverage focused U.S. public attention on piracy and lawlessness in Somalia.

Piracy is a growing problem that benefits from the instability in Somalia. In the near term, effectively safeguarding maritime traffic requires a balanced public/private effort with the use of force limited to protecting commerce and maintaining freedom of the seas. Also required is an effective strategy to resolve Somalia's troubles and establish and bolster the rule of law.

Piracy Makes a Comeback. The goal of modern-day pirates operating in the Gulf of Aden is to make easy money—take over a ship, seize a few hostages or a few million dollars in cargo, and wait for the shipping company to pay a ransom. This approach usually translates into $1 million–$2 million in ransom per ship.

Contributing to the ease of taking over a ship is the low number of crew members that staff most modern merchant ships. Most are unarmed and therefore powerless to do anything when seven to 10 pirates armed with assault rifles and rocket-propelled grenade launchers get on board.

Despite the risks, private companies still see the seas surrounding the Horn of Africa as a cost-effective means for moving goods—as many as 20,000 ships travel these waters annually. Only a very small percentage is subject to documented acts of piracy.

In response to the increasingly brazen acts of piracy over the past year, the United States and other countries undertook several actions to protect the shipping lanes. NATO ships, later replaced by an EU task force, deployed to the region, and in January the U.S. contributed additional naval forces as part of the multinational anti-piracy effort dubbed the "Combined Task Force (151)." The United Nations Security Council has passed several resolutions to try and address piracy in the region.[1] However, the pirates have not been deterred. Instead they have expanded their range to escape more heavily patrolled waters—the Maersk *Alabama* was hundreds of miles from what were previously considered pirate waters.

The Challenge. Somalia is a key base of operation for pirates in the Gulf Aden. The pirates live in Somalia, where they sell the fruits of their piracy, get resources for more missions, and collect intelligence needed to target ships from on-shore spies. Cutting pirates off from these benefits is central to minimizing Somali piracy over the long term.

Somalia has a well-earned reputation as a failed state. Since the U.N. withdrew in March 1995 without restoring a central government, little progress has been made. Aside from the autonomous, broadly self-governed enclaves of Somaliland and Puntland in the northern parts of the country, over

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the past 18 years Somalia has suffered under "governance" by a succession of tribal factions, warlords, Islamist groups, and foreign interventions.

Since 2004, the U.N. and countries like the U.S. have supported the Transitional Federal Government (TFG) of Somalia diplomatically and financially in an attempt to promote a functioning central government. Although the TFG is internationally recognized as the government of Somalia, it has proven to be a weak institution hindered by a lack of legitimacy among the Somali population.

What to Do. Interest in dealing with the lawlessness and instability in Somalia has been elevated by the recent press attention on piracy. U.S. policymakers should resist letting headlines drive policy, such as supporting a new U.N. peacekeeping operation, which would face enormous—perhaps insurmountable—challenges.

Key among such challenges is that there is no legitimate sovereign able to assert its authority for the U.N. peacekeeping operation to support. Instead, the U.S. should be seeking an approach to Somalia that capitalizes on existing realities.

- *Recognize the Failure of Imposing a Centralized State Authority.* Somalia is a failed state with various powerful factions possessing little, if any, national allegiance. A strategy of establishing a state-centric model (throwing capital, political and financial, at a succession of worthless central authorities) has been proven ineffective: The TFG is the 14th such interim government structure since 1991.

 Instead, the U.S. should support a "grassroots model" of identifying and bolstering existing legitimate authorities, including civil society and traditional clan authorities—excepting those with links to terrorism, piracy, or Islamic extremism. Applying this strategy will take time and face many difficulties. However, such an approach is more likely to lead to success in the long run.

- *Encourage Improved Governance in Somalia.* To encourage local Somali authorities and statelets to improve their governance structures and to mature politically, the international community should reward them with the benefits other governments receive—provided they meet clear benchmarks. For instance, to address the situation in Puntland, the international community should demand that local authorities clamp down on piracy and cooperate with international anti-piracy efforts as a key early condition. A similar approach should be used for other Somali regions, albeit tailored to their specific circumstances.

- *Make the Seas Safer.* Combating piracy will require security enhancements on the high seas. The Navy's presence coupled with effective intelligence sharing and targeted operations can:

 1. Conduct interdiction and blockade missions that will serve as partial deterrent;

 2. Conduct hostage rescue; and

 3. Perform search and rescue in concert with other concerned naval powers.

Over time, U.S. maritime presence should shift from naval to U.S. Coast Guard forces, which are better suited to most of these tasks. The U.S. should also help regional allies improve their coast guard and maritime security programs. This shift will require speeding and expanding the modernization of Coast Guard maritime security assets.

In addition, private sector shippers should take more responsibility for their own security. This should not include arming the crews of ships—such a move would be dangerous to the crew (untrained in the use of weapons) and face many legal obstacles. In addition, little can be practically done to prevent pirates from overtaking the ship once they are on board without endangering the vessel and the lives of the crew.

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1. For instance, the United Nations Security Council adopted Resolution 1816 in June 2008 permitting states to use "all necessary means to repress acts of piracy and armed robbery" in Somali waters. Resolution 1838 in October 2008 called for nations to intensify their efforts to combat piracy in Somalia, and Resolution 1851 in December 2008 expanded Security Council approval of anti-piracy efforts to include operations on land.

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Rather, private shippers could, at modest cost, hire private security that operates in separate small vessels. Sensors and non-lethal technologies could provide a picket line to prevent pirates from approaching commercial craft.

• *Enhance International Efforts to Deal with Piracy.* The U.S. and others should apply pressure to Puntland and other Somali authorities linked to piracy by undermining the profit motive (e.g., applying U.S. treasury sanctions on financial institutions linked to piracy or prohibiting insurance claims on ransoms paid to pirates).

The U.S. should also, in coordination with other nations, implement a naval interdiction and blockade of Somali and other ports known to be harboring pirates should these ports prove unwilling to cooperate with anti-piracy efforts. Such blockades would be lifted only when the pirates are surrendered.

The U.N. Security Council could assist by blessing interdiction of ports in Somalia and other nations where pirates have demonstrably been able to seek refuge; recognizing the historical customary international law practice of applying universal jurisdiction in cases of piracy on the high seas and the authority of ships to sink pri-

vate vessels, kill individuals that refuse to surrender, detain pirates and deliver them to legal authorities; and permitting national authorities to try and punish them as they deem appropriate, so long as they comply with fundamental due process.

A Unique Situation. Ensuring freedom of the seas is fundamental to global commerce, and it is the responsibility of nations to ensure that right. The U.S. should do its part. The anti-piracy strategy should be applied to the Horn of Africa and surrounding waters, but the uniquely lawless situation in Somalia requires supplementary strategies. Specifically, the U.S. must focus attention on recognizing and bolstering points of stability in Somalia and working with local authorities toward the long-term goal of expanding governance in the country.

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