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Piracy: A Symptom of Somalia's Deeper Problems

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The recent news coverage of pirates has focused U.S. public attention on Somalia more than at any time since the confrontation between U.S. forces and Somali fighters detailed in the movie *Black Hawk Down*. Numerous suggestions have been made on how to deal with high seas piracy, but failing to adopt a strategy that resolves Somalia's ongoing instability will undermine any such efforts—piracy in the region benefits from Somali lawlessness and volatility.

A long-term solution to piracy hinges on improving stability and bolstering Somali authorities with which the U.S. can work to advance mutual interests, including clamping down on piracy.

The Somali Conundrum. Any discussion of Somalia requires a brief review of the nation's well-earned reputation for lawlessness and instability.

The state of Somalia, located in the Horn of Africa and comprising the former protectorates of British Somaliland and Italian Somaliland, was founded in 1960 and its constitution adopted in 1961 by popular referendum. An unstable parliamentary government was ousted in 1969 by a coup d'état led by General Siad Barre, who ruled until he was violently ousted in late 1990 and early 1991.

The resulting famine led the United Nations Security Council to establish the United Nations Operation in Somalia (UNOSOM I) in 1992 to facilitate delivery of humanitarian assistance and monitor a U.N.-brokered ceasefire. When violence continued, thereby impeding humanitarian assistance, the U.S. organized the Unified Task Force (UNITAF) to

restore order and facilitate provision of humanitarian aid. UNITAF was replaced in May 1993 by the United Nations Operation in Somalia II (UNOSOM II). U.N. peacekeepers were attacked in June 1993 by Somali militia. Attacks escalated until 18 American troops and hundreds of Somalis were killed in an October 1993 skirmish depicted in the movie *Black Hawk Down*.

The U.N. withdrew from Somalia in March 1995 without restoring a central government, and little progress has been made over the past 14 years. Aside from the autonomous, broadly self-governed enclaves of Somaliland and Puntland in the northern parts of the country, Somalia has suffered over the past 18 years of "governance" by a succession of tribal factions, warlords, Islamist groups, and foreign interventions with and without U.N. blessing.

Rather than directly intervening in Somalia, the U.N., the U.S. and other nations have generally ignored Somalia as a problem too difficult and costly to resolve. 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 assert a functioning central government. It is backed by a U.N.-sanctioned African Union (AU) peacekeeping force.

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Unfortunately, the TFG has proven to be a weak institution hindered by a lack of legitimacy among the Somali population. It has repeatedly been dismissed in favor of tribal authorities and quasi-religious conglomerations supported by militia such as the Islamic Courts Union and, more recently, al Shabaab.¹

Pirates have taken advantage of the lawless situation in Somalia to practice their trade in the waters surrounding the Horn of Africa. As many as 20,000 ships transit it annually, and only a small percentage are subject to documented acts of piracy. Despite the risk of piracy, merchant ships continue to use the seas because it is the cheapest, most cost effective means for moving goods between Europe and Asia.

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. The U.N. Security Council adopted Resolution 1816 in June 2008 permitting states to use “all necessary means to repress acts of piracy and armed robbery”² in Somali waters, Resolution 1838 in October 2008 called for nations to intensify their efforts to combat piracy in Somalia,³ Resolution 1851 in December 2008 expanded Security Council approval of anti-piracy efforts to include operations on land.⁴

The U.S., the European Union, and non-Western countries such as China have dispatched ships to the region to discourage pirates. However, the pirates have not been deterred. Instead they have expanded their range hundreds of miles to escape more heavily patrolled waters.

What to Do About Somalia. On-shore operations are a crucial component of piracy: The pirates live in Somalia, get resources for more missions, and collect intelligence from on-shore sources. If anti-piracy efforts are to be successful, an effort must be made to deny them safe harbor.

However, U.S. policymakers should resist letting recent events lead them to adopt policies—such as supporting a new U.N. peacekeeping operation to enforce the authority of the TFG—which would face enormous challenges and be unlikely to succeed.

A new U.N. peacekeeping operation in Somalia would be unlikely to succeed for several reasons. Foremost, there is no legitimate sovereign able to assert its authority for the operation to support. Although the TFG is internationally recognized as the government of Somalia, it is a paper government.

The recent TFG elections were conducted in Djibouti because it was unsafe to conduct them in Somalia. Indeed, while the elections were occurring in January 2009, the al Shabaab militia seized control of Baidoa, the TFG capital. What little territory the TFG retains control over is secured only through the presence of an AU peacekeeping presence. The Somalis in the south understandably question the legitimacy of a government comprised largely of people who have fled Somalia and rightly doubt its ability to protect them.

As a result, a new U.N. peacekeeping operation would likely find itself charged with nation-building on a massive scale without a legitimate domestic partner. The mission would initially (maybe perpetually) involve the imposition of authority through force, assert external governance for lack of

1. Translated generally as “the Youth,” al Shabaab is group of Somali Islamists that gained precedence following the defeat of the ICU by Ethiopian forces. The group is designated as a Foreign Terrorist Organization by the United States Department of State.
2. United Nations Department of Public Information, “Security Council Condemns Acts of Piracy, Armed Robbery Off Somalia’s Coast, Authorizes for Six Months ‘All Necessary Means’ to Repress Such Acts,” U.N. Security Council document SC/9344, June 2, 2008, at <http://www.un.org/News/Press/docs/2008/sc9344.doc.htm> (April 17, 2009).
3. United Nations Security Council, “United Nations Security Council Resolution 1838,” document S/RES/1838, October 7, 2008, at <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/SOMALIA%20S%20RES%201838.pdf> (April 17, 2009).
4. United Nations Security Council, “United Nations Security Council Resolution 1851,” document S/RES/1851, December 16, 2008, at <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/SOMALIA%20SRES1851.pdf> (April 17, 2009).

a credible domestic option, and further strain U.N. peacekeeping capabilities on top of current commitments.⁵ This is exactly the type of operation that history indicates the U.N. should avoid.⁶ Instead, the U.S. should be seeking a new approach to Somalia capitalizing on existing realities.

Recognize the Failure of Trying to Impose a Centralized State Authority. Somalia is a fractured state with little, if any, national allegiance from its various powerful factions. The current strategy of the international community—seeking to establish a state-centric model for dealing with instability by providing capital, both political and financial, to a succession of central authorities—has repeatedly failed. The TFG is the 14th interim government since 1991. Experience indicates that this is not a viable strategy for addressing the lawlessness in Somalia, at least in the short-term.

The U.S. and the international community need to acknowledge that there is no national authority broadly recognized and respected by Somalis and that trying to artificially impose one is a fool's errand in the short term. Instead, the U.S. needs to move toward a grassroots model of establishing, building, and improving local governance based on existing legitimate authorities—including civil society, traditional clan authorities, and local government leaders who have shown themselves to be legitimate and capable of governing responsibly, provided that they do not support or have links to piracy, terrorism, or radical Islam.

Use Nascent Governments and Authorities to Expand and Improve Governance in Somalia. To encourage local Somali authorities to improve their governance structures and mature politically, the U.S. and other nations should reward these authorities with the same benefits other governments receive from the international community. Such benefits would include financial assistance and *de facto* recognition (perhaps moving to full recognition in the case of Somaliland that has an admittedly brief history of independence⁷) of these smaller governments and use them as positive examples. For instance:

- Somaliland has operated as a self-governing entity and *de facto* sovereign since the early 1990s. While Somaliland is far from perfect,⁸ it should be offered recognition by the international community pending demonstrable actions of improved governance and order. If Somaliland remains stable, it could serve as an example for the other parts of Somalia and a valuable partner to the U.S.
- While Puntland is largely autonomous like Somaliland, it is less developed politically. It is also close to being a criminal state due to its links and support of piracy. To address the situation in Puntland, the international community should establish benchmarks for progress toward recognition. Clamping down on piracy and cooperating with international anti-piracy efforts would

5. Brett D. Schaefer, "United Nations Peacekeeping: The U.S. Must Press for Reform," *Heritage Foundation Backgrounder* No. 2182, September 18, 2008, at <http://www.heritage.org/Research/InternationalOrganizations/bg2182.cfm>.

6. Brett D. Schaefer, "Time for a New United Nations Peacekeeping Organization," *Heritage Foundation Backgrounder* No. 2006, February 13, 2007, at <http://www.heritage.org/Research/InternationalOrganizations/bg2006.cfm>.

7. It is possible that resistance to Somaliland independence could be overcome considering its history. Because British Somaliland was granted independence before Italian Somaliland was, it was an independent nation for a very brief period. Reportedly, an AU fact-finding mission to Somaliland in 2005 strongly recommended the AU recognize Somaliland as an independent country. For further discussion on the issues of Somaliland independence, see International Relations and Security Network, "Africa Report, Nr. 110: Somaliland—Time for African Union Leadership," May 23, 2006, at <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail?ots591=0C54E3B3-1E9C-BE1E-2C24-A6A8C7060233E&lng=en&id=18043> (April 17, 2009).

8. See, for instance, "Somalia: Somaliland Security Forces Raid Opposition Party Office," *Gareowe Online*, April 11, 2009, at http://article.wn.com/view/2009/04/11/Somalia_Somaliland_security_forces_raid_opposition_party_off (April 17, 2009); "Somaliland: Demonstrations Held in Hargeysa and Berbera," *The Somaliland Globe*, April 14, 2009, at <http://www.somalilandglobe.com/482/somaliland-demonstrations-held-in-hargeysa-and-berbera> (April 17, 2009); "Somaliland Presidential Guard Rebuffs Accusations Hargeisa," *Somalilandpress*, April 11, 2009, at <http://somalilandpress.com/4233/somaliland-presidential-guard-rebuffs-accusations> (April 17, 2009).

be a key, early condition. As Puntland meets these and other governance benchmarks, the U.S. should offer assistance and *de facto* recognition.

A similar approach should be used for other Somali regions, albeit on a more localized scale.

Critically, nothing prevents the disparate Somali authorities from knitting themselves together into some United Arab Emirates–like confederation with individually sovereign states. Such an entity could collaborate on certain matters while respecting the individual character (and eccentricities) of the clan-families dominant in each region.

Indeed, the U.S. should in the long term be pushing for such an outcome—not least as a means for moderating political resistance by the AU, which has a historical antipathy to recognizing independence of regions within existing African states. As such, stature within whatever national authority develops in Somalia must be made explicit. Successfully applying this strategy will take time and will no doubt face many difficulties. However, such an approach is more likely to lead to success than the current strategy of imposing a central authority that lacks legitimacy.

Increase International Cooperation to Dissuade Somali Pirates. The above strategy of bolstering and spreading responsible governance in Somalia should help reduce piracy simply by decreasing the lawlessness that permits pirates to act with impunity. However, to speed this outcome, assistance and recognition need to be explicitly tied to cooperation in anti-piracy efforts.

The U.S. and other nations should also 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 active in clamping down on piracy, consider implementing a naval interdiction and inspection of ships from Somalia and other ports known to be harboring pirates—should these ports prove unwilling to cooperate with anti-piracy efforts—to be lifted when they cooperate with anti-piracy efforts.⁹ Leadership for these measures could come from a variety of countries, not just the U.S., whose naval capacities are robust enough to achieve these goals and whose interests are affected by piracy.

The U.N. Security Council could assist by blessing 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 U.N. peacekeeping force as a means for artificially bolstering the TFG.

Beyond Piracy. The U.S. benefits from having sea lanes free of pirates and should pursue an assertive strategy for discouraging such activity. The uniquely lawless situation in Somalia requires supplementary strategies to the anti-piracy strategy. Specifically, the U.S. must focus international attention on the need to recognize and bolster points of stability in Somalia and identify and work with local authorities toward the long-term goal of expanding governance in the Somalia.

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9. Pirate mother ships have recently begun docking at ports in other countries for refueling and re-supplying in order to evade international patrols. For instance, a U.N. report recently identified Al Mukalla and Al Shishr in Yemen as locations that Somali pirates have been using. See United Nations Security Council, “Report of the Secretary-General Pursuant to Security Council Resolution 1846 (2008),” Document S/2009/146, March 16, 2009, at <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S2009%20146.pdf> (April 17, 2009).