Introduction: Locating Somali Piracy in Space and Discourse

Maritime piracy off the coast of Somalia subsided in 2012/2013 as dramatically as it exploded between 2005 and 2007. Many local and foreign actors and stakeholders celebrated the end of the scourge. Maritime insurers redrew the high-risk area and shrunk the maritime space where they charged heightened insurance premiums. While some of the international counter-piracy armada departed upon the expiration of their mandates in late 2016, the departure of others seems to be within sight. Nevertheless, the gains against piracy remain precarious so long as its overland and maritime root causes and contributory factors are intact, and its effects on Somalia and Somalis remain unattended.

The process of getting the Somali state back on its feet is proceeding at an agonizingly slow pace. Its security apparatus and administrative structures are still in shambles. Many of the pirate linchpins and their highermost networks are freely roaming and investing their ill-gotten money within the country and beyond. The reservoir of potential recruits looms large because of rampant unemployment and abject poverty. Most importantly, illegal, unregulated and unreported (IUU) fishing, intensified on the heels of receding pirate activities, is increasing the risks of the return of piracy. Averting a relapse to the pre-2012 rate of attacks and ridding the region of the scourge of piracy calls for a proper understanding of – and attending to – the root causes, dynamics and consequences of the crime.

1 The International Maritime Bureau (IMB) recorded fifteen attempts in 2013, which is a significant drop from seventy-five in 2012. Of the fifteen attempts only two were successful hijackings. ICC IMB Piracy and Armed Robbery against Ships – 2013 Annual Report, January 2014.
Various United Nations bodies and independent analysts agree with many local actors that the nexus between hazardous waste dumping and illegal fishing prompted Somali piracy. Where waste dumping took place secretly in remote overland and maritime spaces, often under the cover of darkness, illegal fishing happened routinely in broad daylight and at night, in proximities close to and far off shore. At least since the collapse of the Somali state in the early 1990s, IUU fishers plundered the country’s marine resources. Foreign dhows from the region, and industrial-scale fishing vessels from distant water fishing nations (DWFNs) especially took advantage of the deep coastal waters to fish in traditional preserves of local artisanal fishers.

Somalis directly observed and experienced the damages such illegal fishing caused on the marine environment, the livelihoods of coastal communities and the lives of fishers. Faced with a threat and without a government to appeal to for protection, Somali fishers took the defense of their fishing grounds into their own hands and directly, though not always successfully, confronted illegal foreign fishing vessels. Within a decade, their impromptu defensive measures took a life of their own and became the epic, predatory enterprise of ransom piracy of the twenty-first century. What started as a legitimate Somali phenomenon metastasized into a multimillion-dollar, international problem, spanning the breadth of the Indian Ocean and, according to industry estimates, draining the global economy of billions of dollars in ransoms, increased insurance premiums, security arrangements and associated costs. Inflamed by widespread claims of hazardous waste dumping, the sense of righteous indignation among the coastal fishing communities helped rationalize the criminal actions of a few.


6 Kulmiye, “Militia vs Trawlers.” Many firsthand observers of the Somali coast similarly describe their observations of the coast as mobile cities of light.
The preeminent Somalia scholar Ken Menkhaus succinctly captured this phenomenon as a “textbook case of a shift in the motives of an armed group from grievance to greed.” Further explication of this shift and an examination of its dynamics and inner workings have been difficult due to, among other factors, the challenging research environment that made fieldwork particularly daunting. Moreover, Menkhaus noted how the country was “without government but not without governance,” because the various Somali regions and communities gradually devised mechanisms of managing their day-to-day affairs after the collapse of the state in 1991. As a result of such “governance without government,” wanton criminality was “much better contained than in the early 1990s, when egregious crimes could be committed with impunity.” An essential question, an answer to which also forms the basis of this book, arises as to why and how the restraining role of governance without government gave way to escalating criminal ransom piracy in the new millennium.

The tendency to lump together all forms of maritime predation in Somalia and to cast aspersions on local responses has contributed to obscuring the complex evolution of piracy and remedies thereof. As Scott Coffen-Smout astutely observed, the “international community encourages local Somali administrative entities to take responsibility for governance of the region, but when authority is exerted over coastal waters the individuals are labelled pirates.” Following Stig Jarle Hansen’s groundbreaking fieldwork in some of the pirate-dominated regions of Somalia, leading expert of maritime and naval studies Martin N. Murphy offered an initial way out of the complexity by arguing that there appeared to exist defensive and predatory piracy in Somalia. Whereas defensive piracy is linked to “local fishermen defending what they regard as their fishing grounds against IUU fishers, predatory piracy “has been present from the beginning. It [only] increased in frequency in 2005.”

Murphy then raised important questions pertinent to the nature of what appeared to be defensive and predatory forms of piracy and the
validity of the distinctions between them. He went on to ask what caused those distinctions and: “Why did the predatory form increase its range so substantially, grow so quickly starting in 2005 and resume with even greater virulence in 2007? Did the defensive form remain distinct or did the two forms merge or overlap?”

Although the inevitable confusion between the two, especially where the predatory pirates claim to be self-defense “coast guards,” is not lost to Murphy; he deferred a conclusive answer for these and other questions to a later date when researchers could find safe avenues for conducting research on the ground.

Taking advantage of a unique set of favorable factors that eased the difficulty of doing long-term research in the region, this book examines the root causes of – and contributory factors to – piracy in Somalia. Based on extensive fieldwork in the Somali region in general and the semiautonomous Puntland State of Somalia in particular, and drawing from extant scholarly and policy works, this book documents the advent, dynamics, and consequences of the criminal enterprise and its defensive predecessor. In so doing, it gives nuances to piracy in Somalia and situates it in its proper historical and contemporary contexts, challenging and better informing scholarly and civic communities as well as local and international policy makers.

To begin with, this book challenges broad-brush coverage of piracy in Somalia by expanding on Murphy’s preliminary typology in order to clearly differentiate and analyze the various forms of maritime predation in the country. Abdi Samatar, Mark Lindberg and Basil Mahayni introduced and identified “political, resources, defensive and ransom” piracies as distinct but interrelated categories. Accordingly, political piracy was a strategy that the rebel Somali National Movement (in present-day Somaliland) pursued to block supplies from reaching the embattled government in Mogadishu; it ceased when that government collapsed in 1991. Resource pirates are the foreign IUU fishers, whose unbridled plundering of the Somalis’ marine environment and resources undermined their moral economy of subsistence guarantees. Defensive pirates are former coast guards and fishermen vigilantes who rose to fend for themselves and chase out the resource pirates. Finally, ransom pirates are those criminal elements who came for the extorted ransoms.

Second, while maintaining that the chaos, lawlessness and poverty on land that precipitated and followed the collapse of the Somali state contributed to the emergence of maritime piracy there, one of this book’s core

contentions is that the latter was not an organic extension of the former. This book holds that the few cases of pirate attacks off the coast of Somalia throughout the 1990s and early 2000s are indicative of the fact that the relationship between the civil war-related criminality on land and armed robbery at sea was at best tenuous. Somali pirate attacks in those years did not stand out from – and in some years they in fact paled in comparison to – those in any given part of the world where piracy existed. Incidents of maritime predation by criminal gangs remained so few throughout the 1990s that Hansen wrote: “[I]n 1992 there were simply no recorded piracy attacks in Somalia. In 1993, there were fewer recorded incidents of piracy in Somalia than in Italy.”

State decay and collapse contributed to the start of piracy only to the extent that it incapacitated the country from reining in foreign corporate crimes in its maritime spaces and from responsibly regulating local exploitation of its marine resources. The intensity and methods of foreign IUU and local fishing especially destroyed the marine habitat, contributed to the deterioration of the quality and quantity of the catch, and further eroded the long-term sustainability of Somali fisheries. These aftereffects of state failure forced a necessity upon those genuinely seeking to rid their waters of resource theft and they subsequently offered a fertile ground for those merely claiming to be doing so.

And finally, this book will demonstrate that a combination of several factors transformed piracy from its defensive beginnings to its criminal, predatory ends. In the order of their significance, these factors are: foreign fishing vessels’ continued illegal operations; their alacrity to pay rising fines-cum-ransoms to secure expeditious release when captured; the advent of unscrupulous criminal elements with business, military and technical knowhow; the abundance of unemployed youth living in abject poverty; and the continued absence of effective law enforcement. Once localized maritime predation evolved into a profit-seeking vulturine enterprise, it capitalized on the government vacuum and attendant breakdown of law and order on land to overtake – in fact and in discourse – its defensive progenitor in spite of the restraining power of governance without government.

15 Although J. Peter Pham considers the questionable claim about shipwrecking to be among “historical antecedents” to piracy as do others, he correctly traces contemporary Somali piracy to the inability of the failed state to “impose a government’s writ on the Somali people” and “to assert their sovereignty” over their rich waters. See J. Peter Pham, “The Failed State and Regional Dimensions of Somali Piracy,” in Bibi van Ginkel and Frans-Paul van der Putten (eds.), The International Response to Somali Piracy: Challenges and Opportunities (Leiden and Boston: Martinus Nijhoff Publishers: 2010), 2.
Thus differentiating the ebb and flow of the various types of maritime predation as well as physical and structural violence in Somalia and locating each in its appropriate place and time, the scope of this book spans piracy’s global causes, inner workings, and local consequences. In so doing, it takes to task the current conventional wisdom that is suffused with contemporaneous, heavyweight power politics in the region and beyond. The book also reveals and demystifies the inner workings of some of the Somali pirates’ criminal underworld within the country’s dysfunctional political economy of conflict. It brings to light complex webs of crimes within crimes of double-dealing pirates, fraudulent negotiators, duplicitous intermediaries, and treacherous foreign illegal fishers (and their local partners in crime). It particularly lays bare details of a few notorious pirate cases that could inform future local and international counter-piracy measures.

History of the Somali Tragedy in Brief

An adequate understanding of the above dynamics calls for a brief historical overview of Somalia and its relevant regions leading up to the advent of piracy there. Located next to the important maritime chokepoint at Bab el Mandeb and along a stretch of more than 3,000 kilometers of the Gulf of Aden and the western Indian Ocean coastlines, Somalia is strategic to global maritime navigation and trade in the region. Tens of thousands of vessels funnel up and down the Bab el Mandeb strait and the Gulf of Aden ferrying some 20 percent of global trade, about 90 percent of which is oil and gas from the Middle East to the west. Progressive erosion of the Somali state since the late 1970s, the country’s descent into a bitter civil war in the late 1980s, and the disintegration of its government in 1991 did not augur well to the safety and security of maritime navigation in its waters – although that threat did not transpire forthwith nor was it immediately apparent.

Following the assassination of elected President Abdirashid Ali Sharmarke in 1969, General Mohamed Siad Barre came to power in a bloodless coup that ended one of the earliest democratic experiments in postcolonial Africa. Although his government promised national unity under scientific socialism, he set up a two-decade-long military dictatorship aligned first with the Soviet Union (until 1977) and then with the United States. Somalia made significant cultural, educational and infrastructural advances early on during those twenty years, but the

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Siad Barre dictatorship grew increasingly repressive and predatory. While barring people from identifying themselves by their clans, for example, he relied on his clan and family loyalists to ensure his security and hold on to power. Official corruption, unbridled tribalism and proliferation of weapons gnawed at what was left of the state.\(^\text{17}\) Ultimately, in the parlance of Alex de Waal’s political-marketplace analysis of contemporary Somalia, “the price of loyalty went up” on Siad Barre, debilitating his “security rentier kleptocracy.”\(^\text{18}\) The country imploded when none of his quarreling, armed opponents in the civil war or foreign interveners could afford to enter, or stay for long, in that marketplace to keep it together.

Ebbing and flowing since the late 1970s and throughout the 1980s, opposition to the Siad Barre government took many forms that largely reinforced the regime’s tribalization of the Somali society. Prominent armed opposition included, chronologically, the Somali Salvation Democratic Front (SSDF) based in the northeast and among the Mejerten sub-clan of the Darod, the Somali National Movement (SNM) based in the country’s northwest among the Issaq clan of present-day Somaliland, and the United Somali Congress (USC) based in central Somalia and composed of members of the Hawiye clan. None proved strong enough to overthrow the regime on their own until regional and global configurations changed. At the same time that the two decades of domestic mismanagement and abuse reached their limits, the end of the Cold War abruptly ended the foreign support that had sustained the government.\(^\text{19}\) What remained of the postcolonial state edifice unraveled shortly afterwards in January 1991 on the throes of the destructive fratricidal war that Lidwien Kapteijns has characterized as “Clan


Cleansing,” in which entire groups of people were otherized along clan lines and made into an enemy to be eliminated.

Wars and perennial search for water and pasture had long dictated the mobility of the largely pastoral, nomadic Somalis and accordingly influenced their habitation across the country, although the major Somali clan-families have specific territories they call their own. Several other historic factors spurred movements of people that rendered the contours of Somali human geography complex. The fact that Somali coastal towns – from Zeila, Berbera, Mogadishu and Marka down to the Swahili coast – were integral parts of the vibrant Indian Ocean world meant that diverse nomadic and farming communities came to supply these port towns with their food needs and to gradually settle in or near them. European colonialism (and concomitant capitalist modes of exploitation and militarist control) caused its share of population movements and settlements. “By the beginning of the twentieth century,” wrote Lee Cassanelli, pastoral migration, uneven demographic growth, and political conflict has led to the dispersal of the components of these clan-families throughout the [Somali] Peninsula. Thus segments of the Daarood, the largest clan-family, could be found spread from the northeast tip of the Horn to the western Ogaadeen, and from the Gulf of Aden coast to the wells of Wajir in northern Kenya. The Hawiyya, though concentrated in the central plains and eastern coastal regions of the Peninsula, were represented by clans that had made their way to pastures west of the Jubba River . . .

For details of the valorization of some clansmen in spite of their previous loyalty to the Barre dictatorship and the targeting of others, who even actively opposed the Barre regime, because of their roots in different clans, see Kapteijns, Clan Cleansing in Somalia, 132–146.

Kapteijns (Clan Cleansing in Somalia, 73–75) is, nonetheless, careful to not take these clan identities as fixed and unproblematic referents of the Somali society. Lee Cassanelli offers another compelling perspective in which the declared clan identities of the actors (and their victims) during the post-Barre conflicts were no more than a camouflage for their crude endeavor to “gain access to productive land, port facilities, and urban real estate, which in turn could be used to sustain networks of patronage and support.” See Lee V. Cassanelli, “Explaining the Somali Crisis” in The Struggle for Land in Southern Somalia: The War behind the War, Catherine Besteman and Lee V. Cassanelli (eds.) (London: Westview Press, 1996), 13–26 [here 15].

Lewis, A Modern History of the Somali, Chapters 1 and 2 offer an overview of this long history.


Cassanelli, The Shaping of Somali Society, 17–19. In the second chapter of his book (38–83), Cassanelli offers an expanded treatment of these dynamics.
Finally, following independence, many Somalis left their hamlets, villages and smaller towns, and flocked to the big towns, especially the capital Mogadishu, in pursuit of better opportunities – business, education, careers, salaried jobs, et cetera.

Although the formation of the Somali nation-state in 1960 defied clan differences and the colonial imposition of arbitrary divisions of the Somali people, the fast-decaying state reified those cleavages and, during its final decade, lived off actively pitting them against each other.25 Those opposing the Siad Barre dictatorship largely emulated its clan parochialism. In the wake of the dictator’s flight, rival political camps clashed head-on in Mogadishu and quickly slipped into the old Bedouin adage: “I against my brother; my brother and I against my cousin; my brother, my cousin and I against the world.” Clan and individual militias proliferated, each fending for itself or claiming to be doing so, reducing the cosmopolitan national capital into heavily fought-over blocks of clan and sub-clan territories.26 Residents hailing from “other” clans were chased out and flocked to “their” clan territories, where they found relative safety buttressed by fledgling political formations. Northern rebel movements carved out such clan territories and prioritized the consolidation of their hold in their respective home turfs over fighting for the control of the seat of central government in Mogadishu.27

In May 1991, SNM announced the annulment of the 1960 union between Somaliland and the former Italian Somalia, and unilaterally declared Somaliland independent. Clan elders and traditional leaders jumped in to aid SNM’s sluggish progress in state formation. Somaliland has since been making steady progress in its administrative structures, proper functioning of the state, and provision of basic services such as security in spite of its many challenges.28 The strides that it made, especially the role of traditional leaders and elders, was a template that Puntland later followed, although its political goal fell short of the pursuit of unilateral independence.


26 For a critical examination of the categories of actors, see Roland Marchal, “Warlordism and Terrorism: How to Obscure an Already Confusing Crisis? The Case of Somalia,” International Affairs, vol. 83, no. 6 (November 2007): 1091–1106. For a broader reading on the tragic turn that Somalia took in the 1990s, see among others: Elmi, Understanding the Somalia Conflagration; Bradbury, Becoming Somaliland; Kapteijns, Clan Cleansing in Somalia.

27 Kapteijns, Clan Cleansing in Somalia.

28 Lewis, A Modern History of the Somali, 282–286; Bradbury, Becoming Somaliland.
As soon as SSDF wrested control over what, seven years later, became Puntland, the region that was least affected by the turmoil suddenly faced two major challenges. The Islamist Al-Itihad Al-Islami briefly controlled the port city and commercial capital of Bosaso in 1992, and apprehended SSDF leaders. Not long after an up-swell of grassroots resistance overcame Al-Itihad, a contest over the control of the multi-clan Mudug region erupted with the town of Galkayo at the center of it. That conflict pitted the USC and its allied Habar Gidir sub-clan of the Hawiye against the SSDF-led Mejerten sub-clans of the Darod. Although SSDF forces under Colonel Abdullahi Yusuf prevailed over General Mohamed Farah Aideed’s USC forces, the two settled in 1993 on splitting the city of Galkayo and the region of Mudug along a north-south axis with the Mejerten in the north and the Habar Gidir in the south.

As the intensifying civil war in south and central Somalia caused the flight of targeted clan “outsiders” and the displacement of minority groups, the relative peace and stability that ensued in Puntland attracted many of the uprooted because it offered succor to some of the internally displaced minority groups. Those who had originally migrated from Puntland or only had clan ties with the groups there found safety “back home” among their clan folk. In spite of the slow-forming administration and policing functions of SSDF, the overall conditions in Puntland following Siad Barre’s overthrow also attracted many of the Puntland diaspora back. The knowhow, entrepreneurship, labor and opportunities that existed on the ground in Puntland combined with the professional skills, investment capital, and entrepreneurship of the newly arrived-cum-returned helped jumpstart basic services and local businesses mushroomed. The fishing sector especially thrived in Puntland following the collapse of the central government in Mogadishu. Before the end of the 1990s, there emerged dozens of jointly or individually owned private fishing companies.

By contrast, the rest of Somalia (southwards from southern Mudug) persisted in vicious cycles of conflict and several false starts at state formation. In central Somalia, until the formation of Central Regions State as a federal unit in 2014, clan and sub-clan disputes over access to water and pasture, among many other reasons, and Islamist insurgents and Islamist counterinsurgents had held back any meaningful state formation. In 2006, south Mudug and Galgadud provinces formed the state