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Piracy in Somalia and Operation Atalanta: The Need for a Diplomatic Option (Pp. 561-572)

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Abstract

In this age of globalization, municipal concerns impinge negatively or positively on the fate of or future of other nations. Piracy in Somalia has moved from a domestic concern to an international one and the country is largely unable to discharge its responsibilities to its citizens and thus incapable of effectively meeting its international treaty obligations. Piracy in Somalia thus impedes maritime operations along the East African coast of the Indian Ocean. One concerted international response to the maritime criminality in that part of the world is operation Atalanta. This paper uses the realist theoretical framework to argue that this EU effort serves the commercial and strategic interests of nations that benefit directly and indirectly from maritime trade. But the essentially military response to piracy which EU NAVFOR Somalia stands for will not bring a sustainable solution to the problem since some of the pirates see their activities as pure survival strategy. It therefore suggests the diplomatic option to re-build the failed Somali State – so that the state of Somalia can discharge its responsibilities to its citizens as well as the international community, stopped illegal fishing in Somali waters and effectively check illegal dumping of chemical and industrial waste in that region.

Introduction

Trans-border criminality in any part of the world is unacceptable under any guise. This is especially so in the age of globalization when otherwise domestic concerns of a nation impinge negatively or positively in the fate or future of other nations. Piracy in Somalia is one such negative international scourge. It impedes maritime operations along the East African coast of the Indian Ocean. The implications of this are far reaching. Consequently, this paper sets out to analyze the main currents of piracy off Somali territorial waters in order to better galvanize constructive international response to the scourge and thus boost maritime business and enhance world economy through genuine reconstruction of a failed state. To effectively do this we will first present an overview of Somalia as a sovereign state and the European Union's *Operation Atlanta* launched to check piracy in the sub region.

The Problem

International maritime criminality is a global concern (Wadhams, 2008: <http://new.nationalgeographic.com/news>) because of the negative impact it has on sea-faring states as well as on those other states who directly or indirectly benefit from goods transported along international waterways. Piracy in Somalia is a great concern that world leaders and international organizations fear will lead to the collapse of maritime trade (International Maritime Organization, 2008: <http://www.imo.org/TCD/mainframe.asp/topic-id=1178>) To forestall this, the European Union, for example, raised a naval force to fight piracy off the coast of Somalia (EU NAVFOR SOMALIA) (Consilium, 2009: <http://www.consilium.europa.eu/showpage.aspx?id=1518&lang=en>) which is christened "Operation Atalanta" (Wikipedia, 2009:[http://en.wikipedia.org/wiki/ Operation-Atalanta](http://en.wikipedia.org/wiki/Operation-Atalanta)). Today, piracy still goes on though some may observe a reduction in its magnitude due to the use of military force. (Stares, 2009: <http://www.iloysdlist.com/11/news/operationatalanta-halves-risk-of-hijacking>). But, one may ask: for how long will this international waterway be militarized? What will be the cost, in real terms, of maintaining naval and or amphibious force in that sub region? Available literature does not address these questions. Even the EU looks at the issue as simply a matter of criminality. But the overflow of domestic developments in Somali national life must be organically addressed to dissect the origin, course and character of piracy in that country in order to resolve effectively the menace off the coast of Somalia. It is this issue that is the central concern of this paper.

Theoretical Framework

When an issue is of global concern, idealist philosophy (Papp, 1984) tends to recommend a functionalist analysis and response to the problem. Maritime brigandage in international waters *prima facie* runs foul of good conscience and the United Nations Convention on the Law of the Sea. At the level of the European Union, it seems to be a functionalist influence that gave rise to Operation Atalanta. But this is not strictly the case. Some non-EU member states have sent forces to the Gulf of Aden and the East African Coast. Such countries include but not limited to Japan, Australia, Norway, China, Iran, India and Malaysia among others. What drives nations to send naval forces to protect ocean trade in national interest? This is clearly so for NATO member states like the United States and Greece among others. Though less obvious for EU members, the mere fact that not all EU countries have sent warships to the Somali coast is indicative of interest articulation, taking cognizance of men, materials and finance as well as the ultimate benefit of an individual country's naval capacity. Consequently, the realist (Morgenthau, 1948) theoretical framework will be used to analyze events, phenomena and literature appurtenant to this subject. This is to prevent the obfuscation of issues and thereby treat interest aggregation as mere functionalist, and ultimately idealist, response to piracy. It is *realpolitik* that delves deep into the heart of the interests of nations on the world stage; and, the strategic importance of international waters in that sub region brings out in clear relief the decision of nations to send warships, submarines frigates and air support to fight piracy off the coast of Somalia as being based on the national interest of the actors. That the interests of maritime states coalesce to fight piracy in Somalia does not detract from clear-headed realism. They have a common foe (*casus foederis*) in Somali pirates.

Literature Review

The currency of the challenge of piracy of Somalia has not given much time for highly scholarly response to marine thievery. Consequently, the sources available are more often than not electronic through the instrumentality of the internet – the information super highway. Relevant literature available on the World Wide Web cover piracy as a sore point in Somalia history and international shipping and such literature simply go ahead to suggest military option to stem the tide – operation Atalanta being a landmark in this policy option.

One significant contribution to the subject matter is Max Boot's, (Boot, 2009: 94-107). He looks at piracy as a phenomenon as old as the mercantilist era following the age of discovery. European nations condoned piracy in that era and sometimes secured the services of privateers to pillage Spanish ships transporting treasure back from the New World especially between 1520 and 1789. The piratical activities Francis Drake – late Sir Francis Drake – readily comes to mind in this regard. The pirates were properly branded. Pirates from England were known as “Elizabethan Seadogs”. Those of Dutch origin were called “Beggars of the Sea” and those from France were christened French Buccaneers” (Abia and Scf, 2006: 8-35) Britain's' attitude to piracy changed when overseas trade became a primary source of the wealth of the British Empire (Boot, 2009: 94-107). Pirates became *hostes humani generis*, that is, common enemies of humanity. Instead of being knighted as before, they were pursued and executed. The measures that safeguarded the seas during the pirate wars (1650 to 1850) according to Boot were: “changing public attitudes, hiring primate pirate hunters, rooting out corruption, improving the administration of justice, offering pardon to pirates who voluntarily surrendered, increasing the number of naval ships dedicated to anti-piracy duty, cooperating with other nations, conveying merchant ships, blockading and bombarding pirate ports, chasing pirates both at sea and on land, and, finally, occupying and dismantling pirates lairs (Boot, 2009: 94-107). He therefore suggests the combination of these to subdue the modern day pirates that constitute a menace to maritime trade off the Somali coast.

Open democracy (an international non-governmental organization) see piracy as a challenge to global governance (Open democracy, 2008:<http://www.opendemocracy.net/article/piracy-challenges-global-governance>) and therefore suggests zero tolerance for pirates as for terrorists. The zero-tolerance approach became necessary because piracy in Somalia threatens global trade while feeding domestic, pseudo-national and ethnic wars (Chattam House, 2008: <http://www.chathamhouse.org.uk/files/12203-1008piracysomalia.pdf>).

There is a common thread in all the literature: Piracy in Somalia is anathema to world trade, morality and good conscience and should therefore not be treated with kind gloves. International legal and military action should be taken to stamp out this maritime scourge off the East African Coast. The questions now are: why and how did Somalia acquire notoriety as a den of marine robbers? What led the Somali people to piracy? What is the driving

force of pirate psychology in Somalia? Can a legal cum military onslaught alone bring an end to piracy in that sub region? What other measures could be taken by the international community to permanently rid the Somali coast of pirates? To answer these questions, it will be necessary to delve a little bit into the history, politics and economy of Somalia as a country.

Somalia: A Historical Overview

The republic of Somalia is a country located in the Horn of Africa – a region that lies northeast on the continent. It is usually referred to as the eastern most state in Africa with a 637,540-square kilometre land mass (Wikipedia, 2009: <http://en.wikipedia.org/wiki/somalia>). It has the longest coastline on the continent and its terrain consists mainly of plateaux, plains and highlands. The neighbours of Somalia are Ethiopia to the west, the Gulf of Aden with Yemen to the north, Kenya to the southwest and Djibouti to the northwest. Somalia is bounded in the East by the Indian Ocean where the already mentioned coastline is found.

The capital of Somalia is Mogadishu famed for being the “city of Islam” in that part of the world and controlled the East African gold trade for several centuries (Wikipedia, 2009: <http://en.wikipedia.org/wiki/somalia>). The Berlin Conference of 1884-85 prevented European nations – mainly Germany, Italy and Britain – from fighting over the territory. The ethnic Somali are known for their creative fighting spirit which accounted for one of the longest colonial resistance wars ever (Wikipedia, 2009: <http://en.wikipedia.org/wiki/somalia>). But they succumbed only to aerial bombardment by Britain in the latter’s desire to accomplish her imperial ambitions for territories and bread. Having broken the resistance of a people who possessed not the sophistication of armament, the Somali were to find themselves under three different powers: Britain, France and Italy. Thus, we had French Somaliland (now Djibouti), British Somaliland and Italian Somaliland.

It was the Union of British and Italian Somaliland that became the Republic of Somalia on July 1, 1960. Under that political union were covered inter-clan rivalries occasioned in part by oppressive loyalties to erstwhile colonial overlords. These came to the fore with the assassination of Abdirashid Ali Shermarke (then President) in 1969. The military regime that took over the reigns of government was headed by General Siad Barre with a revolutionary orientation that was termed ‘socialist’. The Barre government embarked on extensive execution of public utilities, urban and rural mass literacy

campaign programmes. In fact, his programme recorded significant success. The mass literacy campaign for example, “helped to dramatically increase the literacy rate from 5% to 55% by the mid-1980s” (Wikipedia, 2009: <http://enwi.wikipedia.org/wiki/somalia>). Siad Barre was clearly popular in the eye of Ethnic Somali within Somalia and those living in Djibouti, Kenya and Ethiopia.

In July 1976, the military government in Somali officially founded the Somali Revolutionary Socialist Party (SRSP). This categorically showed the Barre regime as pro-soviet during the cold war that characterized Post-World War II international relations. This singular act changed the nature and character of Somali politics. Several groups emerged in Somalia; some in clear opposition to Barre’s idiosyncrasies in power, while others emerged due to muted sponsorship of the United States and its Cold War allies – the industrialized capitalist countries of Western Europe. Some of the opposition groups were the Somali National Movement (SNM), Somali Patriotic Movement (SPM) and the Somali Manifesto Group (SMG).

The formation of the SRSP by the military government in 1976 seriously entrenched what came to be known as “superpower rivalry in the Horn of Africa” in the sense that the East (led by the former Soviet Union) and the West (led by the United States) made frantic efforts to secure and maintain reliable and dependable spheres of influence in that strategic part of the African continent. The competition for the souls of nations in that region became very obvious in the Ogaden War and later in the Somali civil war.

The remote cause of the Ogaden War was the desire of ethnic Somalis (in other countries due to European partition) to win the right of self-determination. The immediate cause was the failure of diplomacy to secure the right of self-determination. Mogadishu engaged Addis Ababa without success. The Cadres of Western Somali’s Liberation Front (WSLF) later known as Ogadan National Liberation Front (ONLF) served as foot soldiers in the unsuccessful bid to capture the Ogaden region by force of arms from Ethiopia. The Soviet Union, being a friend to both nations sought to mediate a cease-fire between Ethiopia and Somalia. At that time, Ethiopia was indubitably an anathema to U.S. interest: a communist government was in power in Ethiopia. Not minding that populist and somewhat less ‘socialist’ military junta was ruling Somalia and that Somalia had earlier received military supplies too from Soviet Union, the United States strongly supported Somalia and sold modern weapons to her government. Egypt also supported

Somalia with millions of dollars in arms coupled with robust military training for ethnic Somali. At the end however, Somalia lost in the war with Ethiopia. The support of the Soviet Union and her allies for Ethiopia was more sustained. The U.S. loss of faith in the Somalia government is well beyond the scope of this paper.

The defeat of Somalia in the Ogadan was had very serious consequences for the government and people of Somalia. The war crippled the economy. The citizens became impatient with the government because of the harsh realities of survival in Somalia. Government became increasingly iron-fisted to contain dissidence at all level. President Siad Barre was eventually ousted from office by clan-based forces from the north of Somalia (<http://en.wikipedia.org/wiki/somalia>).

All the political groups competed for power militarily. Even the ousted President Barre maintained his armed loyalists in the south of the country. Political competition by military means was pervasive. The situation has not changed to date except that there is a President: Sharaf Ahmed, and a Prime Minister, Omar Addirashid Ali Sharmarke (<http://en.wikipedia.org/wiki/operation-Atalanta>) whose tenure we cannot say for how long they will last.

The implication of the forgoing is a failed state – a state that is highly limited in its ability to provide basic services and also grossly incapable of discharging its responsibility in regard to eliciting its citizens compliance with international law and respect for treaty obligations. This is especially so because of the crass increase in arms and armed persons across the country. Agriculture was not only disrupted but arrested. Food distribution was invariably disclosed. When the citizens cannot find food onshore, they go fishing offshore. Unfortunately, international vessels stealing Somali fish smother the Somali fishing economy. The vessels “grab all the fish and leave the local fishermen empty-handed (Farah, 2009:35). Apart from illegal fishing by foreign trawlers, there is also the dumping of toxic waste off the coast of Somalis. This has also contributed to the depletion of fish stocks this worsening the plight of Somali fishermen. A good number of them were therefore left with one option: piracy off the Somali coast.

It can be understood now that there is a relationship between superpower rivalry in the Horn of Africa and Somali politics as a failed state as a

relationship between state failure and thievery by international super trawlers and piracy along the East Africa coast of the Indian Ocean.

Operation Atalanta and Piracy in Somalia

The term “let’s go-a-fishing” means a different thing in Somalia. It has nothing to do with watchtower theology and the Master’s desire to transform local fishermen to fishers of men (The Holy Bible, Mark 1:16-20). It is rather the desire of Somali local fishermen to obey the first law basic to man: self-preservation. Always going “back home with empty hands to their starving families” (Farah, 2009:35) was not a funny experience. So piracy which is their response is a clear revolt against the international community that has condoned “the illegal fishing by international crew in Somali waters” (Ikken, 2000:35-36). It is this revolt aimed at attracting the attention of the world to the economic crime against the people of Somalia that is termed piracy by the international community. Indeed, piracy in Somalia has attracted attention to that part of the world but not the desired type of attention. It got a military attention for punitive purposes so that maritime trade can go on unimpeded off the Somalia coast. It was declared a “maritime security patrol Area” that needed a hunter approach through the setting up “Combined Task Force 151(CTF – 151)” (Wikipedia, 2009: <http://en.wikipedia.org/wiki/operation-Atalanta>).

A significant response to piracy in Somalia is Operation Atalanta – a collective military campaign of the European Union to stop piracy off the Somali coast. The initial *EU/NAVFOR SOMALIA* was contributed to by Belgium, Britain, France, Germany, Italy, Greece, the Netherlands, Spain and Sweden (Wikipedia, 2009: <http://en.wikipedia.org/wiki/operation-Atalanta>) with six warships and three reconnaissance planes (<http://www.allheadlines.com/articles/7013319708>). Operation Atalanta since its commencement in 2008 is formally dedicated to the Gulf of Aden and commanded by Rear Admiral, Philip Jones, Commander United Kingdom Maritime Forces, Headquarters in Northwood, England, This EU force is to treat Somali pirates as belligerents.

The United Nations (UN) gave pep to the war on piracy in that region. The UN Security Council on June 2, 2008 passed a declaration authorizing maritime nations to enter Somali territorial waters to deal with pirates (www.undemocracy.com/meeting/s-PV-5902) but with a *caveat* that the declaration was not a blank cheque for such nations wishing to so pursue pirates to Somali waters must first have the agreement of the Transitional

Federal Government (TGF) in Somalia (www.undemocracy.com/meeting/s-PV-5902). This was however a tacit indication that the government of Somalis lacks the capacity to safe-guard its territorial waters. This incapacity is characteristic of a failed state.

As at 19 July 2009, there were 21 vessels in the Gulf of Aden, off the Somali coast (<http://en.wikipedia.org/wiki/operation-atalanta>). An interim assessment would give operation Atalanta a pass mark. According to Stares, the risk of hijacking merchant ships has been reduced by fifty percent (<http://www.iloydslist.com/11/news/operationatalanta-halves-risk-ofhijacking>). The most dramatic of all anti-piracy operation in the region in recent time is the release of *Market Alabama* (Boot, 2009:94-107).

The operation was conducted with precision and clinical efficiency – a feat characteristic of the United States Navy. ‘This explains why Boot recommends “robust” military and legal resources” from maritime nations as a determining factor in curbing pirate menace in the Somalis (Boot, 2009:94-107). Such responses should “stop short of actual occupation”. This is a clear realist approach to the application of power. It does not address the root causes of the problem – poverty and state failure – and therefore not likely to stamp out piracy in its entirety.

The Need for a Diplomatic Option

From our analysis so far, it is clear that piracy in Somalia is the response by Somali fisherman to over-fishing in Somali waters. This over-fishing as this study has established is the handiwork of foreign fishermen whose trawlers illegally fish in Somali territorial waters. Illegal fishing in Somali territorial waters is made possible by the inability of the state of Somalia to protect its territorial waters. This study has also shown that dwindling catch by Somali fishermen is also due to the dumping of toxic waste off the coast of Somalia by foreign countries. Again, the state of Somalia lacks the capacity to stop this illegal activity off its territorial waters. Faced with starvation Somali fishermen have no option than to resort to piracy in order to survive. This as this study have established is the root cause of piracy in Somalia.

This study has established that the response of the international community has been directed to the effect and not the cause of the problem. Measures like Operation Atalanta and the U.S. rescue of *Maersk Alabama* constitute a palliative and not a cure. The solution to piracy in Somalia requires negotiation. The international community has to use diplomacy to rebuild the

Somali state so that it can enforce law and order on shore and protect its territorial waters. To achieve this, the UN should help to stop factional fighting in Somali and help to establish a functional Navy for Somalia.

The international community should also use diplomacy to stop all forms of illegal fishing by foreign trawlers in Somali waters. Similarly, diplomacy should also be used to stop dumping of waste along the East African Coast. In a manner consistent with the UN Convention on the Law of the Sea, the international community should set up a task force to arrest and try all vessels engaged in illegal fishing off the coast of Somali or dumping toxic waste therein. This measure will increase the fish stock in Somali waters so that fishermen in Somali can earn a living by harvesting the sea.

Finally, the international community should compensate Somali fishermen for the loss they have suffered due to the reduction of their stock arising out of illegal fishing and toxic waste dumping in Somali waters.

Conclusion

Piracy in Somali is a challenge to all sea-faring nations. The root cause of the matter is the inability of the state of Somali to stop illegal fishing and the dumping of toxic waste off its territorial waters.

This had led to a depletion of the fish stock in Somali waster and the inability of Somali fishermen to earn a living from harvesting the sea. Hence they resorted to piracy.

The response of the international committee, through Operation Atalanta has been directed at the effect of the problem.

Our thesis in this article is that the international community should opt for diplomacy to address the root cause of the challenge and thus end piracy in Somalia.

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