Australian Counter Terrorism Conference   Conferences, Symposia and Campus Events

11-30-2010

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Abstract

The waters off the coast of Somalia and in the Gulf of Aden have been the location of a dramatic proliferation of pirate activities in recent years. Security officials around the world are concerned about the risks posed by Somali piracy to maritime shipping and to national security. These risks relate to the susceptibility of world trade shipments to terrorist attack and to the emergence of an increasingly powerful Islamist movement in Somalia with connections to global terrorist networks. Whilst Somali piracy has been the topic of growing media speculation, reliable information about the phenomenon is scant. This paper reports on research conducted in Kenya where over 100 Somalis are being prosecuted for piracy. It aims to give insight into the motivations of Somali pirates and argues that the weight of current evidence strongly suggests that piracy off the East African coast is strictly an economic crime.

Keywords

Piracy, Somalia, terrorism, maritime security

INTRODUCTION

Since 2008, piracy off the coast of Somalia has captured world headlines. The International Maritime Bureau (IMB) reported 406 pirate attacks around the world in 2009, of which over half were conducted by Somalis (2009 Worldwide, 2010). In 2010, the number of Somali pirate attacks appears to have decreased slightly due to the impact of international navy patrols off Somalia's coastline and also due to the use of better defences by vessels travelling through effected waters (Pirates face, 2010). Nonetheless, Somali pirates are adjusting to naval patrols by launching attacks in higher seas and the waters around Somalia are still the most pirate-risky in the world: 100 pirate attacks and 27 hijackings were reported around Somalia during the first 6 months of 2010.

Most analysts and journalists have interpreted Somali piracy as an economic venture, however a significant number have speculated that it is linked to terrorism. For example, two analysts recently wrote that "piracy on the high seas is currently becoming key tactics of terrorist groups – many of today's pirates are also terrorists with ideological bents and a broad political agenda" (Hong and Ng, 2010). The sorts of maritime terrorist acts that have been hypothesised include the use of ships as floating bombs to ram other vessels or carry explosives; attacks against ferry or cruise ships to kill large numbers of civilians; jamming thin water passages to obstruct trade; and, causing deliberate environmental catastrophes such as oil spills (Moller, 2009).

Both 'piracy' and 'terrorism' are terms that have been subject to ongoing debate about their definition and legal meanings. The 1958 Convention on the High Seas defines *piracy* as any of the following acts (Moller, 2009, p. 17):

(1) Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

> (a) On the high seas, against another ship or aircraft, or against persons or property
> on board such ship or aircraft;

> (b) Against a ship, aircraft, persons or property in a place outside the jurisdiction
> of any State.

On the other hand *maritime terrorism* refers to "any illegal act directed against ships, their passengers, cargo or crew, or against sea ports with the intent of directly or indirectly influencing a government or group of individuals" (Samuel Menefee cited in Valencia 2005, p. 79). These two definitions highlight that the key distinction between piracy and maritime terrorism relates to motivation. Pirates are motivated by "private ends", generally financial gain, whilst maritime terrorists are politically motivated and they aim to influence government policy through the use or

threat of violence. This paper argues that there is no substantial evidence to support claims that Somali pirates maintain links, or lend support to, Somali terrorists. It draws on news reports of pirate and Islamic groups associated with terrorism in Somalia, as well as research conducted in Kenya which involved interviewing imprisoned Somalis accused of piracy and other key stakeholders. The first two sections of the paper provide background information about the nature of statehood and Islamist politics in Somalia. The final section focuses on outlining the relationship between piracy and Islamism and clarifying the motivations of pirates from Somalia.

SOMALIA: A FAILDED STATED

It is estimated that there are around 9 million people inhabiting Somalia: a semi-arid country made up of mostly pastoralists and agriculturalists (Menkhaus, 2010). Somalia has always been one of the poorest countries in Africa but its situation has increasingly deteriorated and for the last three years it has been ranked number one on the Failed States Index (The Failed States Index, 2010). Most analysts link the emergence of Somali piracy with the Somali state's disintegration during the early 1990s. In 1991 the ruling regime in Somalia was toppled and civil war began (Stevenson, 2007). The civil war was an outcome of internal conflicts between different clan groups whose divisions had been aggravated by many years and various forms of outside intervention in the country. During the colonial period, different areas of Somalia were ruled by European powers including the British, Italians and the French. Throughout its history Somalia has also been in conflict with its two neighbours, Ethiopia and Kenya, over certain land areas dominated by ethnic Somalis. Somalia was also the site of superpower machinations during the Col War period. As a result of the civil war in the early 1990s, Somalia lost a functioning central government and came to be divided into distinct regions: Somaliland is the northernmost third that asserts its independence and is relatively stable; adjacently Puntland maintains semi-autonomy; and at the bottom sits Jubaland.

Since the civil conflict in 1991, conflict, famine and a series of failed international interventions have created disastrous humanitarian conditions in Somalia. The situation is particularly serious in the south-central region of the country. Most recently, 1.5 million Somalis have become internally displaced and hundreds of thousands have either been killed or have sought asylum in neighbouring countries due to fighting in south-central Somalia (2010 UNHRC). The fighting in this region is predominantly between the western-backed Transitional Federal Government, deeply beleaguered and located in the capital city Mogadishu, and the forces of Islamic groups led by Shabaab: a grouped openly aligned with Al Qaeda and the focus of American policies associated with the War on Terror.

In contrast to the south-central areas, Somaliland and Puntland are relatively stable and are run by functioning administrations. Somaliland seceded in 1991 though its independence has never received formal international recognition. Somaliland is economically booming and is one of the most democratic areas in Africa (Economic success, 2007). Neighbouring, Puntland is an autonomous zone that was created in 1999 and is not as functional as Somaliland but also has a booming commercial economy, especially in the port city of Bosaso where large numbers of livestock and people come and go between Somalia and the Gulf countries.

Understanding the different regions of Somalia is significant because piracy is not a Somali-wide phenomenon. It is planned and operated from particular areas. For example, the ports of Somaliland have never had hijacked ships anchored in them and pirate attacks launched from Somaliland shores have averaged 1 every two years since 1999 (Hansen, 2009). The administration in Somaliland has responded to pirate groups in their organisational phase and have ultimately been successful in controlling piracy. On the other, Puntland is the area most strongly associated with piracy. Authorities in Puntland had hired a British security organisation to train a coast guard, but the involvement of a foreign group was locally unpopular and a Puntland coastguard never eventuated. Moreover, Puntland authorities were unable to fund local law enforcement during 2008 which allowed criminal gangs like pirates to operate and develop their resources. In short, piracy is specific to certain areas in Somalia and so far, these areas have been quite separate from the emergence and dominance of the Islamic terrorist group Shabaab.

ISLAM IN SOMALIA: A "VEIL LIGHTLY WORN"

Somalia is the only country in the Horn of Africa that is nearly exclusively Islamic, over 99% of Somalis are Muslim and most of them are of the Sunni sect (World Trade Press, 2010). Historically, the strand of Islam which took root in Somalia differs significantly from other more rigid forms of Islam in the world, such as those associated with Saudia Arabia and Al Qaeda (ie. Wahabbism).

Islam in Somalia has been described as a "veil lightly worn" (Menkhaus, 2002, p. 111). It is part of everyday life and family traditions in Somalia but there is no culture of religious zeal. Moreover, most Somalis view attempts to

establish Islam as a form of governance in their country with suspicion or as an Arab intrusion that encroaches on their independence. There is no natural affiliation between Somalis and Arabs but instead Somalis are touchy about what they perceive to be patronising attitudes directed at them from Arabs. When contrasted to its neighbours, Kenya and Ethiopia, Somalia has not generated an equivalent radical Islamic politics that has emerged in these countries. Kenya and Ethiopia have much high numbers of Christians and religious divisions between Christians and Muslims in these countries have given shape to more politically active and intense forms of Islam (Menkhaus, 2002). In contrast, Somalis predominantly draw their political motivations from their clan identities and throughout Somalia's history Islam has been secondary to clan relations and identities.

Despite this historical picture of Islam as a relatively apolitical cultural practice in Somalia, observers note that since the fall of the Somali state in 1991 Islam has clearly taken a more visible role on the Somali political stage (Menkhaus, 2002). Its appeal largely rests with people's discontent with existing political structures, the primacy of the clan system, prevalence of corruption and repression, and limited job opportunities. In the initial phase of state disintegration during the early 1990s, Islamic activists (Muslim brotherhood and later called al-Ittihad or AIAI and made up of educated young men who had studied in the Middle East) tried to seize some strategic areas but were easily defeated in some parts of Somalia and successful in others. Islamic forces that came to rule town and ports were actually acknowledged by domestic and international observers as much fairer than other Somali militia forces and they were also much more effective at providing locals with security.

Aside from AIAI, other Islamic activists also provided genuine humanitarian assistance to the Somali population and a variety of Islamic institutions were able to step in and provide for people's needs including schooling, medical care, and aid (Menkhaus, 2002). The other key developments of Islamism in Somalia during the 1990s was the emergence of a system of local Sharia courts. These Islamic courts were formed by local businessmen and clan elders who wanted to reinstate order following the loss of government and the rule of law. This rough sketch of Islam as it emerged in Somalia over the 1990s is emphasising that its growth reflected local needs for alternatives to existing authorities and for greater order and security. Its growth over this period did not reflect a hardline Islamic movement that sought to impose an Islamic republic in Somalia or take on the West in part of a wider global jihad.

The September 11 attacks against America in 2001 however, generated much speculation amongst American policy-makers and security analysts that Somalia represents a threat to world security due to its status as a failed state and thus as a real or potential haven for global terror networks like Al Qaeda (Afyare Abdi Elmi, 2010). These concerns appear to hold some legitimacy in light of the recent ascendancy of the Al-Qaeda-affiliated group called Al Shabaab (the youth), which currently controls most of south-central Somalia. South Central Somalia is supposed to be governed by a Transitional Federal Government which was formed in 2004 during an internationally-sponsored reconciliation conference. The TFG however, has always been weak and lacking in local legitimacy. One of the TFG's main sources of disconnect from local communities in Mogadishu was its leader's (Abdullahi Yusuf) staunch opposition to most forms of Islamic organisation, such as Islamic schooling and hospitals.

When American officials approached the TFG and asked it to help capture Al Qaeda operatives thought to be hosted by local Islamic Somali groups, the TFG divided internally between those who agreed to America's request and those who were opposed to it (Menkhaus, 2008). The TFG group who agreed to the request formed the Alliance for the Restoration of Peace and Counter-Terrorism, and they came into direct conflict with Islamic activists who defeated the Alliance and effectively ended TFG rule. In the place of the TFG, the Islamic Courts Union (coalition of various Islamic groups) arose and took control of Mogadishu and south-central Somalia in 2006. The ICU was quickly recognised domestically and internationally as a highly successful administration in terms of the provision of security and stability. Unfortunately, some of the ICU leadership were politically uncompromising and aggressive in terms of their attitude to Somalia's long-standing enemy- Ethiopia. At the end of 2006, Ethiopia, with the backing of America, responded by invading Somalia, removing the ICU and occupying Mogadishu. On the heels of Ethiopia's invasion, the formerly banished Transitional Federal Government returned to Mogadishu to take over governance whilst being propped up by Ethiopian military support.

Since 2007, the TFG has engaged in an ongoing battle with local Islamic opposition groups who are opposed to the TFG and the intrusion of foreign parties, Ethiopia and America (Menkhaus, 2008). These battles have been especially devastating for civilian communities who have been displaced in their hundreds of thousands, killed, injured and now lack access to basic needs such as jobs, water, homes and food. Against this backdrop of foreign intrusion, the Islamic group Al-Shabaab has arisen to prominence and this is the group which journalists and analysts regularly speculate is connected to piracy. Al Shabaab was first created n 2003/4 and included a few hundred militiamen who had been a hardline group within the Islamic Courts Union. The group was able to assert itself at the forefront of the local insurgency against the Ethiopian presence. By the end of 2008, Al Shabaab had taken control over most of south Somalia and soon after Ethiopian troops withdrew (January 2009).

Since its original formation as a strictly local Islamic group in the early 2000s, some of Al-Shabaab's leaders have gone on to declare their alliance with Al Qaeda (2007) and have hosted foreign Al Qaeda operatives (Menkhaus, 2008). The group though contains many non-committed militiamen who work for pragmatic, as opposed to ideological or religious, reasons and many openly oppose dealings with Al Qaeda. Those Al Shabaab leaders who maintain a connection with Al Qaeda are motivated by their internal weakness in Somalia: most Somalis are not especially fond of Al Shabaab because of its social conservatism (its attempts to impose strict Islamic laws): Shabaab has banned smoking, watching soccer during the World Cup, moustaches, bras, music (Hartley, 2010). Shabaab is also association with a foreign power, which has created the view amongst Somalis that it is a puppet for outside interests. Unlike other Islamic groups, such as Hamas and Hezbollah, Shabaab is not so much in a position of political control or influence in Southern Somalia which is still run by clan authorities. Al-Shabaab cemented its standing as an international terrorist group when it carried out bombings in Uganda during the recent World Cup, which killed over 70 people in an Ethiopian restaurant and a sports arena (Al-Qaida-linked militants; Gyezaho & Dixon, 2010). The group claimed that the attacks were directed against Ethiopia and were also retaliation for the presence of Ugandan peace keeping forces who were defending the TFG.

ISLAMISTS AND PIRATES IN SOMALIA

Any connection between pirates and terrorism must account for the nature of Islam in Somalia as outlined above. Even though certain elements within Shabaab are increasingly aligning their objectives with Al Qaeda, the affiliation between the two groups is loose. On the whole, the rise of Shabaab and its use of violence internally and abroad largely relates to Somalia's domestic and regional conflicts rather than to the conflict between America and Al Qaeda. Hence even in the event that a connection between piracy and Shabaab was confirmed, it would not automatically relate to the global war on terror.

Regardless, a connection between pirates and terrorism has never been clearly established. Geographically, pirates and Islamists are largely based separately from each other. The Shabaab operates in south-central Somalia and the pirates are mostly based further along the coast, especially around Puntland in northern Somalia. The occasions that pirates and Islamists have had contact have shown that any relationship between them is one of dispute and confrontation. The period during which the Islamic Courts Union came to power in Mogadishu during 2006 effectively ended piracy in the region. The ICU publicly outlawed piracy and declared it as *Haraam* or anti-Islamic: threatening death or amputation for any Somali caught in the act of piracy. The ICU initiated an offensive against ports used by pirates which led to pirates being injured, expelled or left in hiding. Pirate attacks from the area had averaged around 40 a year prior to the ICU and none were recorded whilst the ICU was in power (Freeman, 2008). The Ethiopian intervention which terminated ICU enabled pirate groups to regroup.

There are other instances of open dispute between Islamists and pirates in Somalia. In 2008, pirates captured the Sirius Star a super-tanker from Sauid Arab that was carrying 100 million dollars worth of crude oil. The Islamic Courts Union condemned the capture as a "major crime" (Karon, 2008). More vehemently a Shabaab leader informed journalists that "Saudi is a Muslim country, and it is a very big crime to hold Muslim property … I warned again and again, those who hold the ship must free it unconditionally or armed conflict should be the solution. If they don't free the ship, we will rescue it by force" (Karon, 2008). One of the pirates involved clarified with a journalist that: "Every Somali has great respect for the holy kingdom of Saudi Arabia. We have nothing against them but unfortunately what happened was just business for us and I hope the Saudis will understand" (Freeman, 2008). The Shabaab sent armoured vehicles loaded with armed fighters to the pirate's base, the port town Harardhere, and the pirates fled to avoid direct confrontation. The incident highlights the economic motivations behind piracy and the hostility between pirates and Islamists in Somalia.

More recently, in April of this year (2010), the chief pirate base Harardhere (located mid-way along the Somali coast) was taken over by the Islamic group Hizbul Islam, which is Shabaab's main rival. Shabaab itself had tried to take the port town but locals instead invited Shabaab's rival Hizbul Islam who proceeded to drive pirates out of the town. A Hizbul Islam member was quoted: "Piracy has become too much. It's an anti-Islamic business, and we won't accept it … We want to bring law and order to that country of Somalia, and we want to show the good name of Somalis" (Wadhams, 2010). Both Shabaab and Hizbul Islam were angered by recent pirate attacks on Indian ships which had disrupted the flow of further Indian cargoes into Somalia; ships that had been an important source of revenue by way of port tariffs in Islamic controlled ports. Essentially, Islamic groups want to rid coastal towns of pirates in order to secure an important revenue stream in the form of ship tariffs. In the nearby coastal town in which the pirate fled to, Hobyo, pirates were recently enlisted by local officials to act as an armed defence against Shabaab and Hizbul Islam. Pirate leaders in Hobyo claim to have deliberately amassed a significant on land arsenal of militiamen and weapons in order to ward off Shabaab and Hizbul Islam (Gettleman, 2010).

While conducting research in Kenya where over 100 Somalis accused of piracy are currently imprisoned and undergoing prosecution, I found general consensus that Somali piracy was unrelated to Islamic politics and was instead strictly an economic crime (Kontorovich, 2010; Treves, 2009). The main aim of the research was to interview imprisoned Somalis in order to understand their motivations for piracy, however all but one of them refused to admit to engaging in piracy and instead claimed to be either fishermen or people smugglers. Almost all of the prisoners interviewed came from Bosaso, which is Somalia's chief port city located in Puntland and is known for its fishing and illegal immigrant industries. A small number of the pirates came from in or around Mogadishu. Aside from these imprisoned Somalis accused of pirates, we spoke to other key stakeholders such as European Union personnel and Kenyan police and judicial officials involved in prosecuting pirate cases.

In general, talking to Kenyans about the purpose of my research, it was obviously common knowledge that the Somali community was financially benefitting from the pirate industry. Kenyans, and Somalis, were quick to point to flash new residential homes known to be owned and inhabited by Somalis and explained that it was usual for Somalis to buy whole apartment buildings at exorbitant prices and then demolish and rebuild from scratch. The money financing these redevelopments was understood to partly come from piracy which was only ever spoken about in terms of its obvious financial profits for Somalis.

People more directly involved with the prosecution of pirate cases in Kenya concurred. The police officer in charge of investigating pirate cases in Kenya explained that "these people are looking for money" (Personal communication, June, 2010). A British naval officer stationed in Kenya stated that "I would suspect that they [Somali pirates] see it as business" (Personal communication, June, 2010). This Naval Officer and an EU appointed lawyer who liaised with Kenyan judicial officials had both debriefed hostages after their release from Somali pirate captors and none had ever indicated that their Somali captors are motivated by anything other than economic consideration. According to the EU lawyer,

> apparently some of the pirate guards are quite vocal about talking with the hostages and its frankly to get them and their families out of Somalia and to another country, … I want to make this much and then I will get out. (Personal communication, June, 2010)

In his role, he never came across a hostage who heard their Somali captors make reference to any ideological or religious motivations for their actions, rather they confided to the hostages that they wanted to improve their lives. The one Somali prisoner in Kenya who admitted to being a pirate during interviewing corroborated this picture by stating that his chief concern was to get a proper education whilst he was in jail, principally he was keen to learn English as the international language. He wanted to leave prison in a better position to make something of his life and he was motivated by wanting a better life.

The navy officer who likewise had spoken to hostages post-release concurred that Somali pirates were quite talkative about their motivations to their hostages and they never mentioned Islam or wider conflicts between East and West. Instead, Somali captors told their hostages that "they wanted to get x thousand, x one thousand dollars, uh false documents cost this much, however there are so many members of my family" (Personal communication, June, 2010). In short, Somalis in communication with their hostages made it clear that they were seeking money in order to better their lives. In terms of pirate attitudes towards their hostages, there was mistreatment but not of a systematic directed kind, more along the lines of not allowing them to shower and keeping them in cramped living spaces. Injuries and fatalities amongst hostages have been accidental. Whilst pirates treat their hostages badly as a way of putting pressure of ransom payments, they are quiet strict about not harming the hostages and compromising ransom payments. For these reasons, the individuals involved in prosecuting Somalis accused of piracy all took the view that pirates were motivated by financial gain and that the phenomenon of piracy from Somalia was strictly an economic crime.

CONCLUSION

Current knowledge about the nature of terrorism and piracy in Somalia all point toward the conclusion that the two phenomenon are distinct from each other both in terms of geography and practice. Moreover the history of Shabaab, the Islamic group most strongly associated with terrorism, shows that it emerged and developed quite separately from piracy in Somalia. Shabaab's recent alliance with Al Qaeda remains disputed within the group itself which means that establishing a clear connection between Somali pirates and Shabaab does not necessarily entail an obvious link between piracy and the War on Terror. So far, Shabaab's agendas have clearly curtailed piracy whenever it has come into a position of power within a pirate-active location. Overall, the two groups appear more in

competition with each other over access to ports and money than they appear in any form of cooperation. The research that I conducted in Kenya, whilst obviously restricted by the informal nature of my sources of information, likewise indicated that Somali piracy is unrelated to terrorism and stems from financial ambitions.

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