

Securitizing Piracy Off the Coast of Somalia

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Introduction

Piracy off the coast of the failed state of Somalia has been growing at an alarming rate.² Last year (2008), over 120 attacks have been reported, resulting in the seizure of more than 40 ships and the kidnapping of more than 600 crew members, and about \$30 million (USD) in ransom has been paid.³ Somali piracy disrupts international trade, funds the vicious war in Somalia, provides breeding ground for terrorists, a convenient route for illicit economies, and can lead to serious environmental damage.⁴ Regardless of the fact that most of these threats have been present for several years, international coordinated response to fight piracy off the coast of Somalia has emerged only in the last several months. This research analyses the reasons presented as justification for the current international response by using the framework of traditional security theory and securitization theory. The main argument of this research is that Somali piracy has recently gained the status of an international security issue primarily due to its direct effects on the oil supplies to Western states, and not due to any of the alternative reasons.

To advance this argument, this research commences by outlining the conceptual framework of the traditional security theory and the Copenhagen securitization theory, and continues by describing the modernized version of piracy that has emerged since the 1990s. After demonstrating that piracy has become a major security concern for the failed Somali state and the region, the paper explains two potential paths through which the issue of piracy along the Somali coast can be considered as an international security threat. First, it can be securitized by the potential dangers that the Somali failed state can present as a breeding ground for terrorism. Second, the issue can be presented as a

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² Middleton 2008, p. 3.

³ Maliti 2008; Bengali, 2008.

⁴ Middleton 2008, p. 3.

threat to human security because of increasing attacks on vital international deliveries being shipped for needy Somalis through the Gulf of Aden. Third, piracy has emerged as a serious threat to international trade in particular the global shipping of oil. By analyzing the impact that Somali piracy has recently had on major trade relations, this article supposes that Somali piracy has gained the status of an international security issue because of its damaging impact on oil supplies to Western states and not because of its relationship with state failure in Somalia, the region, breeding ground for terrorism or human security. To sustain this argument, this work uses the securitization theory to analyze how the issue of piracy along the Gulf of Aden was treated before it began to affect the economic interests of major states and how it became a pressing international concern in the last several months. Finally, this work discusses the effectiveness of current international anti-piracy policies off the coast of Somalia.

Conceptual Framework

This contribution is based on two main theories – traditional security theory and securitization theory as outlined by the Copenhagen School of Critical Security Studies (CSS).

At the core of security studies is the phenomenon of war. In the character of realism, the traditional theory of the discipline assumes that the state is the main entity that must be protected and that war is the main threat to its existence.⁵ Because power positions are never equal and weaker states constantly try to change the balance, a relentless security competition emerges, which makes the possibility of war always present.⁶ As forces are the main tool for enhancing state protection and facing threats to a state, the offensive and defensive military capabilities of states and their perceptions of each other's intentions are the central research topics.⁷ Consequently, security studies can be defined as “the study of the threat, use, and control of military force”.⁸ This work uses traditional security theory to prove how piracy has emerged as a national security threat by fueling the conflict in Somalia.

In the 1990s a heterogeneous body of literature, criticizing the traditional definition of security emerged. It argues that approaching the problem of security by only examining military capability presents “a substantial barrier to progress” in the field because it excludes other issues that can present a threat to the state, such as environmental disasters, severe epidemics, etc., which also require sustained attention by the scholarly community.⁹ To resolve this

⁵ Buzan et al. 1997, p. 21.

⁶ Mearsheimer 1994, p. 12.

⁷ Walt 1991, pp. 212-213; Buzan 1991, p. 19.

⁸ Nye and Lynn-Jones 1988, p. 212.

⁹ C.A.S.E. Collective 2006, p. 448.

problem, these scholars propose a more methodologically sophisticated theory of security studies, which offers an expansion of the definition to include issues that affect indirectly, but still significantly the security of the state¹⁰ One of the leading schools in this new approach is the Copenhagen school of CSS, arguing that securitizing an issue is a social construct.¹¹ This approach locates actors in a social structure that both constitutes these actors and is simultaneously constituted by their interaction.¹² To identify a move to securitization, Buzan suggests adding four nonmilitary topics to the already existing military domain: political, economic, societal and environmental. Political security analyzes the states' organizational stability, their governance systems and the ideology that makes them legitimate. Economic security concerns "access to resources, finance and markets necessary to sustain acceptable levels of welfare and state power".¹³ Societal security looks at "sustainability, within acceptable conditions for evolution, of traditional patterns of language, culture and religious and national identity and custom". A concept first officially established in the international community by the UNDP (United Nations Development Programme) Human Development Report, 1994, called human security can also be included in this category.¹⁴ Human security is hereby defined in a more narrow way than the initially presented definition as "the protection of the vital core of all human lives from critical and pervasive environmental, economic, food, health, personal and political threats".¹⁵ Environmental security refers to the maintenance of essential for human existence local and planetary biosphere.¹⁶

According to Ole Waever, 'security' may be viewed as an *illocutionary* process, called a speech act, which regards the utterance of 'security' itself to be the act. By verbally framing an issue as a security issue, a representative of a state relocates the particular issue out of its non-politicized or politicized status and elevates it to the security sphere. The issue becomes a matter of national security, an "existential threat", over which the state claims to have special rights that justify any policies regarding the particular issue.¹⁷

This work uses securitization theory to prove that Somali piracy has emerged as a regional and international security threat because of its strong impact on international trade, terrorism, human security; regional illicit arms trade networks and the environment. This work uses the definition of piracy proposed by the International Maritime Bureau (IMB), stipulating that piracy is an "act of attempting to board a ship with the intent to commit theft or any

¹⁰ Buzan et al. 1997, p. 23.

¹¹ C.A.S.E. Collective 2006, p. 448.

¹² Farrell 2002, p. 51.

¹³ Buzan 1991, p. 19.

¹⁴ Hampson et al. 2002, p. 28.

¹⁵ Owen 2004, p. 383.

¹⁶ Buzan 1991, p. 18-20.

¹⁷ Waever 1995, p. 54; Lipschutz 1995; Williams 1998, p. 435.

other crime and with the attempt or capability to use force in furtherance of that act.”¹⁸

The Changing Nature of Somali Piracy

Origins of Somali Piracy

In 2004, after years of conflict, the Somali Transitional Federal Government (TFG) was formed. It was officially designed to hold office for five years and Abdullahi Yusuf was elected president in October of that year. However, the TFG was too weak and thus unable to take up residence in Somalia until June 2005, and even then it failed to establish its authority throughout most of the country. It has been constantly undermined by powerful warlords and Somali clans that are known to be the country’s real governors.¹⁹ The extremely weak government and virtually nonexistent justice system created favorable conditions for piracy.²⁰ It began in the early 1990s as an attempt by Somalis to protect their waters from foreigners who were over-fishing. In many ways Somali pirates consider themselves as coastguards. Piracy started along Somalia’s southern coast and began shifting north in 2007. This resulted in the formation of multiple pirate gangs in the Gulf of Aden, which allowed for significant sophistication of their operations.²¹

Modernized, Supported and Well-Supplied

Piracy is one of the world’s oldest professions, however the romanticized vision of swigging from rum, making cowards walk the plank, and hoisting a flag with a depiction of skull and crossbones is no longer a relevant description for Somali pirates. Piracy, particularly along the Somali coast, has taken advantage of the era of modernization and has undergone a significant upgrading in the types of weapons, vessels and methods it deploys.²² It has replaced the cutlass with automatic weapons, primarily the infamous AK-47, anti-tank rocket launchers and grenades; weapons readily available in Somalia.²³ Old-fashioned frigates, used in the past, have been replaced with speedboats, which are fast and maneuverable. To increase their range of attack, Somali pirates also use “mother ships”, which are usually fishing trawlers pirates capture close to the shore and afterwards use as staging posts for attacks further out to sea.²⁴

¹⁸ Ong – Webb, pp. xii-xiii.

¹⁹ CIA Factbook, 2008.

²⁰ Cliffe 2005, pp. 13-14.

²¹ Hunter 2008.

²² Hunter 2008; Ong-Webb, 2006.

²³ Konstam 2008a; Malti 2008.

²⁴ Konstam 2008b; Malti 2008; Middleton 2008, p. 4.

Somali piracy today involves murder, rape and, recently, more sophisticated methods of kidnapping and extortion.²⁵

Somali pirates are supported by influential clans, by members of the TFG, by many in Somali society, and by several business communities in neighbouring countries. The pirates are primarily based in the semi-autonomous regions of Puntland and Somaliland. Although their approximate location is well known, it is hard for the TFG to capture and convict them because Somalia does not have state-owned warships and has a very weak justice system.²⁶ Moreover, there is evidence to suggest that members of the TFG benefit from piracy gains and therefore the current dysfunctional government has an incentive to permit the continuation of hijackings.²⁷ Furthermore, piracy is believed to be controlled by influential clans in Somalia, which allegedly have strong links to the Somali government, as well as with businessmen in Puntland.²⁸ Additionally, Somali society has expressed its support for piracy, and considers it as a lucrative and attractive undertaking. According to Somali citizens, piracy has become a fashionable and appealing business for Somalis, which, although illegal by international law, is 'socially acceptable' in Somalia mainly because it provides rich remunerations. In a country where poverty is so wide-spread, \$2 million (USD) – the average ransom for a hijacked ship – is a strong incentive for supporting piracy. It was reported that from January 2008 until November 2008, pirates off the Somali coast collected roughly \$30 million (USD) in ransom only. Piracy provides a chance to achieve a higher standard of living and join Somalia's new economic elite. Due to these attractive aspects, more Somalis consider piracy a worthwhile business venture.²⁹

Yemen, across the Gulf of Aden, is reportedly the location from where the pirates receive the majority of their weapons. A significant number of weapons are also bought directly from the Somali capital, Mogadishu. Observers' note that Mogadishu weapon dealers receive deposits for orders via a 'hawala' company; an informal money transfer system.³⁰ Additionally, Somali pirates maintain contacts in Dubai, and neighboring countries, which they use to purchase new weapons, boats, and necessary technology needed to conduct their attacks. Much of the ransom money earned from previous hijackings is allocated for this purpose.³¹

²⁵ Konstam 2008.

²⁶ Grosse-Kettler 2004, p. 24.

²⁷ Muradian and Ewing 2008.

²⁸ Lunsford 2008.

²⁹ Hunter 2008.

³⁰ Ibid..

³¹ *Seized Tanker Anchors off Somalia* 2008.

Somali Piracy as a National Security Threat

Although Somali piracy primarily targets foreign vessels, it presents a national security threat that exacerbates the situation of state-failure in Somalia because it: first, contributes to fueling the instability within Somali territory and thus, further undermines the authority of the TFG; second, the weak power of the TFG created a self-perpetuating circle in which the failed state provides favorable conditions for the emergence of a strong organized piracy network, which in turn, maintains the current, weak government and unstable political system. This reason however, cannot be considered as a justification for the recently observed international anti-piracy policy because it has presented an additional threat to the failed Somali state since the early 1990s.³²

Originally, piracy was regarded as apolitical; carried out for financial gain void of political motivation beyond the direct act of hijacking or attacking a maritime target.³³ However, since the late 1990s, Somali piracy has dramatically increased and attracted rebel groups who have joined piracy in order to generate additional revenues for war-fighting.³⁴ Also, pirates collaborate with Somali Islamist insurgent groups. For instance, Union of Islamic Courts (UIC), which took control of much of southern Somalia in 2006, has been suspected of collaboration with Puntland pirates. After the UIC were ousted, the partnership with pirates strengthened. Such partnership takes a variety of forms ranging from training to technology supplies, and provisions of safe-houses and safety areas. The UIC use the pirates to train their own forces in naval tactics so that they can provide protection for arms being smuggled in Somalia from Eritrea.³⁵ Moreover, although data is scarce, it has been reported that money from piracy ransoms has helped pay for the war in Somalia, including funds to the US terror-listed Al-Shabaab. These hardliners, known as the Shabab, have a certain degree of control over several pirate groups, and provide operating funds and specialist weapons in return for a share of ransoms. It is reported that about 2,500 Somalis youth have been trained by the Shabab in cities along the Somali coast.³⁶ Piracy may be a marginal problem in itself, but the connections between organized piracy and insurgent groups on land make piracy a strong factor that contributes to weakening the TFG. Therefore, according to the traditional definition of security, piracy can be considered as justification for recent anti-piracy approaches since it has been part of the wide spectrum of security challenges faced by Somali since the early 1990s.

³² Hunter 2008.

³³ Valencia 2005.

³⁴ Hunter 2008.

³⁵ Plaut 2008.

³⁶ Middleton 2008, p. 9.

Somali Piracy as a Regional Security Issue

Somali piracy presents a regional security threat in three ways. First, seen through the framework of the traditional security theory, the links between piracy and insurgent groups affect the stability of the Somali government. In turn, a failed Somali state produces destabilizing effect on other governments in the region as it provides a suitable route for illicit trade, especially in arms and ammunition.³⁷ Second, using securitization theory, piracy is an economic security issue because it affects vital economic trade relations since the Gulf of Aden is one of the world's busiest shipping lanes. This further endangers the income of neighboring countries engaged in commercial shipping. Finally, the environmental danger than an oil spill would cause – and severely affect the East African coastline.

Illicit Trade

Somalia has earned the reputation of being *the world's largest duty free shop* due to its well-established illicit network of sea ports, overland trucking companies and established channels through the porous borders of neighboring countries.³⁸ Some of the more important illicit trading commodities that pass through Somalia are arms and explosives. Because of the lack of a functional government, smugglers can conduct their operations freely. For example, weapons have been smuggled through Somalia into Kenya (August 2003) and to the Ogaden National Liberation Front in Ethiopia (2003). Arms and ammunition have become constant trading goods in the country. Consequently, the entire region is affected. As arms are at the basis of any sustainable governance system, and are a vital resource for the fuelling and prolongation of violence, private armament resulting from the Somali trade exacerbates the threat to regional stability.³⁹ Although these negative impacts present a pertinent justification for the securitization of piracy off the coast of Somalia, like the threat to the Somali failed state, they have also mostly occurred about a decade before the recent actions. Thus, they are partially responsible for heightened international concern, but are not the main reason for it.

Loss of Revenue from Reduced Ship Traffic

As revenue loss from reduced ship traffic for regional states has been significantly endangered by Somali piracy attacks mainly in the last year, this economic concern, from all hereby presented regional security concerns, is

³⁷ Grosse-Kettler 2004, p. 28.

³⁸ Grosse-Kettler 2004, Preface.

³⁹ Grosse-Kettler 2004, p. 28; The Lawless Horn 2008.

most likely to have contributed to the emerged international anti-piracy policy. However, as argued later on, it is not the major reason for their emergence.

About 50 cargo ships per day transit the Gulf of Aden, a strategic waterway that links the Indian Ocean with the Red Sea, the Suez Canal, and the Mediterranean Sea.⁴⁰ In the first half of 2008 21,080 vessels transited the Gulf of Aden on their way to or from the Suez Canal. This accounts for one-tenth of the world's seaborne trade.⁴¹ Countries along the Gulf benefit greatly from this high-traffic shipping lane as they levy taxes for each pass. Frightened about a drop in revenue from ship traffic through the Suez Canal, Egypt hosted a meeting of seven Arab nations including Saudi Arabia, which saw pirates seize a supertanker loaded with \$100 million (USD) worth of crude oil. The meeting concluded with the group recommending the establishment of committees that would meet in Yemen in early 2009 to develop concrete steps to combat piracy in the Gulf of Aden.⁴² This urge for an organized action clearly demonstrates the priority that these countries have given to the increase of piracy in the Gulf of Aden and justify the claim that it has become a security issue for them.

Environmental Threat

Additionally, piracy may be presented as a threat to the environment in the region. The issue has become important only recently because of the more powerful weapons Somali pirates have started to use. In order to be able to seize large oil tankers, pirates use anti-tank rocket launchers and grenades – weaponry widely available in Somalia. As their attacks have become more frequent and more aggressive, pirates can potentially hit an oil tanker and cause oil spillage, which could result in a major environmental disaster.⁴³ Oil spills at sea are generally much more damaging than oil spills on land as they can spread over hundreds of nautical miles and form a thin oil slick above the water. As oil spills are difficult to clean from the water, it has the potential to spread rapidly and cover beaches with a thin coating of oil. This can kill local flora and fauna as well as coastal and sea-borne wildlife.⁴⁴ In severely impoverished regions like Somalia and Yemen, where people rely heavily on fishing and agriculture, such an environmental damage can be detrimental to the wellbeing of the population.⁴⁵ This makes the link between environmental security and piracy more explicit. Although this argument has appeared only in recent years and thus can be considered as one of the reasons for the coordinated international response it should be noted that the environmental security argument has been

⁴⁰ Slobodan 2008.

⁴¹ Poten & Partners 2008.

⁴² Malti 2008.

⁴³ Konstam 2008a; Middleton 2008, p. 4.

⁴⁴ UCSB Hydrocarbon Seeps Project 2008.

⁴⁵ CIA Factbook 2008.

presented, so far, mostly by international and non-governmental organizations (NGOs) and does not appear prominently in speech acts of political leaders. As the international response has been initiated by governments and international institutions based on participation by national governments, it is highly unlikely that this argument has been a major reason for the coordinated response. To prove this statement, further research on the role of NGOs on this issue is required.

Piracy as an International Security Threat

The main reason that piracy has provoked an international coordinated response in recent months is not due to its relation to national or regional security, but rather to its link to *international* security, and mainly to Western states. Piracy in the Gulf of Aden may be considered a matter of international security due to several reasons. First, according to the traditional security theory, through the impact of piracy on the failed Somali state, the issue may emerge as an international security concern because it can present a terrorist state haven from where international terrorist groups, such as Al Qaeda, can operate and prepare their attacks. Second, Somali piracy can be securitized as an international matter when it presents a threat to human security by preventing fundamental food supplies to the Somali people.⁴⁶ Third, according to the securitization theory, through the direct effect on international trade, especially oil, piracy can affect vital economic industries. Regardless of the numerous aspects that piracy affects, the paper argues that the current action has been triggered mainly by the high impact Somali piracy exerts on international oil trade.

A Breeding Ground for Terrorism

As argued above, piracy is linked to fueling state failure in Somalia, and a failed state offers a thriving environment for international terrorist groups because of lack of state prosecution and access to illegal economic networks. Moreover, the fact that Somalia is a predominantly Muslim state increases the likelihood of terrorist networks, also predominantly Muslim, to be accepted and find support in the region.⁴⁷ By providing a safe-haven for terrorist networks such as Al Qaeda, the issue clearly becomes an international concern. As the purpose of terrorists is to affect the stability of the state through violent attacks on strategic objects that attract social, media, and political attention, facilitating terrorism makes piracy a security threat.⁴⁸ Following the 9/11 attacks against the US, Somalia further gained international, and particularly US attention as a possible safe-haven for Islamic terrorists. This concern became

⁴⁶ Maliti 2008.

⁴⁷ Peterson 2002, p. 69.

⁴⁸ UNSC 2004.

the primary focus of US policy toward the country. The US Department of State spokesperson, Sean McCormack reported “We do have concerns about the Al Qaeda presence in Somalia, and specifically individuals and their presence in Somalia.”⁴⁹ Somalia is believed to have been the base for the cells that attacked and blew up simultaneously two U.S. embassies in Nairobi and Dar es Salaam in 1998. It is also believed to have been the main base for the Al Qaeda attack on an Israeli-owned hotel near Mombasa, and a failed attempt to shoot down an Israeli airliner in 2002.⁵⁰ A more serious threat is the potential development of direct collaboration between terrorist groups and Somali pirates. The danger is that Al Qaeda (or other international terrorist organization) can seek involvement in the illegal enterprise, especially because of the recent dramatic increase in revenue from ransom that pirates gain. Al Qaeda has been involved before in both hindering international shipping commerce and in the piracy affecting Southeast Asia.⁵¹

The Threat to Human Security

About half of Somalia’s foodstuffs, especially rice, sugar and pasta, are transferred to Somali territory via sea, and piracy has seriously affected the delivery of both humanitarian and commercial food supplies to needy Somalis on a regular basis. Over 600,000 Somalis are currently facing severe food shortages in southern Somalia. Because of piracy attacks, the UN Food Program was forced to temporarily suspend its deliveries in 2007, which further exacerbated the situation.⁵² As securitization theory stipulates, prevention of the provision of vital food supplies is considered as one of the components of human security. Therefore, the malicious prevention of food supply deliveries may be enough to cast piracy as an acute threat to security.

International leaders have securitized the issue of piracy off the Somali coast by deploying this argument in their public proclamations. Javier Solana’s spokesperson, for instance, has emphasized that “piracy is one of the most challenging threats [...] particularly to the people of Somalia who have had their humanitarian support hampered by acts of piracy”. A spokesperson of the U.S. Department of State explained at a daily press briefing that security measures must be taken against Somali pirates again on the basis of the same humanitarian concern.⁵³ Additionally, in its resolutions condemning piracy off the Somali coast, the UN Security Council (UNSC) highlighted that piracy obstructs the “delivery of humanitarian aid to Somalia”.⁵⁴

⁴⁹ Gardner 2006.

⁵⁰ Ibid.

⁵¹ Lunsford 2008; Ong-Webb 2006, p. xxviii.

⁵² Special Report Somalia 2001; Maliti 2008; Middleton 2008, p. 7.

⁵³ McCormack 2008.

⁵⁴ UNSCa 2008; UNSCb 2008.

Although piracy has been presented in the international sphere as a threat to human security, this cannot be the main justification that has triggered the initiation of the international anti-piracy response because it has existed years before the current international mobilization took place.

The Threat to the Global Economy

The strongest link between piracy and international security, made through the securitization theory, is the threat piracy presents to the global economy. The effects of piracy on the global economy are visible in at least two ways. First, piracy disrupts the international trade of oil being transported from the Middle East to Western states. Second, piracy raises the overall price of all international commerce going through the Gulf.

The Gulf of Aden is an essential route for about 20,000 vessels (per annum), which contain about 7 percent of the world's oil production and 11 percent of the world's seaborne petroleum.⁵⁵ Oil is a vital resource for the economy and power of each country because it is the main source of energy on the basis of which virtually all components of a national economy function. It affects, among many others, the production of weapons and the military, directly related to the wellbeing of the state. Thus, especially for big consumer countries like the US and other Western States, the constant supply of this resource is of prime importance. According to the US Bureau of Economic Analysis, "the availability of oil, natural gas, and coal is what made the US rise to a global economic superpower".⁵⁶

The US alone consumes some 25 percent of global oil production. Oil provides for more than 90 % of the fuel used in the US's transportation sector, therefore, a rise in the price of oil will result in rise in the price of all other industries and prices.⁵⁷ Hence, maintaining the supply of oil constant and affordable is essential.

The danger of piracy leads to increasing prices of oil. Only in the last three months, piracy has made insurance premiums for the Gulf of Aden increase tenfold. With an average insured loss of between \$2 million and \$3 million per incident, the cost to insurers from Somali piracy only in 2008 has increased to around \$100 million, which made insurance companies raise the costs of insurance. The raise in insurance costs, consequently, results in increase of the value of a single transit through the Gulf of Aden, which is "enormous amount of money".⁵⁸ The increase of transit costs ultimately affects the whole trade by rising prices of oil from the Middle East for both final consumers and shipping

⁵⁵ Q&A: Piracy in the Gulf of Aden, 2008.

⁵⁶ Pfeiffer 2005; US Department of Energy 2008.

⁵⁷ US Department of Energy 2008.

⁵⁸ Norris 2008.

companies.⁵⁹ This increase of price can force traders to avoid shipping oil and other products through the Gulf of Aden and divert around the Cape of Good Hope. The route through the Gulf of Aden is much shorter. The much longer journey adds 12 to 15 days to a tanker's trip, at a cost of between \$20,000-\$30,000 a day.⁶⁰ Therefore, this would also add considerably to the costs of oil from the Middle East. In any case, piracy increases the cost of oil. Especially at a time of financial crisis, when resources become more expensive, this is of grave concern.

Since October 2008, the importance of the piracy problem for international trade has been often mentioned on top of the list of reasons that influential political figures have provided as justification for securitizing the issue. British Foreign Secretary David Miliband explained an initiated operation under British command by saying that it is essential for the international community to "begin to establish international order in seas that are vital to trade".⁶¹

After the hijacking of the biggest ever hijacked Saudi oil tanker, Saudi Foreign Minister Saud al-Faisal said his country would join international efforts against piracy, and called the Somali pirates "a disease that has to be eradicated."⁶² The United States also demonstrates its primary concern about commercial routes. Washington spokesperson reports that piracy "has very real economic implications".⁶³ Condoleezza Rice refers to the problem in the same manner: "it is seriously an important issue to maintain freedom of navigation of the seas".⁶⁴ In the last few months, the UN Secretary General has delivered numerous speeches where he deplores piracy and links it to obstruction of sea trade and humanitarian disaster.⁶⁵ The UNSC also prioritizes "the safety of commercial maritime routes" in the Gulf of Aden.⁶⁶

Which Security Argument Made the International Community Act?

Analyzing the incentives of the major international players for securitizing Somali piracy and launching a collective policy to combat it is important because it can clarify whether this response can be applied to other piracy-infested regions. As outlined above, international actors justify the recent internationally coordinated action to be a result of piracy being a threat to human lives and human well-being (human security), terrorism (securitization theory), and trade

⁵⁹ Norris 2008; Maliti 2008.

⁶⁰ Maliti 2008.

⁶¹ Lekic 2008.

⁶² Ambah 2008.

⁶³ McCormack 2008.

⁶⁴ Rice 2008.

⁶⁵ Secretary-General deplores latest acts of piracy off coast of Somalia 2008.

⁶⁶ UNSCa 2008.

(economic security). However, the paper argues that although piracy presents a threat to all these components, the reason for the coordinated international actions is triggered by the threat that piracy poses to international economic trade and oil in particular. This can be proven by demonstrating that piracy before was already a security threat for the abovementioned aspects and only recently did its impact escalate enough to affect trade in oil.

International Action Prior to October 2008

Piracy, as already explained in the previous section, has had a serious impact on food delivery to Somalia before the recent escalations of piracy attacks along the Somali territory.⁶⁷ Before the recently activated international response, piracy was also already linked to insurgent groups. Links between pirates and the Islamic insurgency group UIC have been reported since 2006. Documents warning against a potential relationship between pirates off the coast of Somalia and international terrorist networks such as Al Qaeda have also been drafted as early as 2005.⁶⁸ Human security and terrorism can serve as an additional argument supporting the securitization of the Somali piracy but cannot serve as the main catalyst for the occurrence of recent policies. The argument that the abovementioned two security concerns did not lead to the recently observed international coordinated response is further supported by looking into the general actions, taken against Somali piracy before its impact on trade taking place only in recent months.

International action to combat piracy in the Gulf of Aden prior to October 2008 was haphazard as actions were largely taken on national levels, without sufficient multilateral coordination. The international community, and individual states, did attempt to deal with piracy around Somalia though efforts remained sporadic. The most successful one has been as a reaction to the obstruction of food delivery supplies from the World Food Programme. There were several uncoordinated reactions from Canada, Norway and the UK to help the process by guarding the ships with humanitarian supplies, however, these countries could not provide for a consistent and permanent security of the ships and their efforts to safeguard the delivery of basic food to Somalia remained with little success.⁶⁹ A Combined Taskforce 150 (CTF150) with a broad mandate to assist in the “war on terror”, which has also been involved in deterring several pirate attacks, was created in the region to patrol the Gulf of Aden, Gulf of Oman, Arabian Sea, Red Sea and the Indian Ocean. However, it had only fifteen ships, which provided an inadequate force considering the large area they had to protect.⁷⁰ To strengthen the hand of international naval

⁶⁷ Special Report Somalia 2001.

⁶⁸ Ong-Webb 2006, p. xxviii.

⁶⁹ Middleton 2008, pp. 7 – 8.

⁷⁰ Middleton 2008, pp. 7 – 9.

forces, on 2 June 2008 the UN SC passed the US/France-sponsored resolution 1816 giving foreign warships the right to enter Somali waters ‘for the purposes of repressing acts of piracy and armed robbery at sea’ by ‘all necessary means’; however, the resolution does not call upon any nation in particular to take action.⁷¹ The most recent initiative involves the establishment in August 2008 of a ‘Maritime Security Patrol Area’ (MSPA) that coalition navies will patrol. The zone the MSPA patrols is a very narrow corridor between Somalia and Yemen. It presupposes that shipping stays only in this area; however, recent hijacks, among which the hijacking of the largest Arabic oil tanker, prove that these measures are to date with little impact. In recent months naval patrols have been unilaterally sent by Malaysia, India, China, and Russia; yet, they were sent temporarily to protect national vessels and had little overall impact on the pirates. In October the UNSC adopted Resolution 1838, which like Resolution 1816, condemns acts of piracy in the region around Somalia. Under Chapter VII, Resolution 1838 calls again on states to take part in actively fighting piracy by deploying naval vessels and aircraft, but does not call upon any state in particular to act.⁷²

International Action Since October 2008

International media sources and governments started to pay close attention to the problem of Somali piracy only since October 2008. The issue gained international significance when pirates seized several large ships carrying oil. Among the hijacked vessels was the biggest oil tanker ever hijacked, which carried cargo of 2 million barrels of petrol – a quarter of Saudi Arabia’s daily output of oil, worth more than \$ 100 million.⁷³

On 15 October 2008, the EU announced the establishment of a mission under the European Security and Defense Policy (ESDP) whose mandate was to provide a coordination cell (EU NAVCO) of the different naval vessels and aircraft in the region for the fight against piracy. Such coordination could improve the efficacy of the fight against piracy but it is severely understaffed and poorly financed to fulfill its mandate efficiently. It consists of one Commander and only four naval offices, which makes the initiative more symbolic than practical.⁷⁴ The U.S. military and NATO have deployed warships to patrol the region.⁷⁵ Although the NATO force has successfully delivered nearly 30,000

⁷¹ Kraska and Wilson 2008; UNSCa 2008.

⁷² UNSC 2008b; Kraska and Wilson 2008.

⁷³ Seized Tanker Anchors off Somalia 2008.

⁷⁴ European Union Naval Coordination Cell 2008; EU NAVFOR Somalia 2008; Middleton 2008.

⁷⁵ Bengali 2008.

tons of humanitarian supplies to Somalia, it has been unable to stem an upsurge in pirate attacks off Somalia.⁷⁶

The European Union formally launched its first naval endeavor, a Somali anti-piracy task mission on December 15, 2008. Six EU warships and three maritime reconnaissance aircraft patrol the region and escort cargo ships carrying relief aid through pirate-infested waters to Somalia, as the NATO vessels have done since the end of October. The task force has the same duties as the NATO mission, including escorting cargo vessels, and deterring pirate attacks. In addition, about a dozen other warships from the United States, India, Russia and Malaysia have joined the anti-piracy efforts and are now patrolling the region.⁷⁷

Policy Recommendations

Despite recent international efforts, experts claim that the piracy increase off the lawless coast of Somalia is not likely to abate anytime soon and is even likely to deteriorate.⁷⁸ The way to eradicate Somali piracy is through interrupting the larger, complex system that supports it inland. First, an effective agenda should involve, a robust intelligence collecting more data on pirates' supply chains and connections to clans and the TFG. Intelligence operatives and analysts have almost no reliable details about how the pirates operate. Also, it is not completely clear what happens to the money pirates bring in from seizures and ransoms; much of it is paid to attackers and in bribes to locals, but a large portion disappears. Once U.S. and allied commanders have solid information about who the pirates are and how they operate, it will be clearer what policies should be supported to take apart their networks.⁷⁹

Second, the international community has to engage more actively in international and regional efforts to facilitate the peace process in the country and strengthen Somalia's fragile governance. As long as there is no effective legal enforcement to prosecute pirates on land, the country provides a safe haven for their activities.⁸⁰ In late December 2008, the UN General Secretary appealed to states to initiate a Multinational Force (MNF), rather than a typical peacekeeping operation in Somalia, equipped with full military capabilities to support the cessation of armed confrontations in the country. Despite his efforts to engage the international community in such response, no UN member state has yet taken the leading role and no encouraging response has followed.⁸¹

⁷⁶ Lekic 2008.

⁷⁷ Lekic 2008.

⁷⁸ Lunsford 2008.

⁷⁹ Muradian and Eqing 2008.

⁸⁰ Shank 2008; Mikkelsen 2008; Somalia: To Move Beyond the Failed State 2008.

⁸¹ Ban Forwards Possible Next Steps on Somalia 2008.

Third, an important aspect in reducing pirates' power is through curbing gun flows which they use to supply themselves with modern weaponry and surveillance technology. In 1992 the UN SC passed Resolution 733, imposing a comprehensive arms embargo on Somalia⁸², however in the following years, the UN SC took very little action to ensure its implementation. UN investigators responsible for monitoring the success of the embargo reported that the flow of weapons in Somalia increased dramatically in 2005. In recent months the UN SC has reinitiated efforts to improve the impact of the embargo. In mid December 2008, the UN SC issued a statement, urging for stronger enforcement of Somali arms embargo and reformed the panel, monitoring the embargo.⁸³ International actions have to initiate more programs aiming at researching and eventually curbing the flow of guns in the region.

As collecting data on pirates through intelligence, strengthening the TFG, and curbing arms controls are adequate but time-consuming measures, a reasonable short-term solution is the installation of security personnel on merchant ships. Since there are insufficient numbers of these men in the Armed Forces of the nations involved, security personnel has to be provided by private security companies. Insurers and shippers have expressed complains about this proposal because of the array of legal and liability questions such contractors like Blackwater have provoked. Moreover, hiring private security is too costly for merchants.⁸⁴ Regardless of the drawbacks, the advantages of such a patrol should be considered seriously as a short-term solution to the piracy danger.

Conclusion

Piracy off the coast of Somalia has been a growing concern. In recent years, it has provided funds that feed the vicious war in Somalia, hinders vital humanitarian supply to Somalis and has a strong potential to become a weapon of international terrorism or a cause of environmental disaster. However, the most important for regional and international actors is that it threatens to drastically disrupt international trade. Only due to intensified and diversified recent impact on international trade of oil, has piracy emerged as an international security concern grave enough to trigger an international coordinated response. To fight the problem, the international community has to engage more actively in tracking the cause, not the symptom of the current crisis, and facilitate state stability and gun control inland.

⁸² UNSC 1992.

⁸³ Security Council urges stronger enforcement of Somali arms embargo 2008; UNSC 2008c.

⁸⁴ North 2008; Muradian and Ewing 2008; Pirates Become Bolder 2008.

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