Driven to Desperation?

Thinking Critically About Environmental, Political, and Economic Causalities of Somali Piracy

Upon introduction to the naturally contentious topic of Somali piracy, one may notice that the mentioned linkage between coastal environmental degradation (in the form of overfishing and hazardous waste dumping) and an increased prevalence of Somali piracy activity dominates much of the literature. As such, there is less of a focus on how the national political and economic climates have influenced the piracy conflict as well as how they have enabled and perpetuated local and environmental degradation. This paper will examine national governance shortfalls, political corruption, economic turmoil, the history of overfishing and hazardous waste dumping, and will then proceed to synthesize the merits and limitations of this natural resource degradation—piracy linkage.

This paper will be organized in such a way that outlines the historical political context, the disintegration of an organized coastal governance system, foreign exploitation ventures and impacts of overfishing, the distinction between a violent reconstruction of a coastal governance system and rising piracy industry as a result of political strife, and potential recommendations for an intermediate issue between a developing nation and developed nations.

Political Turmoil, Economic Collapse, and Disintegration of Organized Coastal Governance

A Tale of Internal Collapse

This section seeks to introduce historical factors that have led to political instability within the country and along its coast. By recognizing governmental corruption, we can begin to gain insight on the ways in which the absence of effective governance structures has contributed to the development of a pirate-friendly climate and perpetuation of coastal environmental degradation.
While much of this background information may appear to be insignificant, understanding the background forces that influence conflict perpetuation is essential to our discussion.

In order to effectively understand this timeline, we must reach back into the historical context of the 1800’s during colonization of the Somali territory. According to Oxford Reference, European powers began to explore the region in 1839. The horn of Africa was divided up between Italian, British, and French “spheres of influence”. Most relevant was the division of the Italian Trusteeship Territory of Somalia and British Somaliland Protectorate (Oxford 2000). The 1960 Unification of the former and latter territories made way for the “modern Somali Republic”.

By the end of the 1800’s, Somalia’s (in many ways, richer) neighbor Ethiopia had begun to participate in the game of land grab after the European powers had done so (Oxford 2000). The 1897 British-Ethiopian agreement handed over the reigns of the Ogaden and Haud regions to Ethiopia—a nation that controlled the area with little effectiveness and attention. The patriation of land from Britain to Ethiopia was contentious for Somalis mostly because at the time, Somali ethnic groups populated these regions. A deeply rooted nationalism among Somali populations would soon bring forth a dimension in the building conflict that would provoke a Somali retaliation.

Historical clashing between Somali Muslims and Ethiopian Christians, as well as the “deeply rooted belief in common ancestry” among Somali clans had both been sources for the creation of modern Somali nationalism (Watson 1986; 163). Somali oral traditions have historically been responsible for the perpetuation of this deep nationalistic belief that unites Somali with the power of one history (163). The example of Somali nationalism falls under the category of cooperative efforts outlined by Douglas Fry’s line of thought (Environmental Conflict Resolution 02/07/11 lecture: Conflict versus Cooperation). Such nationalism would fuel contention over the land patriation. The scene was set for contention around boundary agreement issues (Watson 1986; 163). Since Somali ethnic clans inhabited these divided regions, the Somali military’s agenda consequently encompassed the salvaging of a “stolen” region, and provided context for future regional militaristic aggression as well as the development of the Ogaden War (163).

Somalia won independence in 1960. The consequence of independence was inherently democracy. For Somalia, the initial form of democracy was “riotous and inefficient” (Gorman). Only nine years later, Somalia underwent a coup, in which President Shermerke was assassinated,
and General Siad Barre assumed power. Barre pursued socialist reforms and aligned Somalia with the Soviets—a global power that would back Somalia prior to the Ogaden War. The Ogaden War began in 1977, when General Siad Barre, under a recently developed declaratory defense policy aimed at addressing the militaristic unification of Somalia as well as Ethiopia and Ethiopian-supported anti-government guerrillas, ordered the invasion of government troops into the Ogaden region (Watson 160). Going into the war, the Soviet’s supported both Somalia and Ethiopia. The Soviet’s did not remain aligned with Somalia for long, though; once Barre’s military took action by invading the Ogaden in 1977, the Soviet’s protested (Gorman). Barre ignored the dissenting voice and proceeded to “kick out” the dissenting “Soviet mentors”, leaving Somalia to be consequentially abandoned by the Soviets who decided to strictly support the Ethiopians (Gorman).

One impact of Somali’s loss of the Ogaden War was the deadly fleeing of “over a million refugees” into Somalia. According to Gorman, the defeat of the war and consequential migration of a million refugees set the stage for initial civil war development. Civil unrest grew, and took form in the 1969 coup, organized by the “populous and influential Mijerteyn”. Opposition continued to grow throughout the 1980’s, despite foreign efforts to provide Somalia with “humanitarian, developmental, and defensive military assistance” (Gorman 1993). Oxford cites the most important of rebel groups developed during this time to be the Somali National Movement (Oxford 2000). Formerly British Somaliland citizens also went forward with an effort to secede. Barre was able to resist this secession movement, along with the Mijerteyn one as well (Gorman 1993). A soon-to-be-collapsed Barre regime, however, began to suffer from the division of its military and its people in the process of crushing the secession movement. The regime would also suffer as a result of the withdrawal of United States military and foreign aid (Gorman 1993).

The nation proceeded to endure an interconnected, multifaceted set of issues—all having to do with hunger and drought/unrest-driven famine (by 1992, over six million people were experiencing starvation), and factional anarchist conflicts between rebel groups and warlords (Gorman 1993). The United Nations troops faced substantial resistance from the latter category. As such, this global organization, in collaboration with the Arab world and the Organization of African Unity, struggled to successfully combat the national instability brought about by an evaporated government regime, internal strife, drought, famine, and mass migration. United
Nations troops stayed in Somalia from 1991-1995, during which even efforts by Pakistani peacekeepers (“under U.N. auspices”) failed to successfully guard the World Food Program grain and humanitarian aid deliveries due to interference of bandits and during which the U.N. troops themselves came under fire (Gorman). The United States also intervened under the U.N. Security Council in the form of Operation Restore Hope.

Barre’s Marine Legacy and United Nations Intervention

While General Siad Barre’s brutal decisions as a dictator are very much responsible for the internal collapse of Somali, his aggressive tactics played a major role in the protection of the marine environment and rich Somali coastal resources. The recognition of Barre’s semi-positive role as an organizer of a protective maritime force is not meant to take away from the havoc that he wrought as a national leader, but rather to provide the basis of an understanding surrounding the nation’s coastal governance deterioration. In his article “Family, Fish, and Profit” (2009), Gary E. Weir explains that Barre’s maritime force in many ways provided the foundational control over local waters necessary for the flourishing and protection of the local coastal economy. The ways in which the maritime exercised its power included the protection of coastal fisheries, the monitoring of import and export ports south of the Red Sea and Suez Canal, and by profitably selling fishing licenses to foreign ventures (E. Weir 2009; 17). The latter duty of the maritime force proved to be the root of what would flourish into a full-fledged lucrative business of the profitable selling of fishing licenses to invasive foreign exploitive companies. Within this realm, it is tempting to deem this duty of selling licenses for a profit as an evil; at a time of effective coastal management, however, it could provide decent income to a developing coastal economy. In the mean time, though, the monitoring of trade access and protection of rich coastal resources provided ways in which the maritime forces could restrict a “traditional regional tendency toward piracy and maritime crime” (E. Weir 2009; 17).

“But when the Siad Barre regime collapsed in 1991, everything changed[…]” Weir warns in his article (17). Indeed, everything did change, and we can see the impact of these changes in the previous subsection. Peoples of inland Somalia were not the only ones to feel change, though. Coastal communities began to see immediate changes in livelihood security soon as Barre’s
regime collapsed and his creation of a somewhat effective coastal governance system began to disintegrate. This livelihood security previously came in the form of family and small business dependence upon rich fishing opportunities off of the coast (18). By employing traditional net-catching methods with small “dhow”, wooden canoes and boats, or modern small boats, and returning to land in order to sell their share of fish, coastal community dwellers were able to perpetuate the success of the local economy and contribute to the stability of significant offshore fishing livelihoods. Weir even indicates that fishing off of the coast had been a “source of treasure” for these coastal communities for generations (18). As such, any disturbance to this way of life would have profound impacts.

Barre had also been in power when Somalia signed and ratified the United Nations Law of the Sea in 1989. The failure of the central government played a role in the inability to utilize domestic legislation as a regulatory mechanism for the conflict over coastal resource degradation that would ensue (Ademun Ademun-Odek 2009; 34). We will go deeper into detail on this international convention toward the end of this paper.

After the fall of Barre’s regime, the United Nations proved to play a decent transitional role by assigning the creation of a naval task force through the UNOSOM I and II peacekeeping operation (their role inland was discussed earlier). According to E. Weir, the marine task force effectively monitored “considerable maritime traffic through important lanes of passage of the Horn of Africa” (17). Ships on a route along the then-considered economical pass along the coast of Somalia ranged from modern large merchant ships to traditional cargo “dhow” (E. Weir 17). So hospitable were Somali ports, including those in Mogadishu (Somali capital, “before closed to foreign vessels in 1995”), El Maan, Kismayo, Merca, El Aolde, and Merca, that they would even host foreign vessels (18)! Such effective coastal economic governance and hospitality failed, however, as a result of the United Nations departure.

**Foreign Exploitation & Impacts of Overfishing**

---

So, the Somali people were now left with political instability and coastal management fragility—both consequences of slowly disintegrated systems of stable domestic governance. The collapse of the Somali central government and disintegration of coastal governance systems proved to especially dangerous for the local subsistence economy in that it opened up the Somali coast to extensive, uncontrollable exploitation on behalf of foreign ventures (E. Weir 2009; 18). With a lack of proper coastal management and protection, “large commercial fishing vessels” emerged as a dominant form of competition for local fishermen. Such vessels would do business even within territorial waters and traditional domestic fishing (18). According to Weir, these foreign vessels were most physically invasive in that they “dwarfed boars of local fishing fleets”.

In order to critically look at the causality linkage between the disintegration of an effective coastal regime, the emergence of foreign exploitation, and increase in prevalence of high sea Somali piracy, let us take a look at some of the ways in which foreign venture overfishing and illegal fishing have impacted the Somali coastline economy and ecology.

According to the United Kingdom Department of International Development’s 2005 Synthesis Report: “Review of Impacts of Illegal, Unreported and Unregulated Fishing on Developing Countries”, foreign exploitation of coastal resources in developing nations have impacts that include, but are not limited to:

- “Loss of gross national product through the direct loss of fish catch values that could be taken by the coastal state if the illegal, unreported, and unregulated fishing hadn’t taken place” (5).
- The upstream and downstream ends of fishing supply chain are impacted through loss of industrial and activity-related employment and income. As such, activity involving the processing, packaging, marketing, and transport of fish feels an impact (5).
- Consequently, fishing income reduction affects fishing family consumer demand for product (5).
- Low costs and lack of motivation for acting upon ethics of social responsibility lead illegal, unreported, and unregulated fishing ventures to exploit resources in a more irresponsible manner (5).
- Ecosystem resilience, biodiversity, and productivity diminish as a consequence of unsustainable, and unmitigated impacts on both target and vulnerable non-target species (seabirds, turtles, coral reefs) (5).
• Food security is consequently risked as future catch opportunities become limited and conflict between artisanal and industrial fishing ventures distract from livelihood and coastal economy stability (5).

Since many of the foreign venture negotiations with local clans produced fishing licenses for the foreign companies, they did not technically commit acts of “illegal” fishing. But, since these local clans lacked the support of a central regulatory governance mechanism, the fishing licenses were often sold strictly on a profit basis and provided the basis for unsustainable, unregulated fishing practices. In this light, we can see how some of the United Kingdom’s Department of International Development’s impacts play a role in the downfall of local fishing communities and perpetuation of the overfishing conflict off of the coast of Somalia. The central coastal region was especially vulnerable to the unmitigated escalation of local/foreign venture conflicts given that the fishing industry provided “virtually the only means of income” and that the coastal communities here suffered the most from foreign exploitation (Weir 2009; 19). Interestingly enough, piracy was most aggressive, organized, and clan-related in this area (19).

The linkage between overfishing conflicts is not so simple here, however. The unmitigated conflict between local and commercial interests, as perpetuated by the illicit license negotiation strategies, further promoted the economic and ecological impacts noted by the UK Department of International Development. We will soon also see that the power struggle between clans and the development of the lucrative business of fishing licensing not only promoted a climate for increased prevalence in piracy, but also ironically proved to sweep the issue of increased prevalence of piracy under the rug.

What led these foreign fishing ventures to enter into strategic negotiations with local clans in the first place? The answer lies in the development of an illicit, vigilante-like, violent reconstruction of a coastal management authority that is loosely tied to what Somali pirates (still to this day) deem to be a measure of marine resource protection. The rise in conflicts between local and industrial fishing fleets (most prominent in shrimp fisheries as indicated by the UK’s Department of International Development report) between the collapse of the central government in 1995 and 2001 took form in the tendency of Somali fishermen to board foreign vessels in search of compensation for catches taken in their traditional fishing areas (E. Weir 2009; 19). In other words, these fishermen accused foreign ventures of overfishing and demanded
compensations for their own losses. The defensive efforts of the fishermen soon developed into a full-fledged piracy industry as a newly developed “self-proclaimed coast guard” began to “take foreign vessels back to Somali ports and hold cargoes and crew for ransom in compensation for lost fishing revenue” (E. Weir 2009; 19).

The local control-seeking clan militias ashore were in many ways also responsible for supporting the coordination of actions against foreign fishing invaders (Weir 2009; 19). As such, foreign companies began bargaining with local warlords for fishing licenses. The negotiation over and selling of these illegitimate licenses in many ways economically sustained the warlords by providing a “lucrative source of income for the clans” (19). The licenses were legally illegitimate in that clans had no “legal authority of offer licenses” and because no central government was in place to provide means of national enforcement measures (19). While here it is clear that the development of the lucrative fishing license business gave way to an increased level of piracy, one can also argue that the business itself (enabled by a central government-less society and factional power struggle between clans) provided a convenient illicit activity cover-up for clans that did not want independent pirate ventures to come in the way of business success (E. Weir 2009; 19-20).

Seeing that “clans” and “warlords” are ambiguous terms without a geographic setting to anchor their roles in the development of this coastal conflict, let us distinguish the ways in which clans in the northern and southern coastal spheres reacted to the dissolving of Siad Barre’s regime and United Nation’s departure. In 1998, the northern Republic of Somaliland and the ex-Italian colony Puntland Autonomous Region (together created an internationally-recognized de facto state after the fall of regime) attempted to “exert control and supervision of fishing and territorial waters through the creation of this self-proclaimed coast guard and “lucrative business of fishing licensures” (E. Weir 2009; 19 and Oxford 2000). In the south, the warlord control over maritime facilities, customs revenue, airports, and fish licenses and revenue capture of what was traditionally allocated to central government provided reasons for conflict between clans (Weir 2009; 19).

Another interesting factor is the evolution of tactics used by pirates. The pirates associated with the piracy ring headquartered in Harardhere, Somalia developed the tactics that we will discuss. Such tactics included the recruitment of members who knew how to use “traditional tools available to Somali fishermen” and provision of food, water, and space to sustain two-week pirate
stays out at sea (E. Weir 2009; 20). By 2005, a “victim vessel could hardly tell the difference between a pirate and legitimate fisherman”. At this point, the strategy included the placement of pirate skiffs alongside vessels, boarding of the vessel, intimidation of the vessel crew, the clearing of the way for more pirate members, and the return of the vessel to port for its crew and cargo to be held (20). The International Maritime Bureau’s issuance of a warning to commercial interests to not cross into the 200 nautical mile Somali exclusive economic zone limit, along with the intervention of the Combined Task Force to combat piracy further shaped the tactics employed. Consequently, the pirates associated with the ring began to take “low value vessels” to serve as mother ship skiffs. As such, the element of surprise took form in the commercial ship appearance of pirates (21).

At this point, while the argument of protection over Somali coastal resources still dominated much of piracy justifications, the ransom demand of the pirates does not technically cover the economic and ecological value lost from foreign overfishing off the coast. In his draft of “Somali Piracy-Underlying Causes and New Challenges to International Law and World Law: a Panoramic View” (2009), Ademun Odeke (citing the “Off the 2008 lawless coast of Somalia, a question of who is pirating who” article from the Chicago Tribune and the 2009 “You are being lied to about pirates” article from The Independent) indicates that the collection of one hundred million U.S. dollars in pirate ransoms account for only one third of the total worth of fish captured by European and Asian poachers on an annual basis (three hundred million dollars) (Ademun Ademun–Odeke 2009; 33). The previously mentioned Synthesis Report produced by the UK Department of International Development indicates that in 2003 alone, “Somalia lost around one hundred million dollars in revenue due to illegal tuna and shrimp fishing” (Jones 2011). Odeke also mentions Peter Lehy, a Somali piracy expert at St Andrews University in Scotland, who identifies the ransom-resource trade off as a “resource swap” (Ademun Ademun–Odeke 2009; 35).

As far as international law goes, the most relevant source to our discussion (as Odeke points out on page 34) is the United Nations Convention on the Law of the Sea (UNCLOS). More specifically, Article 56: the Conservation of the living resources:

“1. The coastal State shall determine the allowable catch of the living resources in its exclusive economic zone [within 200 nautical miles off coast]”. 
“2. The coastal State, taking into account the best scientific evidence available to it, shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the coastal State and competent international organizations, whether subregional, regional or global, shall cooperate to this end.” (United Nations Office of Legal Affairs, 2011; 45-6).

According to the United Nation’s Division for Ocean Affairs and the Law of the Sea website, Somalia was the fortieth nation to sign and ratify UNCLOS on July 24, 1989 (seven years after the establishment of the Convention) (Division for Affair and Law of the Seas: United Nations Office of Legal Affairs, 2011). Unfortunately, the international convention has not provided the legal basis necessary to protect Somali coastal resources. This is not an indication of the overall effectiveness of the original Convention text and its dispute resolution mechanisms, but rather an indication that the peaceful global cooperation necessary to improve Somalia’s institutional natural resource governance capacity has not been put into place. So goes the problem of developmental assistance between a distinguishable Global North and South. In the case of Somalia, international intervention has come in the form of anti-piracy efforts and international militaristic involvement. And, while elements of extreme political corruption perhaps necessitate militaristic reaction from the international community, let us be clear that soft mediation and international intervention is also necessary.

The national ratification of UNCLOS also occurred during the Barre regime. As soon as this regime collapsed, any sort of pseudo-legislative efforts that would given domestic “teeth” to this international law most likely disintegrated as a consequence of internal collapse (Ali, Saleem: Environmental Conflict Resolution 03/21/11: Conflicts in International Law). As mentioned earlier, the inexistence of the central government gave way to the lack of regulation over clan-distributed fishing licenses for foreign fishing ventures.

Also notable in the case of UNCLOS’ Article 56 (2) is the calling on “The coastal State, taking into account the best scientific evidence available to it..”. Unfortunately, the failed political order and ineffective coastal governance regime provided no space for developed scientific support (if any existed in the first place). As such, the process of conflict resolution (in the form of militaristic and anti-piracy efforts) has lost out on the potential cooperation over and transfer of scientific evidence of ecological harm done by resource over-exploitation. While consensus over scientific evidence can often lead to further conflict embroilment, perhaps the cooperation
between local clans and foreign companies over scientific assessment of ecologic damage from resource over-exploitation can lead to the development of trust and restoration plan conversations (Ali, Saleem: Environmental Conflict Resolution 3/28/2011: Science as an Arbitrator). From this perspective, and from the clear acknowledgement of the culture around clans in Somalia, perhaps conflict remediation can take place at a clan, community level. In this light, we can see that perhaps we must adjust UNCLOS’ mechanisms to thrive in a culture of clans (at least while political factional conflicts simmer down).

_Hazardous Waste Dumping_

The case of hazardous waste dumping off of the Somali coast is similar to that of overfishing in that essentially it occurred through decisions backed by weak institutional capacity, consequentially creating an incentive for resource overexploitation and an increase in attractiveness for foreign ventures. The two most distinguishable factors in the case of hazardous waste dumping are: the process of permission generated by Somalia and the economic incentive being strictly driven by low costs for industrialized nations. The former difference existed because rather than the exploitive mechanism being sold and distributed by factional clans, it was the President who signed deals permitting toxic waste dumping (Jones 2011). During the rough development of a Somali transitional government in 1991, Ali Mandi Mohammed (who reigned as president for only nine months) “signed a number of deals with foreign companies” as a way to recuperate funds that he desperately sought (Jones 2011). While fish licenses on the surface may seem like legitimate regulatory and over-exploitation preventing mechanisms, without the proper governance capacity to enforce it, and with clans making a profit from them, they are useless. As far as hazardous waste dumping on behalf of industrialized countries off of the coast of Somali, permits are in no way shape or form regulatory mechanism insofar that they fail to regulate the health of ecosystems and humans.

An investigation on behalf of an Italian newspaper and the European Greenpeace revealed that President Mohammed had received eighty million dollar in compensation for the dumping of toxic waste off of the coast of Somali from the Swiss company (Achair Partners) and Italian waste broker Progresso (Jones 2011).

The case of hazardous waste dumping, as another reason cited by pirates as justification for attacks, is pertinent to our discussion on institutional capacity building within Somalia. While
industrialized nations have in many ways made progress on the solving of hazardous waste dumping issues within their own borders through “robust planning laws, vocal environmental groups, environmental safeguards, and costly waste disposal processes”, the cracking down of policy has led some industries to resort to shipping hazardous waste overseas (Jones 2011). What is most notable about the developing countries where the waste gets delivered to, is the lack of laws that “trouble” importing ventures (Jones 2011). Perhaps if the economic incentive to dump hazardous waste was not there in the first place, and if the acclaimed “robust planning” measures within industrialized countries provided means of cost assistance for waste disposal processes, and also if Somalia’s political and economic situations were not so desperate, this transnational crime would not occur in the first place. Such a crime in Somalia has impacted the fragile coastal marine environment and provoked the development of several different forms of human maladies, including mouth ulcers, bleeding and hemorrhaging, respiratory problems, and skin disorders (Jones 2011).

Recognizing the significance of the hazardous waste dumping for the above reasons, let us make it clear that it would be most effective to include the addressing of this human and ecological health issue within the healing process. As such, perhaps corporations and/or governments of responsible nations could cooperate in the ecological restoration process. And while the illicit business of offshore piracy is so economically developed (in its own way) to the point that such restoration may not solve all piracy issues, cooperation over coastal clean up is one way to demonstrate reconciliation. Also, since hazardous waste dumping on behalf of industrialized countries is indeed one way in which the division between developed and developing nations grows in size, perhaps the reconciliation of this mistake will help direct attention to a politically, economically, socially, and environmentally-suffering Somalia.

As the reader can see, the observations on and recommendations for improvement the overall process conflict resolution are sprinkled throughout the paper. I hope this paper has helped the reader think critically about the simplistic linkage between coastal resource degradation and increased prevalence in Somali piracy. Indeed, the historical elements leading up to an unstable political and economic climate are very much so responsible for the causality and perpetuation of faction-led businesses that thrived in the prospect of natural resource exploitation. These businesses in many ways, while linked to the piracy industry, often used piracy as a cover up to pursues activities (Weir 2009). As such, conflict resolution includes paying very close attention to
the enhancement of coastal governance management capacity (a huge task in itself) and
development of trust between involved stakeholders. I have faith that these goals; while
seemingly grand, they are reachable. After decades of political corruption and increased piracy,
Somalia deserves some legitimate and pacifistic international attention.

**Works Cited**

Ademun Ademun-Odeke. 2009. "SOMALI PIRACY—UNDERLYING CAUSES AND NEW
CHALLENGES TO INTERNATIONAL LAW AND WORLD ORDER" Express Available at:
http://works.bepress.com/ademun_ademun_odeke/1

Chronological lists of ratifications of, accessions and successions to the convention and the
related agreements as at 15 november 2010. Retrieved from

nations convention on the law of the sea. Retrieved from

Environmental Conflict Resolution 03/21/11 lecture: Conflicts in International Law

Environmental Conflict Resolution 02/07/11 lecture: Conflict versus Cooperation


Gorman, Robert F (1993). The Horn of Africa: The Anatomy of the Somali Civil War and

Jones, Mark. (2011, April 25). *Dark deeds on the high seas.* Retrieved from
http://somalilandpress.com/dark-deeds-on-the-high-seas-21654

(Jones, 2011)
References

