



**ILLEGAL FISHING AND PIRACY IN THE GULF OF ADEN:
A STUDY OF SOMALIA FROM 2000-2014**

OBI, UCHENNA S.; & OBIEKEZIE, NKIRUKA P.

Department of Political Science Education, F.C.E (T), Umunze, Anambra State.

Abstract

The Gulf of Aden remains strategically important to the international community due to its location and rich aquatic resources. Meanwhile, the problem of illegal fishing and piracy in the gulf has remained intractable. This study investigated the nexus between illegal fishing and incidence of piracy in the Gulf of Aden. The study was guided by two research questions which sought to discover whether there is a relationship between illegal fishing and piracy in the Gulf of Aden as well as the efficacy of the strategies adopted for the management of piracy in the Gulf of Aden.. The study established that the rise in Piracy is attributed to businessmen which saw Piracy as profit making enterprise. The study further established that the strategies so far adopted to check illegal fishing and piracy in the Gulf of Aden has been ineffective. Therefore, the researchers recommended ban on illegal fishing, making piracy more risky and less lucrative as short term solutions within the current context of statelessness in Somalia while advocating for the formation of a strong, centralized, federal state under the supervision of the International Community in Somalia as long term strategy to check the incidence of illegal fishing and piracy in the Gulf of Aden.

Keywords; *international, community, illegal, fishing, piracy, incidence, strategy.*

Introduction

The Gulf of Aden is an area located in the Arabian Sea between Yemen, on the south coast of the Arabian Peninsula, and Somalia in the Horn of Africa. The bordering countries include Djibouti in the Western shore, Yemen in the

northern shore and Somalia in the southern shore. Historically, it was known as “The Gulf of Berbera”, named after the ancient Somali port city of Berbera on the south side of the gulf, the name “Gulf of Aden” became popularized during the colonial era as Aden grew in significance.

The Gulf of Aden as it is popularly known today is very significant to the political economy of international relations due to its role in the world economy. About 11 percent of the world’s seaborne petroleum passes through the Gulf of Aden to the Suez Canal. For instance each year, over 21,000 vessels pass through the Gulf of Aden, making it one of the most important waterways in the world linking the Indian Ocean to the Red Sea and Suez Canal (Carafano, Weitz and, Anderson 2009, 7). More so, the waters of the Gulf of Aden are important sea route and a major source of income and livelihood for the Somalia due to its rich marine resources.

Contemporary piracy in the Horn of African has its roots in the Civil War and the subsequent failure of the Somali government of Siad Barre in 1991. However, in the late 2000s, the gulf evolved into a hub of pirate activity (Amsdorf, 2013). The frequency of Somali piracy exploded especially during August 2008 with the waters adjacent to Somalia being the most pirate-infested waters in the world (International Maritime Organization, cited in NIBR Report, 2009; The Economist, November 22, 2008). According to ICC International Maritime Bureau (2014) Somali pirates attack ships in the northern Somali coast in the Gulf of Aden and demand ransom for the release of the vessel and crew. Again, illegal fishing activities in the gulf have remained a source of worry for international community. According to Lehr and Lehman (2007, 13), Somali fishing communities began to struggle for three reasons. First, foreign trawlers were coming closer to shore, depriving local Somali fishermen of their catch. Second, foreign trawlers were using prohibited fishing equipment, including nets with small mesh sizes and sophisticated underwater lighting systems to increase the size of their catch, leaving little fish behind.

Finally, foreign vessels were attacking Somali fishermen by destroying their equipment and sometimes ramming their boats with larger vessels. More so, dumping of illegal wastes off the Somali Coast was an additional concern for fishermen and fishing communities and the lack of security on land emboldened foreign fishing fleets to operate closer to shore at the expense of local fishermen causing angry fishermen, claiming to be members of the Somali Coast Guard

or the Somali Marines, to attack vessels deemed to be fishing illegally in the waters off Somalia (Carafano, Weitz, and Anderson 2009, 9).

Somali pirates are becoming more sophisticated using more advanced technology, and seems more co-ordinated. As a result, since 2007, African waters have overtaken waters of Southeast Asia as the traditionally dangerous hotspots of global piracy with Somalia accounting for more than half of pirate attacks recorded annually in Africa and even globally (Onuoha, 2012). Due to the increase in pirate attacks, insurance premium for ships transiting the Gulf of Aden has increased substantially. This has serious consequences on Somalia's economy, its neighbours and the global economy. The direct and indirect cost of piracy to the global trade and Somali economy is estimated to be around 16 and 7 billion dollars respectively (Gilphin 2009, 6; Onuoha, 2012).

The incidence of illegal fishing and piracy in the Gulf of Aden has been a serious challenge to the area and international political economy. As noted by Onuoha (2012), the resurgence of pirate attacks in African waters poses serious concern to African states and the international community. Again, since Somalia descended into chaos in 1991, fishermen from Europe and Asia illegally poach the country's marine resources, extracting between \$90 million to \$300 million per year in fish catch from Somalia's maritime jurisdiction. (Kraska 2010, 116). The incursion of these foreign fishing vessels pushed local fishermen out of business and have created face-off between the local and foreign fishermen.

In the light of the above, this study investigated the extent illegal fishing affects the incidence of piracy in Gulf of Aden. It also examined the efficacy of the mechanisms and strategies put in place to check the incidence of piracy and illegal fishing with a view to suggesting proactive strategies that can mitigate the menace in the Gulf of Aden.

In order to address this identified *lacuna* in literature, this study therefore formulated the following research question;

Research Questions

1. To what extent does illegal fishing affect the incidence of piracy in the Gulf of Aden?
2. What is the efficacy of the strategies adopted for the effective management of piracy in the Gulf of Aden?

Research Design

This study is based on the ex-post facto research design which involves observing the independent and dependent variables at the same time because the effects of the former on the latter have already taken place before the investigation. Kerlinger (1977) defined the ex-post facto design as a form of descriptive research design in which an independent variable has already occurred and in which an investigator starts with the observation of a dependent variable. He then studies the independent variable in retrospect for its possible relationship to and effects on the dependent variable. Thus, using the ex-post facto design, we obtained information about the illegal fishing activities and incidence of piracy in the Gulf of Aden and tried to examine if there is any form of relationship between the two variables.

Illegal Fishing and Piracy in the Gulf of Aden

The resurgence of pirate attacks in African waters is currently a subject of serious concern to Africa and the international community. In the last decade, piracy in African waters is concentrated in three main regions: Somali coast/the Gulf of Aden along the East African Coast; Nigeria's territorial waters in West Africa; and the Mozambique Channel/Cape sea route in Southern Africa. Meanwhile, piracy off the Somali coast accounts for more than half of pirate attacks recorded annually in Africa. For instance, there were 439 piracy attacks worldwide in 2011, more than half of which were attributed to Somali pirates operating in the Gulf of Aden (Onuoha, 2012).

For the past decade, maritime piracy has been on the increase around Africa in spite of growing national, regional international efforts at improving maritime security in these sea routes. There were a total of 1434 incidents of piracy in Africa between 2003 and 2011. From 2007, the number of attacks has been on the increase, it jumped from 61 in 2006 to 293 in 2011 (see table 1).

Piracy as a Consequence of Self Preservation

The problem of illegal fishing in the Gulf of Aden is definitely a reality. According to a Norwegian fisherman with experience in the region, foreign trawlers have fished within a 200 nautical mile zone off Somalia since the breakdown of the Navy in Berbera in 1986 (Author Interview in Hansen 2012, 27). It should be noted that illegal fishing is actually traditional in this areas and is akin to the nomadic practice of onshore Somalis crossing national borders.

Offshore fishermen from Bajuni tribe based in Kenya often use their dhows to fish around the areas of Kismaayo, a practice that is older than both Independent Kenya and Independent Somalia. There are other actors as well and sometimes they are targeted by pirates when they are deemed suspicious. For instance, the fishing vessel Tian Yu No. 8 was captured close to Kismaayo, well inside the 200 nautical mile zone on 13, November 2008. According to the Danish Private Company Risk intelligence, it was captured with about 35 tonnes of tuna, 25 tonnes of lobster and 35 tonnes of shark fin as well as illegal ivory on board (Hansen 2012, 27). Thus, it is clear that illegal fishing activities are going on the Gulf of Aden.

Nevertheless, only a small amount of fishing ships have actually reported attacks, or attempted attacks within the 200 nautical mile Exclusive Economic Zone off the Somalia. Therefore, it is either the pirates do not find or did not want to take action against many fishing boats in the Gulf of Aden. It has been noted however, that the most common victims of Somali piracy have been various forms of tankers and slow-bulk moving carriers. Such ship/vessels have no connection with the fishing business in the Gulf of Aden.

Fishing vessels may be widely present in the rich seas of the Gulf of Aden, but pirates usually leave them largely undisturbed while preferring more profitable targets instead. Ironically, the success rate of attacks on larger ships is generally lower than that of attacks on fishing ships. Attacks on fishing ships are more likely to succeed than attacks against bigger and slower ships. Pirates avoid attacking targets with the highest probability of success, essentially undermining the validity of any claim that what they are doing is based on the alleged contempt on foreign fishing activities in the Gulf of Aden. 'In the words of one of the pirates, 'we don't attack fishing ships as what you can get from them is limited in terms of ransom. We attack big Cargo ships' (Author Interview in Hansen 2009, 28). An analysis of targeting practices of Somali piracy is thus highly revealing. It is the ship types more likely to garner a higher ransom that are targeted, inspite of lower probability of success compared to attacks against fishing ships. The mere fact that, in spite of the high success rate of attacks against fishing ships, pirates choose not to target them provides a clear evidence of their disinterest in avenging illegal fishing vessels which they claim is responsible for their woes.

Secondly, estimation of Puntland confirmed that inspite of illegal fishing in the area, fish stocks in the sea are still enough to sustain the fishermen to a level

comparable to what they had in the past (Hansen 2009, 9). The economic impact of illegal fishing is probably lower than expected.

Finally, coastal communities living from fishing only represents a very small fraction of the Somali population. Thus, illegal fishing has a limited impact on national level and can hardly be said to be significantly related to the rise in Piracy.

Table 1: Actual and Attempted Attacks against Ships in African Waters, 2003 - 2011

Africa	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total
Angola	3			4	1	2			1	11
Benin	1						1		20	22
Cameroon	2	4	2	1		2	3	5		19
Congo DR				3	4	1	2	3	4	17
Egypt					2			2	3	7
Eq. Guinea						1				1
Eritrea		1			1					2
Ghana	3	5	3	3	1	7	3		2	27
Guinea	4	5	1	4	2		5	6	5	32
Guinea Bissau							1			1
Gulf of Aden	18	8	10	10	13	92	117	53	37	358
Ivory Coast	2	4	3	1		3	2	4	1	20
Kenya	1	1			4	2	1		1	10
Liberia	1	2			1	1		1		6
Madagascar		1	1		1					3
Mauritania		2	1	1						4
Morocco			1		1	1				3
Mozambique	1				3	2				6

Nigeria	39	28	16	12	42	40	29	19	10	235
Red Sea							15	25	39	79
Senegal	8	5								13
Sierra Leone		3		2	2				1	8
Somalia	3	2	35	10	31	19	80	139	160	479
South Africa	1									1
Tanzania	5	2	7	9	11	14	5	1		54
The Congo						1		1	3	5
Togo	1			1		1	2		6	11
Total	93	73	80	61	120	189	266	259	293	1434

Source: IMB Piracy and Armed Robbery against Ships Annual Reports, 2003-2011 (in Onuoha, 2012)

President Siad Barre fled Somalia in January 7, 1991 and the different armed groups fighting for the soul of the country could not agree on a power sharing deal and none was strong enough to assume complete control leading to the collapse of state institutions. (Lewis 2002, 265 – 266).

The developed nations of Asia and Europe took advantage of the governance vacuum in Somalia to poach maritime resources in the Gulf of Aden off the coast of Somalia. To lure fish to their traps, foreign fishing vessels reportedly use fishing equipment under prohibition such as nets with very small mesh sizes and sophisticated underwater lighting system (middle-east-online.com, July 26, 2008). This clearly violated Articles 56(1) (b) (iii) of the law of sea convention which states that.

“In the exclusive economic zone, the coastal state has jurisdiction as provided for in the relevant provisions of this convention with regards to the protection and preservation of the marine environment”.

Article 57 of the convention in turn outlines the limit of that jurisdiction:

“The exclusive economic zone shall not extend beyond 200 nautical miles from the baseline from which the territorial sea is measured” (UNCLOS, December 10, 1982).

The action of these foreign powers on Somali waters led to the displacement of local fishermen thus condemning them to a life of poverty and unfair competition. Moreover, not only did foreign ship take advantage of the political situation in Somali to exploit its maritime resources, they also dumped toxic waste. This brought a lot of hardship on the Somali local fishermen. They banded themselves together and started attacking and hijacking foreign fishing vessels along their coast with the aim of reclaiming their marine resources. They later turned their attention towards commercial ships that are on transit in the Gulf of Aden more than 12 nautical miles from the shore. This has become one of the most repeated explanations of Somali Piracy.

Several researchers have stressed, in their view that there is a causal relationship between illegal fishing and piracy in the Gulf of Aden. However, analyses supporting this claim are often based on interviews with pirates and their collaborators who are interested in appearing innocent. These interviews are usually filled with half-truths, inconsistencies and ambiguities.

This research argues that it is essentially misleading to claim that Somali pirates in the Gulf of Aden are driven by idealistic motive of protecting the Gulf of Aden from foreign fishermen. However, this research does agree that illegal fishing in the Gulf of Aden does exist and has existed long before the collapse of the Somali state in 1991. It is noteworthy that while illegal fishing is used by pirates to garner local legitimacy and support, it does not actually influence their actions.

For example, on 9 September 1994, the cargo ship MV *Bonsella*, transporting emergency aid (first aid medicine) to Somalia, was approached by the dhow that started to fire on it using high inefficient mortar rounds. The *Bonsella* issued a Mayday call, which resulted in the pursuing boat making radio contact, claiming to be the Somali Coast Guard patrolling to catch illegal fishers, and that *Bonsella* should stop “in the name of the law”. Assurances were made that the firing would stop when the *Bonsella* stopped; the *Bonsella* was then boarded by 11 men. A total of 2 pirates were involved. Despite carrying first aid to Somalia, and despite not being involved in illegal fishing, the ship was hijacked. The pirates justified this by claiming that they needed a faster ship to stop illegal fishing. The boat was then used to follow and attempt to capture two other ships using the same strategy – hailing them in the name of the Coast Guard to get them slow down. These ships were also cargo ships, and there was no reason to assume they were connected with illegal fishing.

Strategies that have been Adopted to Check the Incidence of Illegal Fishing and Piracy in the Gulf of Aden

The threat of illegal fishing and piracy in the Gulf of Aden poses a significant problem to national, regional and international governments that use this important waterway. Somalia, regional and international organizations have limited capabilities in combating the problem of illegal fishing and piracy in the Gulf of Aden.

There is a perception within Somalia that the international community has not done enough to check the incidence of illegal fishing in the Gulf of Aden. This is because many of the countries participating in counter-piracy efforts are also those that benefit most from illegal fishing in the Gulf of Aden.

According to Hansen (2009, 13), this perception is reinforced by reports that Spanish forces have in the past detached themselves from counter-piracy duties to protect their flag vessels engaged in illegal fishing close to Somali shores. He pointed out that when the Spanish flagged fishing vessel *Alkrana* was hijacked by Somali pirates in 2009, Spanish forces made several unsuccessful attempts to free it, and when the vessel was later freed after a \$4million ransom have been paid, and no investigation was carried out by Spanish authorities.

However, in 2006, there was an attempt to place an embargo on fish coming out of Somali waters. This was done to check the problem of illegal fishing in the Gulf of Aden, but sadly, the proposal was rejected by the UN Secretary Council (Tharoor, 2009). Also, the inability of Somalia to defend its waters and its failure to deposit its claim for an economic zone at the United Nations has hampered its efforts in checking illegal fishing in the Gulf of Aden. The Transitional Federal Government (TFG), the internationally recognized government in Somalia is working hard to deposit a claim at the United Nations but its efforts is currently frustrated by the fact that it has not demarcated its maritime borders with Kenya and Yemen (Hansen 2012, 30). It is expected that when the claim is properly deposited at the United Nations, it will greatly discourage the practice of illegal fishing in their territorial waters as well as give the international community the much needed impetus in protecting the Gulf of Aden from illegal fishing.

On the other hand, strategies to check piracy in the Gulf of Aden have been varied. These strategies range from national, bilateral, regional and international, private security companies to the activities of the shipping industry as well. On the national front, there were various strategies by countries

such as Kenya, Somalia and Yemen to check the incidence of piracy in the Gulf of Aden. According to Heitman (2009), Kenya entered into an agreement with the United States to establish a detention facility in Kenya where suspected pirates caught in the Gulf of Aden are to be tried and detained. In 2009, an initiative was undertaken by the Somali Transitional Federal Government (TFG) to train 500 officers. This initiative was largely funded by international donors (Press TV, September 9, 2009). Yemen on its part formed an anti-piracy unit with 1,600 Special Forces and 16 patrol boats purchased to combat piracy (Al-Alaya and Al-Kisbi, 2008). In 2009, the United States provided funding for the purchase of two patrol boats and radios to augment the Yemeni Navy (Sharp, 2009).

National strategies have been insufficient in combating piracy because of lack of security, resources and political instability in the region. Pirates have been able to exploit these weaknesses and as a result, have been able to establish safe havens where they can plan and stage attacks without fear of government intervention. Efforts towards bilateral strategies in the fight against piracy have been limited and have contributed to strengthening the legal and institutional weaknesses found on land and at sea. In January 2009, Kenya and United States signed a Memorandum of Understanding (MOU) that allowed captured pirates to be turned over, tried in their courts and imprisoned if found guilty. This prevents the practice of transferring back the suspects to the flag countries of the vessel that caught them. The British and European Union have also signed similar agreements with Kenya (Riggs, 2009).

The EU also established a naval operation code named ATLANTA. According to Treves (2009, 46), the main goal of this bi-lateral strategy is to suppress piracy in the Gulf of Aden. It also provided security for vessels carrying World Food Programme (WFP) deliveries to Somalia and other vulnerable vessels in the Gulf of Aden. According to Gliere (2009), they have been authorized to “take necessary measures, including the use of force, to deter, prevent, and intervene in order to bring to end acts of piracy and armed robbery, which may be committed in the areas where it is present”. The EU also established a force called EU NAVFOR to check the incidence of piracy in the Gulf of Aden. This organization established an online centre known as Maritime Security Centre – Horn of Africa whose purpose is to provide mariners, ships owners and agents a secure site to update positions of their vessels and receive information and guidance designed to update position of their vessels and receive information

and guidance designed to reduce the risk of pirate attacks. It also established an Internationally Recommended Travel Corridor (IRTC) in the Gulf of Aden for merchant ships to travel through which is regularly manned by maritime forces (<http://www.machoa.eu/About.aspx>).

NATO also has several standing maritime forces conducting anti-piracy operations in the Gulf of Aden. For instance, its maritime force code named Operation Ocean Shield began operations on August 17, 2009 with the mandate to protect against pirate attacks; seize suspected pirates and deliver evidence to law enforcement agents; facilitate regional states capacity to conduct-piracy operations; and coordinate NATO operations and initiatives with coalition maritime forces. (<http://www.shipping.nato.int/counter> Pir). In 2009, the International Maritime Organisation (IMO) convened a meeting in Djibouti of 17 states from the Western Indian Ocean, Gulf of Aden, and Red Sea Areas to discuss cooperation in a manner consistent with International Law, in interdicting and seizing suspected pirate ships and property on board such ships and rescuing ship, persons and property subjected to acts of piracy (IMO News 2009, 7).

During the meeting, the Djibouti Code of Conduct was adopted and signed by nine countries in the Region: Djibouti, Kenya, Madagascar, Ethiopia, Maldives, Seychelles, Somalia, Tanzania and Yemen attended by 17 countries, representatives from United Nations, and various international inter-governmental organizations (Fouche 2010, 147).

Furthermore, participants of the Djibouti Code agreed to co-operate in a manner consistent with international law, in the investigation, prosecution and seizure of suspect ships. They also sought to promote the implementation of resolutions adopted by the United Nations Security Council regarding the repressing of Somali Piracy (Wambua 2010, 9). Regional strategies adopted and outlined in the Djibouti Code of Conduct are promising but insufficient in combating piracy in the Gulf of Aden. Many of the nations that signed the agreement have political and economic problems that limited their abilities to address some of the basic casual factors of piracy.

The International Strategy to check the incidence of piracy in the Gulf of Aden is contained in Resolution 1816 adopted in June 2008 at UN Security council. The Resolution urges states to:

- a) “Enter the territorial waters of Somali for the purpose of repressing acts of piracy and armed robbery at Sea, in a manner consistent with such

- action permitted on the high seas with respect to piracy under relevant international law; and
- b) Use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery” (UNSC, 2008b).

According to Guilfoye (2008, 695), the resolution encourages a package of measures such as coordination between marine vessels on the coast of Somalia, information sharing and cooperation between states, international and regional organizations and encourages states to provide assistance to Somalia and the other coastal states. Furthermore, the Resolution uses the word “all necessary means”, which implies that the use of force is permitted. Thus, the resolution seems to authorize states to pursue pirate vessels from International waters into the territorial waters of Somalia and to use force to contain them on those waters. Somalia itself consented to this resolution and it lasted for six months. There were further Resolutions which include Resolution 1838 and 1846 which authorized actions to fight piracy in the Gulf of Aden for one year. Resolution 1851 went a step further by allowing cooperating states to take measures on land as well as on sea (New York, Department of Public Information, 2008). This various resolutions opened the door for various international coalition forces against piracy which include CTF-151, NATO, and EU- NAVFOR etc. The shipping industry and the Private Sector have developed strategies to check the growing piracy threat in the Gulf of Aden. The response by the shipping industry has been guided by the inability of states like Somalia to protect their territorial waters and the insufficient number of maritime forces available to provide security to commercial vessels. In some instance, ships have used alternative routes to avoid the waters of the Gulf of Aden rather than risk paying huge ransom (Plouch, 2009). Other strategies used by ship owners to check the incidence of piracy include increasing speed, using evasive maneuvers, electric fences, fire houses and the hardening of interior spaces to attack. In 2005, the crew of the cruise ship *seaborne spirit* used long-range Acoustic Devices (LRADs) that emit loud noises to successfully deter an attack on its ship (Talley 2008, 96).

Private Security firms have played a small but growing fight against piracy in the Gulf of Aden by protecting merchant ships. In Somalia, the representatives

of governments that include Transitional Federal Government (TFG), Puntland and Somaliland have at various times, contracted private security services to prevent piracy and illegal fishing in their coastal waters.

For example, in 2005, the Transitional Federal Government (TFG) signed a \$50 million contract with TOPCAT Marine Security to help create a Coast Guard and to target Somali mother ships. The US State Department later blocked the deployment because of a United Nations arms embargo (Tomalinson, 2007). In late 2008, BlackWater, a private security company used extensively in Iraq and Afghanistan, announced that it was willing to join the anti-piracy fight by providing escort services using a ship with armed guards and a helicopter to those willing to pay (Fox News, October 26, 2008). Private security have also provided defensive services to shipping companies that include the use of razor wire, attack dogs and visual disruptive devices such as non-lethal lasers.

Our review reveals that available literature has not been able to explicate the nexus between illegal fishing and incidence of piracy in the Gulf of Aden. More so, the effectiveness or otherwise of the strategies adopted to check the menace have not been properly interrogated. For instance, most scholars opine that the incidence of piracy is organically linked to illegal fishing activities in the Gulf of Aden (Lehr and Lehman, 2007; Kang, 2009; Menkhaus, 2009; Waldo, 2009), yet some others argues that the failure of state institutions explains the incidence of piracy in the area (Onuoha, 2012; Hansen, 2009; Hansen, 2008; Earle, 2003). All together, these writers fail to adequately explain the relationship between illegal fishing and piracy. Also, the effectiveness of strategies adopted to check the activities of pirates and illegal fishermen remains obscure.

Conclusion

This study discovered that there is no relationship between illegal fishing and Piracy in the Gulf of Aden. The situation in Somalia reveals that Piracy in the Gulf of Aden is an attempt by the poor to gain access to the fair share of world resources controlled by the rich using crooked means and tactics. The illegal fishing narrative is just an excuse to legitimize their action and gain local support.

Recommendations

Based on the findings of this study, we make the following recommendations:

1. Restoration of Effective State Structure

The Transitional Federal Government (TFG) as the most significant authority in Somalia, but it is composed of a few leaders presiding over a state apparatus that is an empty shell, feckless, ineffective and lacking the core capabilities necessary to run a state. A sustainable solution to illegal fishing and piracy problem in the Gulf of Aden lies in the establishment of effective state structure, which will guarantee security, rule of law, and provide alternative employment opportunities for the Somali people. It is generally believed that it is the best way to solve most problems in the country which include piracy, civil war, illegal fishing, hunger and starvation, humanitarian crises, and the strong flow of internally displaced persons (Hansen 2009, 51).

The best prospect for resurrecting the Somali state lies in Federalism. The goal of a Federal State is to balance local claims to sovereignty that have emerged in regions like Puntland and Somali land, but completely “splitting into small self-contained units cannot be expected to serve the interest of Somalia in the age of globalism” (Hashim 2007, 212). A group of micro states cannot preserve a nation’s identity, culture, and tradition whereas federalism will definitely balance those interests.

In instituting a federal structure for Somali, we strongly advocate the involvement of local actors. Somalia is often seen abroad as an anarchic territory where the strongest player had control. However, despite its instability and violence, there are still various actors that are fulfilling the traditional tasks of the state (whether security, school, health, and judiciary with the introduction of Sharia courts). These people who are successful, credible and acceptable to the population should be co-opted in the establishment of a central state for Somalia. These actors will use their influence, popularity, and goodwill to address the questions of security and rule of law at the local stage by fighting pirate groups, dismantling their structures, and cutting the links between them and their local communities. This is quite achievable given the importance of clan structure in Somalia. A phenomenon like piracy can be fought more efficiently if it is denounced by actors who enjoy the recognition and respect of their clan. The role of the international community could be to identify and provide these actors with the necessary support to carry out this task in terms of financial and material means, capacity building etc. (Hansen 2009, 56-61).

2. Ban on Illegal Fishing

There is a perception within Somali that the naval forces in the Gulf of Aden protects European and Asia vessels involved in illegal fishing and toxic waste

dumping (The Business Daily, September 18, 2010). There are reports that Spanish forces have in the past detached themselves from counter piracy duties in order to protect their flag vessels engaged in illegal fishing close to Somali shores (Hansen 2009, 16). There is a need for the international community to address the problem of illegal fishing in the Gulf of Aden both as a means to preserve the environment and maritime resources around Somalia, and as a step towards a more comprehensive strategy against piracy. It is also crucial that the shipping industry itself pressures the companies that fish in the 200 nautical mile zone to stop doing so. The United Nations as well as Western government should strongly criticize and discourage the practice of fishing inside Somalia's Exclusive Economic Zone (EEZ) and should also look into potential legislation to prevent this practice. This is because the continuation of these illegal activities by foreign fishing vessels undermines counter-piracy efforts and reinforces the legitimacy the pirates enjoy at home. A proposal was sometime in 2006 submitted to the United Nation to ban fish coming from Somali waters, but it was rejected by the UN Security Council (Sone 2010, 76).

This is because many countries participating in counter-piracy efforts are also beneficiaries of illegal fishing activities in the Gulf of Aden. Based on piracy growing profitability, preventing illegal fishing is unlikely to stop it, but preventing it would help to reduce the number of potential targets and the legitimizing myth on which piracy thrives.

3. Revive Local Fishing

Though this study did not establish that illegal fishing contributed to the rise in piracy in the Gulf of Aden, but no counter-piracy measure will work unless pirates who are mostly fishermen are offered genuine alternatives. The fishing sector presents the best options for many reasons. First, it would impact on coastal communities that depend on piracy. Second, the fishing sector has shown ample potential for growth, but mostly suffers from mismanagement. This situation could be corrected by the international community through training and direct material assistance to local fishermen. By developing markets for different species of fish and building cold rooms to overcome conservation problems, the international community could turn Somalia's fishing industry into a self-sustaining business sector. Third, though piracy attracts recruits from far and wide, former fishermen with deep knowledge of the sea are a key component of pirate gangs in the Gulf of Aden (Hansen, 2009).

Taking them out of the business of piracy and returning them to a more legitimate business will greatly boost counter-piracy efforts.

4. Make Piracy More Risky

The biggest risk in piracy business is to get caught and thrown into jail. Pirates generally operate far away from warships patrolling the area so they do not get caught, and are aware of the legal loopholes that facilitate their release even on those rare occasions when they are caught (Times Online, November 29, 2009). Individual nations with stake in maritime trade in the Gulf of Aden should develop the necessary legal framework for trying and prosecuting pirates. This is because the legal obstacle for trying pirates caught in the Somali shores and the Gulf of Aden have been removed through resolutions 1816, 1846 and 1851. The certainty and severity of punishment would make the risk of becoming a pirate significantly higher than the risk of not becoming one. The rational thinkers among the pirates will eventually opt out, and there would be fewer recruits.

5. Make Piracy Less Lucrative

Piracy is the most lucrative business of Somalia, attracting recruits with the promise of better life that would otherwise be impossible to attain (Hassan, 2009). The challenge is to harden targets so that every attempt of pirates is foiled. If pirates go for many months without any successful hijackings, they would have no option than seek for other means of livelihood such as going back to their fishing business. Since warships are not able to protect every single vessel within the very large area of concern (2.5 million square miles), individual vessels should invest in training and equipment to reduce their vulnerabilities. For example, the construction and use of safe rooms where crews under attack can seek refuge have been successful in delaying hijackings long enough for assistance to arrive. It is clear that repression at sea alone will not stop piracy. There is need to explore land based solution to the piracy problem in Somalia as it still represents the best solution. Recommendation No. 1 represents a long term solution to the problem while recommendations 2, 3 & 4 are all applicable within the current context of statelessness in Somali – a situation that have defied solutions for more than twenty years and shows no sign of changing in the foreseeable future.

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