Somali Anti-Piracy Campaign, 2008-2012

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Abstract

Sea piracy, a centuries-old practice, has been portrayed as a phenomenon that rewards its perpetrators while decaying the states where it thrives. The decadence is a product of a piracy-fueled unsustainable criminal economy that erodes and weakens the fibre of the state. Reality and fear of state putrefaction has over the centuries and millennia pushed states to inconclusively counter the menace. The fight against piracy has been a teeter-totter of sorts whose common denominator has been the rise, decline and recurrence of piracy throughout history. Irrespective of the age-old indecisive returns, states have continued to roll out strategies with hopes of ending its vagaries and reforming its attendant criminal economies. While anti-piracy interventions of yore abound, their descriptions are not only chary and loose but also lacking in detail, an aberration that can be redeemed, just as an example by amplifying and contextualizing initiatives taken to curb the fabled Somali piracy. A truer portrait of anti-piracy initiatives can be unearthed by interrogating the international, regional and national steps taken to curtail a scourge that has been recurring in nature.

Keywords:

Introduction

Throughout recorded history, neither a warrior generation nor a powerful polity has succeeded in completely extinguishing sea piracy from its shores or distant but important pirate-infested waters around the world. Over the centuries, the principal fighters against piracy have been navies of successive world powers or whose vast maritime interests are hampered by piratical activity. All through these hundreds of years, powerful polities from empires to nations and modern states have unsuccessfully mobilized their navies to crush pirates (Schneider 2014; Kutsoati 2011). The historicity of these inconclusive anti-piracy campaigns in world waters is interwoven by inherent weaknesses and contradictions have been eroded by passage of time thus impairing us from knitting a clear portrait of the same. This unavailable portrait only allows us to speculate on the circumstances that may have underpinned the inability of empires of yore to successfully extinguish sea piracy. One such speculation may have been the successive polities' duality of interests in the anti-piracy campaigns. The same duality underlined the Somali anti-piracy campaign despite the popular perception that Somali piracy is new and not a relic from the past.

'Ending' Piracy through the Centuries

Throughout history, piracy has drawn the ire of empires and nations and the needs to end it. If one could flip back time in this world, the person will not only be able to walk in the footprints of successive piracies but also encounter the ire of polities against the menace. Irrespective, the outcome of the campaigns through millennia and centuries to end the sea piracy have never completely vanquished the menace which in turn has turned the campaigns into a see-saw affair

whose common denominator has been the rise, decline and recurrence of piracy throughout history. As such, the emergence, peak and decay of polities with maritime influence and interests have always had an intertwined resonance with sea piracy. Their intertwined path is characterized by growth, expansion, decline and subsequent emergence of new polities and sea piracies, a reality which reveals the recurring nature of sea piracy as a consequence of the changing fortunes of polities with maritime interests as was the case in the ancient times.

About 4,500 years ago, ancient Egyptians were not only constructing their pyramids but they were also running an intricate trading web on the Mediterranean Sea whose vagaries included presence of Lukkan pirates (Konstam 2005). Indeed, ancient Egyptian records highlight existence of the Lukkan pirates whose exploits on the Mediterranean Sea included the 14th century BC invasion of the island of Cyrus and signing of a pact with the Hittite empire. All these foregoing actions worked against the interests of ancient Egypt (Konstam 2005), an uncomfortable turn of events, a transgression in the eyes of the ancient Egyptians whose remedy was an attack on the Lukkan pirates. It is believed the ancient Egyptian attack on the Lukkan pirates occasioned their disappearance in the 12th century BC (Konstam 2005). Similarly, several centuries later (7th century BC), there appeared a gang of pirates on the Persian Gulf (The Persian Gulf is a water body which is an extension of the Indian Ocean through the Strait of Hormuz, the Gulf of Oman and the Arabian Sea. It borders the United Arab Emirates, Saudi Arabia, Kuwait, Iraq and Iran). Their presence prompted successive Assyrian kings (Assyria was an ancient empire in Eastern Mediterranean whose reach included present day Syria, Lebanon, Jordan, Israel, Palestine and a large south-eastern swathe of Turkey. It generally emerged at around the 25th century BC and disappeared in 609 BC when it collapsed) to mobilize and deploy their military forces to the Gulf to stop the pirates' disruptive activities on Phoenician and Greek traders (Konstam 2005). Our inability to secure relevant data denies us the chance to ascertain the success of this Assyrian campaign against the Persian Gulf pirates. However, tales of pirate exploits during ancient Greek's domination of the Mediterranean Sea is indicative to the possible survival of the pirates as the Greeks were conceptualizing their city states.

The constantly warring Greek city states chose to either befriend or confront the pirates, a decision that was dependent on the interests of particular states at different times. Thus, while city states such as Crete supported pirate activity others such as Rhodes established navies to eliminate them. It is in this context that the centuries old Cretan support for piracy was ended by Rhodean anti-piracy campaigns in the Second Century BC (Konstam 2005). Both Crete and Rhodes were Greek city states. Elsewhere, piracy supporting city states of Lemnos and Mikonas were invaded and occupied by the city state of Athens so as to eradicate entrenched piratical activity (Konstam 2005). Gradually, the Greek city states realigned themselves into rival alliances whose result was emergence of a Ping-Pong game with pirates with hopes of weakening each other (Konstam 2005). Irrespective, it was Roman (Ancient Rome was a geo-political entity that transitioned throughout its 1,000 plus years of existence from a small but thriving city state into a powerful expansive empire that declined at about 500 AD) and Carthaginian (Carthage is an ancient city state and civilization on south coast of the Mediterranean Sea that attained great military power before falling victim to a series of conquests. Today, its ruins form part of the city of Tunis in Tunisia) conquests that ultimately crushed the Greek pirates with survivors relocating to Cilicia, on modern Turkey's south coast (Konstam 2005). Ironically, Cilicia's inhospitable but piracy-supportive terrain and seclusion was ameliorated by initially unforeseen political chaos in Eastern Mediterranean that turned around Cilician pirates' fate from a staring on extinction to a powerful pirate gang. Roman military victory over the Seleucid Empire (It was founded by Seleucus I in 312 BC upon the death of Alexander the great. It survived for about 2½ centuries and spread to modern day Turkey, Iran, Syria, Lebanon, Jordan, Israel, Palestine, Iraq, Kuwait, Afghanistan and western Turkmenistan) in the 1st quarter of the 2nd century BC ushered in an alliance between the Romans and the pirates leading to pirate prosperity

and explosion (Konstam 2005) an opportunity that enabled the pirates accrue enough power in a couple of decades to challenge the Roman Republic. Audacious attacks on Rome's notable citizens prompted the Roman senate to pass the world's first anti-piracy law in 101 BC (Konstam 2005).

While the new law shut Rome's harbours to pirates in western Asia Minor, it unknowingly emboldened the starved pirates to venture into surrounding waters in search of piratical treasure (Konstam 2005). All through the 1st Century BC, the pirates' unilateral attacks were met by inconclusive Roman anti-piracy raids. This back and forth was eventually halted when Gnaeus Pompeius Magnus (Pompey the Great) was granted an Imperium, *Lex Gabinia de Pirates Persequendis* in 67 BC (Konstam 2005) whose sweeping powers and his military genius synchronized to quiet (Konstam 2005) the pirates. However, the pirates were never really annihilated but they remained in the shadows waiting favourablle conditions to reappear again.

Just like the sun rises in the east and sets in the west, the foregoing see-saw history of piracy continued in the post-Roman Empire era centuries as polities such as the Byzantine Empire (Byzantine Empire was a successor to the Rome's Eastern region after the Roman Empire was divided into two halves - East and West in 395 AD. Headquartered in Constantinople, the empire survived until 1453 AD when it was conquered by the Ottoman Empire) supported pirate gangs and their activities so as to protect their interests (Konstam 2005). Polities that were adversely affected the same pirate activities opted to institute anti-piracy initiatives. Just like the Byzantine Empire, the Ottoman Empire (Ottoman Empire was an Islamic power that emerged in 1299 in modern day Turkey before expanding its rule to large parts of the Middle East, Eastern Europe and North Africa. It thrived for about 600 years up to 1922 when it was partitioned into several states) gave support to Islamic Corsair pirates whose activities were beneficial to the Empire as a strategy to checkmate rival trading principalities (Konstam 2005). Most of these rivals to the Islamic Ottoman Empire were Christian dominated European polities that chose to execute anti-piracy measures to protect their interests. The ensuing melee between piracy leaning Muslim polities and opposing Christian European polities turned the Mediterranean Sea into a centuries-long battlefield informed by Christian and Muslim identities and allegiances. In the end, the balance tilted in favour of the European Christian polities whose growing maritime power dealt a slow and eventual death to Mediterranean piracy.

A similar scenario played out in the Americas where competing European polities encouraged letter bearing (Issuance of these *Letters of Marque* was a practice that was started by England, France and Holland during war times before been extended to peace times) state sanctioned pirates known as privateers to target treasure-carrying vessels of rival polities so as to expand their mercantilist interests (Wombwell 2010). However, after several decades, the practice was deemed as retrogressive to gainful trade. This change of heart influenced nations to roll out initiatives to end the state sanctioned piracy. Consequently, anti-piracy initiatives were commenced in the 1670's to end piracy in the New World - as America was then referred to. Authorities in Britain were among the first to combat the piracy after they concluded that the piracy was negatively impacting on her commercial interests (Wombwell 2010). The anti-piracy initiatives included the cessation of hostilities amongst European polities that resulted in the 1730 stoppage of piracy but the dormancy was broken by re-emergence of piratical attacks in early 19th century when Spanish authorities in Cuba and Puerto Rico decided to give pirates operational bases. Gradual conclusion of political duels through the 19th century and strong naval patrols by British and American navies eventually halted piracy in the New World but the success was not replicated elsewhere around the world (Wombwell 2010). Among the coasts where piracy was never extinguished was the Somali coastal waters whose prowling pirates captured global attention eliciting initiation of local, national, regional and international anti-piracy measures.

Countering Piracy off Somalia Coastal waters through the Centuries

Just like other parts of the world, counter-piracy measures were initiated to combat Somali piracy whose pirates roamed the Somalia coast, Gulf of Aden, Red Sea and the sprawling Indian Ocean waters. These measures are also centuries old as the Somali coast is a portrait of trade and piratical attacks (Schneider 2014). While Andrew Carlson (2009), Edward A. Alpers (2011) and David Anderson (2009) have shown existence of pirate activity in the general area around the Somali coast, Pierre Schneider (2014) writes that anti-piracy campaigns in the area date back to pharaonic times. It was the Ptolemy-led Egyptian kingdom that attacked Nabataen pirates to protest their interference of Egypt's maritime interests in the Red Sea (Schneider 2014). Indeed, an Egyptian expedition was sent against the pirates for their continuous plundering of vessels sailing to and from Egypt (Schneider 2014). Further, Pierre Schneider wrote that a naval party in a Greek/Roman quadriremevessel also encountered, fought and punished the Nabataean pirates (Schneider 2014). Yet, the Nabataeans survived the attacks and continued to be a threat to vessels along the Northern Red Sea, something that forced Egypt's Plotemic pharaohs (Ptolemaic pharaohs were a Macedonian dynasty that ruled ancient Egypt between 323 BC and 30 BC. It was the last dynasty that ruled ancient Egypt) to send guards to patrol the waters.

Other Egyptian inscriptions show Ptolemic pharaohs appointing officials to oversee maritime issues in the Arabian Gulf. The officials' duties included safeguarding sea traffic in today's Red Sea, Gulf of Aden and Indian Ocean (Schneider 2014). Apparently, such an appointment was indicative of the pirates continued presence along the waters. A similar observation was made by a certain Pliny the Elder who wrote about vessels having archers on board to deter pirates from attacking them (Pliny the Elder, officially Gaius Plinius Secundus was a 1st century Roman author, naturalist and natural philosopher as well as a Roman naval and army commander of the early Roman Empire). An ancient biography of Appollonius of Tyana, a 1st century CE Greek philosopher also captures this growing anti-piracy wave with a description of the construction of a massive Egyptian vessel that operated in the Erythraen Sea (today's Indian Ocean) so as to abide by some local law. The vessel also carried armed men on board to repulse pirates who still roamed the Erythraen Sea (Schneider 2014).

Combat against pirates continued in today's Indian Ocean through the famed *Pax Romana* when Roman Empire's might and influence was felt far and wide. A newly found 144 A.D Farasan (Farasan is a large coral-island group in the Red Sea that today belongs to Saudi Arabia) inscription shows the appointment and stationing of a Roman official and military unit at Farasan to tackle pirates who were disrupting the Indian Ocean trade. Nonetheless, this empire-led anti-piracy campaigns to fight ancient Piracy in the Indian Ocean failed to eliminate it as it continued to rear its head in the post-Roman empires. Byzantine Empire, the political successor to Eastern Roman Empire continued combatting pirates in the northern areas of the Red sea (Schneider 2014). In 640 AD, a caliph-led Muslim movement raided and destroyed a pirate port on the African side of the Red sea (Schneider 2014). Later, the expansionist Muslim movement invaded and occupied the pirate-invested Dahlak Islands (Dahlak Islands are a 200-group islands located in the Red Sea near Massawa, Eritrea) in 702 AD (Alpers 2011). Muslim fight against piracy continued when the Fatimid Caliphate (909-1171 AD) (A Shia caliphate of Arab origin that ruled a vast territory of Africa's Mediterranean coast with tentacles in Sudan, the Levant (present day Israel, Jordan, Lebanon, Palestine, Syria and most of Turkey), Hejaz (today's Western part of Saudi Arabia) and Italy's Sicily island) positioned 'military' ships to protect vessels that plied the Red Sea (Alpers 2011). All concerted efforts to end piracy in the Indian Ocean and surrounding waters didn't bear much fruit as piratical attacks persisted in the subsequent centuries up to the 16th century as mentioned by traders and travelers (Examples include the Island of Soqotra that played host to pirates in the 10th century and traveller Marco Polo complains about piracy in western India in the 13th century amongst others).

As the world ushered a new 16th century, the East African coast and the western Indian Ocean waters were witnessing the arrival of the Portuguese whose dominance lasted for the next two centuries. As much as there is dearth of information on anti-piracy campaigns in these waters in the 16th century, the waters were dominated by Arabs who zealously fought and diminished piratical activities in the Indian Ocean and surrounding waters. In the guise of attacking Muslim vessels to break their dominance along the Indian Ocean waters (Pouwels 2002), the Portuguese executed pirate like attacks. However, piratical activities escalated in the region when in the last decade of the 17th century (1680's) when outfoxed Caribbean (American and European) pirates found their way into the Indian Ocean waters after their temporary piratical sojourn along the West African coast (Konstam 2005).

The entry of American and European pirates into the Indian Ocean reawakened piratical attacks in the waters as their recorded successes included piratical exploits of Henry Every. Henry Every is purported to have captured the biggest pirate treasure (about $105M today) (Konstam 2005). from an Indian fleet. Attacks on British East India Company's vessels prompted the company to tackle and shrink piratical activity in the 2nd half of the 18th century. Still, the Indian Ocean piracy was never fully eliminated as small-scale piratical attacks continued to be reported by travellers and missionaries in the 19th Century. Carlson 2009). The presence of colonial powers in Africa in late 19th and and lager part of the 20th century silenced piracy off the Somalia waters until the descent of Somalia into chaos which enabled resurgence of Somali piracy

21st Century International Initiatives against Somali Piracy

The first 21st century intervention against Somali piracy was primarily designed to combat terrorism as the United States of America (USA), the leading world power perceived that Somalia was bound to be turned into a refuge for terrorists due to its lawlessness. This was in the aftermath of September 11th 2001 terrorist attacks on USA which reawakened American international anti-terrorism campaigns. In the view of the USA, lack of law and order was turning Somalia into a haven for piracy which they saw as a potential enabler of terrorist activities (Lucas 2017). As a consequence, the USA established the Combined Joint Task Force-Horn of Africa (CJTF-HOA) in October 2002 (Lucas 2017). Formed with the co-operation of Somalia's neighbours such as Ethiopia and Kenya, the CJTF-HOA force was formed to counter the supposed entry of Al Qaeda terrorist fighters into lawless Somalia. The force was to generally offer military assistance to regional counter-terrorism operations (Centre for Army Lessons Learned 1019). Though the force was not designed to explicitly deal with Somali piracy, its operational net included fighting against piracy whose results remain unclear.

CJTF-HOA was followed by the deployment of Combined Task Force 150 (CTF 150), a multinational fleet that was to engage in counter-terrorism and maritime security operations (Lucas 2017). A previously existing multinational fleet, it was re-established after the 11th of September, 2001 and detailed to patrol waters off the Horn of Africa and surrounding Indian Ocean waters in support of counter-terrorism and maritime security operations (Lucas 2017). This was an American initiative which later drew membership from other states leading to a rotational command arrangement of the force amongst the participating states (Lucas 2017). Although the promotion of maritime security in the Horn of Africa was among CTF-150's principal assignments, the force gave piracy a wide berth as the menace went unnoticed by the USA government whose major preoccupation was counter-terrorism (Lucas 2017).

As explained in the two preceding American initiatives, fighting piracy was not part of their mandates. Though Somali piracy was yet to draw international anti-piracy responses by 2002, its omission from the two American initiatives amounted to a false start by international community against Somali Piracy. In USA's interests, Somali piracy was yet to emerge as a threat to her maritime trade or that

of her allies (Lucas 2017). Seemingly, fighting Somali piracy was not part of USA's strategic interests in the Horn of Africa. This was also influenced by the 1990's American military failure in Somalia which made the Americans reluctant to engage in another military intervention in Somalia. This apparent American disinterest would later haunt anti-piracy initiatives as other world powers only considered dealing with the piratical problem only when their interests were at risk. Moreover, this initial contextualization of the Horn of Africa through terrorism lens clouded a clear illumination of the Somali piracy problem with the effect of influencing ineffective anti-piracy initiatives.

On 5th November, 2005, 'Seabourn Spirit,' a luxury cruise ship was attacked about 100 miles off the coast of Somalia by suspected Somali pirates (BBC News 2005). Until this point, the international community had shown less interest in the piracy menace in the Western Indian Ocean and surrounding waters. This attack aroused the international interest in the piracy issue including that of the United States of America (Lucas 2017). Subsequently, the American government begun to have discussions on how to stop the scourge with two groups, one in support of military action and the other against a military intervention emerging (Lucas 2017). Apparently, the anti-military group was wary of another military humiliation in Somalia after the American peace enforcement fiasco in 1990's. Moreover, the anti-military intervention officials were cautious of the damage a military operation would do to Somalia's general population and its subsequent negative impact on USA's counter-terrorism campaign (Lucas 2017). These terrorism-centred considerations pushed anti-piracy campaigns to a marginal role thus negating mobilization for the complete defeat of piratical activity off the coast of Somalia. Officials who were against the deployment of the military to fight the piracy emerged convincing particularly on terrorism reflections and persuaded the pro-military to their side. Nonetheless, once senior officials promoted the terrorism narrative, it went without saying that prospective anti-piracy initiatives were aligned with their thinking and perspective, a development that further dented international anti-piracy campaigns against Somali piracy.

Further, an interrogation of the USA's Navy views that appeared to intertwine the fight against piracy and the fight against terrorism will go a long way in helping us to understand the international community's counter-piracy initiatives (Lucas 2017). For instance, Captain John Peterson, Chief of Staff of US Naval Forces Central Command (NAVCENT) was quoted to have stated that the USA was increasingly interested in piracy as it was an activity that was bound to facilitate terrorist organizations (Kucera 2006). Although these views were well intentioned in the fight against Somali piracy, they were premised on the fight against terrorism. This scenario denied the Americans and their international allies an opportunity to full contextualize the counter-piracy campaign which would have been critical in the conceptualization of well thought out counter-piracy initiatives.

The emergence of new extremist Islamist groups in Somalia such the Union of Islamic Courts (UIC) in 2006 forced the USA to re-examine its counter-terrorism strategies in the country and region which further clouded their fight against the piracy. Once UIC took control of Somalia by close of 2006, American agencies worked tirelessly to checkmate the group (Lucas 2017) as their focus on piracy was overlooked for the more urgent UIC threat. The resultant distraction did not augur well with the fight against Somali piracy as much as the UIC became an unintentional ally to the Americans in the fight against piracy as the group's principles detested piracy. The aftermath of this disinterest may have cost the Americans valuable counter-piracy data collection and campaign momentum, a situation that not only weakened but also slowed the American and international forces ability to comprehend and eradicate Somali piracy. With their initial interest focused on terrorism, it can be deduced that international forces led by Americans anchored their anti-piracy campaigns on the terrorism premise which was a prelude to failure.

As a consequence of the influence of focusing primarily on terrorism over piracy, international forces responded to Somali pirate attacks indifferently. International anti-piracy forces reacted

quickly and strongly when vessels with capability to undertake or aid terrorist attacks were attacked and/or hijacked. While the swift and strong responses went a long way in averting terrorist attacks, it gave Somali pirates ideas on the identity of vessels whose capture would not ignite a stampede from international anti-piracy navies. This was the case when naval vessels from Germany and USA promptly responded to an attack on 'Golden Nori,' a Japanese tanker whose chemicals had the potential of being converted into bombs (Lucas 2017). Such responses to Somali piracy that were induced by terrorism considerations occasioned adoption of faulty and weak foundations of the international community's campaign against Somali piracy.

USA's interventions to end Somali piracy was followed by United Nations Security Council's led international campaign to tackle the piracy. This campaign was kicked off at one of the then regular Security Council meetings on Somalia's general security situation (The regular meeting was held on November 19, 2007). It was on one of such meetings on 19th November, 2007 that Qatar, a then non-permanent member of the Security Council raised concern on the then increasing piratical attacks off the Somalia coast (Lucas 2017). Her views were supported by the American representative who went ahead to ask the council to draft a resolution on Somali piracy (Lucas 2017). In an endeavor to ensure realization of a resolution, USA went out of its way to seek support from both major maritime powers such as Japan as well countries with small maritime interests such as Slovenia (Lucas 2017). The United Nations Secretary General's March, 2008 report called for an international maritime task force to combat Somali piracy bolstered USA efforts, making her alongside France, United Kingdom and Panama to circulate a draft resolution on Somali piracy to the Security Council members on 28th March, 2008. (Lucas 2017). In the earlier stages of the drafting of the resolution, coded 1816, China and Russia expressed their misgivings about the idea. Amongst their misgivings was their fear of international anti-piracy navies trespassing Somalia's sovereignty (Lucas 2017).

Though resolution 1816 was applauded as a move in the right direction, China and Russia saw it as an opportunity to push and pull with their western competitors and rivals. So, while China and Russia supported the United Nations Security Council (UNSC) resolution, they threw aspersions on the initiative so as to get even with their western competitors. The power games between China, Russia and western allies only served to show the challenges faced by the international community in organizing a united initiative against piracy. Despite the two states' misgivings, the resolution was adopted and operationized in June 2008 (UNSC S/RES/1816 (2008). Interestingly, China and Russia joined in the anti-piracy operations raising doubt on their focus and objectivity in the campaign. Moreover, the campaign provided opportunities for world powers to spy and checkmate each other to the detriment of the anti-piracy campaign. UNSC S/RES/1816 (2008), Adopted by the Security Council at its 5902nd meeting on June 2, 2008, https://undocs.org/S/RES/1816 (2008).

Despite the adoption of Resolution 1816, pirate attacks continued unabated. In the year 2008, Somali pirate attacks increased by 600% compared to 2007 making Somali piracy to contribute about 40% of worldwide piracy (Lucas 2017). In response to the pirate attacks escalation, USA re-strategized her operations by deciding to solely focus on fighting piracy. However, USA's reenergization of its anti-piracy campaign was a result of terrorist linked happenings. The link was in the hijacking of *Faina*, an arms laden vessel in September 2008 amidst reports of possible cooperation between pirates and Al Shabab, the then fast growing terrorist in Somalia group (Lucas 2017). Once again, the newly focused anti-piracy campaign was a response to USA's terrorist fears, a further fault line in the USA-led international anti-piracy campaign. On paper, the newly reestablished (January 2009) Multi-national Combined Task Force 151 (CTF-151) sole mission was to counter Somali piracy but in reality it was anchored on terrorism fears. The success, therefore, of the new initiative, was likely to be impaired by its terrorism foundation.

The Multi-national Combined Task Force 151 (CTF-151) initiative also became captive to selfish maneuvers by some of its members such as France and Spain. Despite being a member of CTF-151, France was keen on the establishment of a European Union anti-piracy initiative to provide escort to humanitarian aid to Somalia. France's campaign bore fruit when Denmark, France, the Netherlands, Spain, the United Kingdom and Northern Ireland successfully pulled together to establish and operationize EU NAVFOR Somalia - Operation Atalanta (EU Operation Atalanta) on 13th December 2008 (UNSC S/2009/146, 2009). In the case of Spain (Lucas 2017), she was reportedly keen on protecting her fishing vessels that were operating in Somalia's coastal and surrounding waters. As such, the CTF-151 counter-piracy campaign was ridden with self-serving interests of some states. The ensuing competing undercurrents occasioned distraction and heightened chances of failure in the anti-piracy campaign.

Disruptive and competitive interests amongst the international anti-piracy initiative members continued when the USA privately campaigned to have NATO join them in the Somali counter-piracy instead of the European Union (Lucas 2017). Although the USA was not forthright against European Union's participation in the Somali anti-piracy campaign, the lack of enthusiasm by Americans about European Union planned entry into Somali waters portrayed the probability of states ending up working in cross purposes. Lack of synergy among interested parties heightened the possibility of a mission which would not have delivered success in the fight against Somali piracy due to presence of competing moves. From her initial preference of a NATO force over a European Union force joining the counter-piracy initiative off the Somalia waters, the USA, it is feared did not fully embrace the European Union's Operation Atlanta, a scenario that may have led to a disjointed operation.

Somali piracy's focus on ransom payments ended up painting the international anti-piracy negatively, probably laying embers for the continuation and escalation of the piracy. After the capture of *Golden Nori* in October 2007, American and German naval vessels followed the hijacked vessel to its anchor (Starr 2018), where the military kept watch over it until it was released. After six weeks, *Golden Nori* was released, a process mired in secrecy and opaqueness. However, it is believed that ransom was paid right under the noses of the American and German military vessels (Reuters 2007). A similar pattern repeated itself when American naval vessels tracked and monitored the hijacked *MV Faina* near Hobyo until its release (Jones 2009). Reports also indicated that ransom was paid for the release of the hijacked vessel, again, in clear view of anti-piracy international naval forces. International forces 'acceptance' or 'disinterest' of ransom payment only but emboldened Somali pirates. Fired up by a sense of invincibility due to their good bargain and eventual receipt of ransom in full view of the world's most powerful navies, the now 'untouchable' pirates grew confident to continue pursuing their piratical interests in the presence of the world's greatest navies.

Despite the media, and in particular Western outlets, having played an important role in highlighting the sources, levels, intensity and decline of Somali piracy, it also uncharacteristically wrongly shaped the international fight against the piracy. The media's desire to serve certain interests including receipt of higher sales influenced them to choose incorrect and sensational reporting on the piracy. This was the case when the media amplified the piracy-terrorism nexus in Somalia. This was worsened when respectable media outlets such as the BBC published the jaw dropping nexus (Plaut 2008). To the BBC and other Western media outlets, piracy and terrorism had close linkages which was untrue as the truth was that there only existed some isolated local cooperation between the two entities for personal survival reasons. Thus, the incorrect but sensational reporting contributed in shaping western governments responses and initiatives against the piracy. Acting on the basis of sensational reporting, Western governments picked the terrorism narrative, an idea that was not yet exhaustively researched. Thus, world powers prepared, structured and executed their anti-

piracy campaigns on a questionable premise, a background with a potential of leading to the failure of the counter-piracy initiatives.

Discord within United Nation's international anti-piracy campaign reemerged when the organization adopted another Security Council Resolution (UNSCR) 1846 to broaden UNSCR 1816 provisions on 2nd December, 2008 (UNSC S/RES/1846 (2008). During its drafting and adoption processes, USA and Germany differed on the issue of pursuing Somali pirates onshore. Americans felt that such an engagement was necessary so as to vanquish the piracy but Germany saw it as an unnecessary as it had potential for Germany getting into a land-based conflict in Somalia (Lucas 2017). The international anti-piracy campaign discord hampered a smooth synchronization of initiatives thus allowing the pirates survival chances. Challenges in getting unanimity among states engaged in the anti-piracy campaign was/is indicative of a probability of diminishing a piracy but not eliminating it altogether. Fears, gaps and misunderstanding of international Somali anti-piracy partners provided an enabling environment for the piracy's recurrence. (UNSC S/2009/146, (2009)

As the international anti-piracy initiative took shape, its multiplicity and plurality became its other undoing. By early 2009, international counter-piracy initiatives included USA-led CTF-151, European Union's Operation Atlanta (UNSC S/2009/146, (2009) and NATO's Operation Ocean Shield amongst many other multiple independent state naval deployments from across the world. CTF-151, a 'new' counter-piracy force that was separated from CTF-150 on 13th January, 2009. CTF-151's primary mandate was to counter piracy while CTF-150 was to focus on countering terrorism. Operation Atalanta was the creation of France and Spain's campaign to establish a European Union counter-piracy fleet to escort World Food Programme (WFP) aid to Somalia amongst other assignments. Operation Atalanta became operational on 13th December 2008 despite backroom opposition from USA and delaying tactics from the United Kingdom (Lucas 2017). NATO's Operation Ocean Shield formally began counter-piracy engagements in March, 2009 but the organization had received United Nations mandate vide Security Council Resolution 1846 of 2008 which allowed it to counter piracy off the coast of Somalia and escort WFP vessels (UNSC S/2009/146, (2009). Despite the navies endeavour to cooperate and coordinate in their campaigns, there were hitches as some naval vessels were legally barred from getting integrated into international naval operations (Lucas 2017). Other navies were unable to cooperate and coordinate due to their geo-strategic considerations which rendered rapprochement difficult. This was the case with China and Russia whose 'opposing' strand could not allow their navies to work closely with Western navies (Lucas 2017). Similar geo-strategic views hampered any cooperation between western navies and Iran. This legal and geo-strategic infused hitches cast doubt on possibility of registering success in the anti-piracy campaign.

Similar doubts on the anti-piracy campaign arose from the impractical expectations of UNSC Resolutions; 1816 of 2nd June, 2008, Resolution 1846 of 2nd December, 2008 and Resolution 1851 of 16th December, 2008, which allowed international anti-piracy forces to pursue and counter Somali pirates in their territorial waters and onshore land bases. Backed by the resolutions, international anti-piracy forces severally entered Somalia's territorial waters in pursuit of pirates. However, despite the resolutions allowing the forces to target onshore bases and resources, no navy went onshore to counter the pirates (Fawcett 2012). An answer to the navies disinterest could be that they were fearful of starting a new land war in Somalia which in turn could have blurred the anti-piracy campaign. A close look at Somali piracy's portrait reveals that the onshore component of the piracy was   as critical as the sea hijacking attacks with the potential of re-igniting the piracy.

Moreover, the United Nations Security Council resolutions required international anti-piracy forces to notify and get approval of Somalia's TFG before pursuing Somali piracy suspects to their territorial waters and land bases (Fawcett 2012). Even though the TFG approval was a noble requirement to protect Somalia's sovereignty and territorial integrity, its implication and practicability was not

guaranteed. TFG's capacity to determine whether a particular naval force could enter Somalia's territorial waters in its anti-piracy campaign was doubtful. TFG regimes in Somalia have, in most times, only controlled a few streets in Mogadishu and other towns. Indeed, where TFG claimed coastal presence, its maritime officers and policemen had wanting skills and approaches that could competitively approve anti-piracy forces that entered its territorial waters and land.

Despite the foregoing, successful pirate vessel hijackings began to decline from 2011. The rather problem-prone anti-piracy initiatives appeared to bear fruit. This decline was occasioned by both the long term initiatives but significantly from a buildup and learning from past hiccups and problems encountered in the campaign. From 2011, new measures were adopted to safeguard vessels while naval ships applied new tactics in the pursuit of pirate vessels. Amongst the initiatives was the implementation of defensive measures by vessels that sailed within the Somali pirates' operational range. The measures included use of barbed wire to stop pirates from accessing the vessels during an attack as advised by the International Maritime Organization (IMO). Moreover, by 2011, shipping companies had accepted to contract armed anti-piracy guards to deter hijacking of vessels. In addition, international navies regularly arrested suspected pirates and handed them over to third countries to face court trials. This success of international anti-piracy mechanisms was boosted by local anti-piracy initiatives.

Local anti-piracy initiatives

While it was generally perceived that piracy was a widely supported activity in Somalia's coastal villages, contrary views indicate that the piracy was opposed by sections of the local community. Among those who opposed the menace were Muslim religious leaders with some Sheikhs in particularly standing out to talk against the practice (A Sheikh is a senior Muslim cleric). The Sheikhs urged community members keep away from practice as it went against Koranic teachings and Muslim principles. Sheikhs termed the practice and the ransom money gotten from it, *Haram*. Accordingly, the Sheikhs stated that since the activity was outlawed in Islam, then its proceeds were similarly unlawful. The Sheikhs went ahead to ask the community to shun pirates and desist from transacting in piratical matters as a strategy to curb the menace.

Nevertheless, the Sheikhs' campaign faced a herculean task as their authority had been drowned by the pirates' huge money and its attendant influence in the community. Even so, the Sheikhs' anti-piracy crusade had positive response from the pirates despite unavailability of records on the success rates. This change of fortunes was partially orchestrated by the detrimental effects that the piracy and ransom money had meted on the pirates. Ransom money and pirate life turned pirates into societal misfits whose degradation chipped away at the popularized glamour of pirate money. The degeneration soon captured the attention of some of the pirates' parents and siblings whose reemphasis of the Sheikhs' anti-piracy message persuaded some pirates to turn their backs to the practice. Thereafter, these reformed pirates either resumed their former lives or picked acceptable economic livelihoods.

As a consequence of the Sheikhs' anti-piracy messages, a larger segment of Somali community gradually began to frown upon the practice. Community members felt that it was *Haram* to waylay travelers in the high seas and rob them of their possessions and use them as bait to acquire ransom money. The community believed that nothing worthwhile or blessed came from the ransom money. Parents to the pirates were displeased that their sons had become pirates, seeing the decision as a precursor to ills that will befell their families. Moreover, a young man's decision to become a pirate cast a bad name on their families and dissuaded them from engaging in piracy. Such negative branding led to isolation of the families which came along with its own attendant consequences.

Disapproval of pirate activities by the Somali society was also exhibited by the non-involvement of the community in burial processes of dead pirates. A jailed pirate stated that, "in cases where a pirate died, the family and community members did not bury him as touching his body was *Haram*." Moreover, whenever a pirate died, it was *Haram* for one to buy the burial white clothing using his piracy money for his burial. It is only the pirates who did it by using their own networks to get the white burial clothing. Other pirates quickly mobilized to take charge of the procedures and then bury their own. The Somali community was generally wary of pirate activities and not keen to contaminate their societal standing in respect to Islamic principles.

Pirates who were released from prison or from western anti-piracy navies detention faced a new dilemma after attaining their freedom that was beneficial to the anti-piracy campaign. The released pirates feared getting arrested by Somalia's regional authorities upon their return home. These arrests prompted imprisoned pirates to request their family, clan and friends to put in a 'kind word' to the authorities for their safe passage back home and resumption of normal life when their release was approaching. To their benefit, Somali close knit clan system enabled the community to distinguish between fishermen and pirates, knowledge that was critical as one returned home. As such, an innocent fisherman who was wrongly arrested by the international anti-piracy navies was received back by the community with open hands while criminals including pirates were allowed back with conditions including promises to abandon piratical activity for worthwhile activities. But in cases where these attempts were not made or the response was negative, freed pirates sought safe havens in other regions away from their homes. For instance, if one came from the north, he could go to live either in central or south Somalia amongst their clansmen who are spread throughout Somalia. Similarly, if one came from the south, he went to a kinsman either in central or northern Somalia. Of course, all this was done with the help of the expansive but close Somali kin networks across Somalia and beyond. These preceding initiatives contributed in reducing pirate attacks off the Somalia coast. By 2012, no Somali pirate succeeded in hijacking a vessel marking an 'end' to Somali piracy. However, this apparent success by the international navies has skeletons which seem to continue to stalk the waters off the Somalia coast with a possibility of re-igniting the piracy.

In a development that shows that Somali piracy had gotten subsumed within the context of the contest between western hegemony in a globalized world and localized notions nationalist sentiments, Somali pirates claimed that the anti-piracy war was a conspiracy of Western powers to pursue and sustain their selfish interests along Somalia's coast. The conspiracy unearths the clash between local and western notions of what constituted piracy. In this clash between the local and universal (as seen by the west), the pirates argued that western powers propagated both the piracy and anti-piracy propaganda as a smokescreen to their pursuance of oil prospecting activities. A number of Somalis believe that Western powers used the anti-piracy narrative as an opportunity to prospect for oil off the Somalia coast as Somalia's coastal waters are reportedly low when compared to the oil producing Middle Eastern countries. Further, a section of the Somali population also believes that Western powers were/are patrolling the Somali waters to distract people's attention from their (Western powers) oil prospecting and drilling enterprise off the Somalia coast. Moreover, Somalis believe that the piracy narrative has been induced onto Somalia so as to weaken it so that Western entities can continue furthering their economic interests. These sentiments have the potential of arousing nationalist feelings that can morph into another era of piratical attacks.

There was also a feeling amongst Somali pirates that the western powers are pulling strings behind the scenes to ensure Somalia remains lawless with piracy as one of its outcomes. They argue that the conflict in Somalia is largely political with western countries playing central roles albeit in a shadowy manner. While Western powers routinely enumerate their assistance to Somalia, one wonders why they continue to have their proxies and undercover agents in Somalia whose roles are unknown.

This view is bulwarked by the relative stability in the breakaway Somalia regions of Puntland and Somaliland after the two successfully kept away from western powers' influences and machinations showing that thing work well when the Somali people are left alone.

The success in eradicating Somali piracy has been hijacked by foreign fishermen who are plundering Somalia's fisheries resources. The new post 2012 calm has seen foreign fishermen troop back to Somalia waters to the chagrin of local Somali fishermen (Stewart 2015). The foreign fishermen audacity to operate under the very noses of the international anti-piracy forces has further infuriated local fishermen who have angrily condemned their presence along the Somalia waters. The reentry of foreign fishermen into Somalia waters coupled with the now thinly patrolled (A number of the counter-piracy navies have exited waters off the Somalia coast since the eradication of Somali piracy as from 2012) but vast and open sea carries seeds for the possible recurrence of piratical activity. If left unchecked, these fishermen's anger alongside the fury generated by the seemingly flawed application of law on arrested pirates has the potential of reigniting Somali pirate attacks (Stewart 2015).

Regional Contributions to the Somali anti-Piracy Campaign

International and local anti-piracy initiatives were complimented by regional mechanisms that were overly legal in nature. Prosecution of pirate suspects was wrought with challenges resulting in a number of suspects escaping prosecution. Prosecution challenges mainly stemmed from the fact that only a few countries were willing to prosecute the suspects due to varied reasons. While countries such as Denmark and Germany could only prosecute pirates if they had threatened their national interests or citizens, willing states such as Kenya and Seychelles lacked requisite resources for prosecution processes (Stewart 2015). Both Kenya and Seychelles complained about being overstretched with the cases and were keen to discontinue accepting suspects from the international anti-piracy forces for prosecution. Moreover, the presence of different criminal codes across countries was also problematic in the prosecution of piracy cases as the scenario brewed inconsistencies and possible ill feelings (Haines 2009). Thus, lack of an understood legal system that could be used to try the piracy suspects aroused new grievances particularly from pirates who felt that they had not received justice in their trials. Some of the sentenced Somali piracy suspects were adamant that they were genuine fishermen who had been mistakenly arrested and arraigned in court as piracy suspects (Haines 2009). As much as we cannot authenticate the veracity of the complaint, it elicits an urge to examine the prosecution process. As such, there may be need to evaluate the prosecutorial capabilities of the international naval officers and the extent of their knowledge in the collection of evidence for presentation in court to ensure successful prosecutions (Haines 2009).

Kenya's acceptance to try Somali piracy suspects was not anchored in any particular law. Kenya's Penal Code did not define a piracy offence while Kenya's Merchant shipping Act of 1967 did not state what constituted piracy (Haines 2009). The gap was however removed when the Shipping Act was repealed in September, 2009. By this time, eleven piracy cases had opened in the Kenyan courts (Mwangura 2011). Filing of the cases was not anchored on any law and any good lawyer could have seen the legal loophole. The eleven cases were basically defective in the first instance. Any subsequent sentencing could have been successfully appealed as the requisite law of piracy was lacking in the first place (Mwangura 2011). A further filing of compensation for a wrong prosecution could have had the potential of denting the prosecution of Somali piracy suspects in Kenyan courts. This apparent injustice consequently aroused hatred and hostility from the Somali suspects upon realization of the illegality of their trials. Hatred and hostility is not a panacea to the Somali piracy particularly with the arrest of innocent men by international anti-piracy navies.

The decision by Kenya to accept the prosecution of Somali piracy suspects in its courts seemingly violated the country's supreme law, the Constitution of Kenya. Kenya's new constitution states that a suspect should be presented in court within 24 hours from the time of arrest. However, in respect to Somali piracy suspects, they were brought to Kenyan courts many days after their arrest. Somali piracy suspects who were brought to Kenyan courts of law before Kenya's enactment of a new shipping act that domesticated United Nations Convention on the Law of the Sea (UNCLOS) were held for many days in contravention of Kenya's supreme law. Such a glaring legal mistake put into question the desire by international navies to use legal mechanisms to eradicate Somali piracy. Consequently, this contravening of the supreme law of Kenya and its operational laws did not serve justice to the suspects irrespective of the outcome of their court trials. This injustice was received unfavourably by the Somali populace who interpreted it as an affront on their community with the resultant backlash having the potential of rekindling the Somali piracy as revenge missions for the mistreatment.

Breakdown in communication between suspects and prosecutions hampered prosecutions. As much as the Kenyan law states that an accused person is entitled to be tried in a language that he/she understands, the Somali piracy suspects cases were conducted in English, an alien language to them. In one incident, a judge spoke English and then an interpreter translated the judge's statements into Swedish to the Swedish-speaking witness. The witness' statements were then translated into English. At this point, the Somali interpreter came along to translate the same into Somali to the piracy suspects (Mwangura 2011), a slow and mistake prone process. Alienated by language, Somali piracy suspects felt that they had been denied justice despite the eventual court's ruling- be it freedom or conviction. Attendant bitterness of innocuous individuals amongst the suspects left them an embittered lot with promises of going into the sea in the hope of accruing proceeds to compensate for their unfair prosecution.

Arrested and later convicted pirates questioned the manner in which their prosecution was conducted as a court appointed lawyer took to the floor to defend them after seven American naval officers had given evidence against them. In the meantime, the pirates were not asked to give their side of the story In one case, a court appointed lawyer defended piracy suspects without consulting them on the exact circumstances of their arrest. The feeble defense allowed the judge to jail the suspects for four years without hearing their side of the story. Moreover, the judge did not seem to listen even to the weak defense as he was seen to be listening to the prosecutor's narrative. Such blatantly unfair prosecutions undermined the anti-piracy campaign.

The anger of innocent piracy suspects was exacerbated by the fact that real Somali pirates diversified their operations with the onset of international navies' anti-piracy patrols. In this diversification from piratical attacks, the pirates began to engage in smuggling rackets amongst other criminal activities (Mwangura 2011). This diversification reduced significantly the chances of international forces arresting the real piracy suspects as they engaged in piratical activity. The implication therein is that those who were arrested as piracy suspects were a marginal percentage (some innocent) of the high number of pirates who stalked vessels in the high seas. This then implies that most piracy suspects escaped or outmaneuvered the anti-piracy navies and melted back to the Somali community, posing a lurking threat to claims that Somali piracy had been vanquished.

There were further gaps in the prosecution processes since the assemblage of witnesses to testify against the suspects was flawed. Besides international anti-piracy naval officers agreeing to become witnesses, it was problematic assembling other witnesses who would testify and put suspects at the scene of the actual piratical act. In most cases, witnesses aboard merchant vessels that had been attacked proceeded with their journeys especially if they survived the attack (Robinson 2009). Once such vessels proceeded with their journeys, it became complicated to get the witnesses to travel to

third countries courts to testify in the trials. These circumstances hampered realization of fair trials to the extent of availing suspects opportunities of being found innocent by the courts at the end of trials. Such prosecutorial hurdles only helped to lethargitize the cases which in turn made judges to make rulings on the basis of conjecture.

More prosecutorial malpractices were registered when arrested pirate suspects were unnecessarily moved through third countries before getting to countries where they were to stand trial. Arresting international navies irregularly took piracy captives to Djibouti, Yemen, United Arab Emirates and finally Mombasa, Kenya to face piracy charges. Once in Mombasa, the Kenyan authorities exacerbated the suspects anguish by holding them for three days at the migration clearance desk as they were being processed to enter Kenya. In a fair judicial system, all these travesties of the law should have prompted the judge to give the suspects a lighter sentence.

International anti-piracy navies stand accused of arresting genuine sea-fairing Somalis whom they came across in the seas. Sea-fairing Somalis were arrested on suspicion of engaging in piracy when in reality they were genuine fishermen who were out in the sea to eke an honest living. Some were businessmen and passengers. Moreover, some of the people who were arrested were fish traders who bought fish from Somalia's coastal towns and transported it to Yemen for sale. In one instance, a jailed pirate claimed that as a fish trader, he used to buy frozen fish from Puntland and then transport it to Yemen for sale as fish is scarce and expensive in Yemen. It was in one of his many sea journeys to Yemen that he was arrested. Such concerns sound legitimate as international anti-piracy naval forces lacked mechanisms of differently suspected pirates from lawful maritime operators.

However, this contradicts the international naval forces claim that the piracy suspects were arrested while in possession of arms instead of fishing gear while others were seen throwing their weapons into the sea. Besides the unwarranted arrests, international anti-piracy navies used disproportionate force while arresting piracy suspects. In one instance, it was reported that American forces accosted a group of pirates on a small fishing boat with two military jets, two helicopters and a military vessel probably an intimidating technique to awe and shock the targeted individuals into surrender. Other forces such as the Russians undertook unprovoked killings of piracy suspects (Telegraph 2018) which made a complete annihilation of Somali piracy a mirage.

Conclusion

While Somali piracy beneficial in some quarters, it was powered by criminal dealings that made it unsustainable just like earlier piracies. The world has since the ancient times initiated mechanisms to end the plague of piracy. Although the fight against the menace was led by powerful polities, pirates somehow eluded and survived their might to regroup and reemerge in new locations under a new identity. A global outcry against Somali piracy prompted leading world naval powers to rise up and launch a campaign to terminate the menace. The global campaign was complemented by regional, national and local initiatives.

Regardless, the history of anti-piracy campaigns is replete with only partial successes. Thus, endeavours to curb piracy have only initialized recurring decline and recurrence episodes. This pattern is also true to waters off the Somalia coast as pre-2008 anti-piracy intercessions did not permanently end the menace. Despite the awe and potency of the 21st century naval initiatives to counter and suppress Somali piracy, the countries inherent diplomatic and policy considerations as well as political differences led to an indetermined campaign. The powerful navies' inherent obstructions found resonance in the inadequate regional anti-piracy initiatives.

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