**Forum:** Disarmament Commission

**Issue:** Addressing Piracy in Somalia

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**Position:** Chair of Disarmament Commission

Introduction

Somalia is a country located in the Horn of Africa and a former colony of Germany, Britain and Italy. It gained its independence in 1960. In 1969, President Abdirashid Ali Shermarke was assassinated. His assassination was soon followed by a military coup d’état on 21 October 1969.



Some years after the coup, a civil war broke out, which caused the situation in Somalia to worsen considerably. A result of the collapse of governmental authority that accompanied the civil war was the rise of maritime terrorism and piracy in the unprotected Indian Ocean waters off of the coast of Somalia. This occurrence partly arose as an attempt by local fishermen to protect their livelihood and income from illegal fishing by foreigners.

*Figure 1: Somalia and neighboring countries*

A transnational coalition, Combined Task Force 150, took on the task of fighting piracy by establishing a Maritime Security Patrol Area (MSPA) within the Gulf of Aden in August 2008. Best Management Practices (BMPs), including hiring private armed guards, were also implemented by ship owners. By October 2012, pirate attacks had decreased to a six-year low, with only one ship attacked towards the end of the year compared to 36 during the same time period in 2011.

However, piracy continues to wreak havoc on the country as a whole. In spite of these short-term successes, the international community’s attempts to tackle the root causes of piracy in Somalia itself, through capacity building initiatives and donor activities, are not yet effective enough. Some of the criminal networks behind piracy are still around and while many so-called pirate foot soldiers remain in jail, the main perpetrators continue to be at large.

Definition of Key Terms

Piracy

The term piracy is defined by article 101 of the 1982 United Nations Law of the Sea as:

1. “any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
   * + - 1. on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
         2. against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
2. any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
3. any act inciting or of intentionally facilitating an act described in subparagraph (a) or (b)”.

**IUU Fishing**

Illegal, Unreported and Unregulated Fishing refers to fishing activities that are as per the following:

Illegal Fishing – fishing conducted by national or foreign vessels in waters that are under the jurisdiction of a certain state, in violation of that state’s laws and/or regulations.

Unreported Fishing – fishing that has been misreported or unreported to the applicable national authority.

Unregulated Fishing – fishing conducted by vessels without clear nationality, or in areas which do not comply with the conservation measures of the relevant state.

**Waste Dumping**

Allegations have emerged that after the occurrence of the Somali Civil War in late 1991, Somalia's long, isolated shoreline was used as a dump site for the dumping of toxic waste. The huge waves which pummelled northern Somalia after the tsunami are thought to have stirred up tonnes of nuclear and toxic waste that were illegally dumped in Somali waters by numerous European companies. According to a report by the United Nations Environment Program (UNEP) assessment mission, there are unusually high cases of respiratory infections, mouth ulcers and bleeding, abdominal haemorrhages and unusual skin infections amongst many inhabitants of the areas on the Indian Ocean coast. UNEP sates that the current condition along the Somali coastline poses a very severe environmental hazard not only in Somalia but also in other countries located in the eastern Africa sub-region.

**Profiteers**

An industry of profiteers has also risen around the piracy. Insurance companies, specifically, have profited from the pirate attacks, as insurance premiums have increased considerably. In order to keep profit high, insurance firms have not insisted that ship owners take security precautions that would make hijackings more difficult.

**Combined Task Force**

A international coalition naval task force functioning under the 25-nation coalition of Combined Maritime Forces based in Bahrain cre to monitor, board, inspect, and prevent suspect shipping to pursue the "Global War on Terrorism" and in the Horn of Africa region (HOA). It incorporates operations in the North Arabia Sea to support operations in the Indian Ocean. These actions are referred to as Maritime Security Operations (MSO).

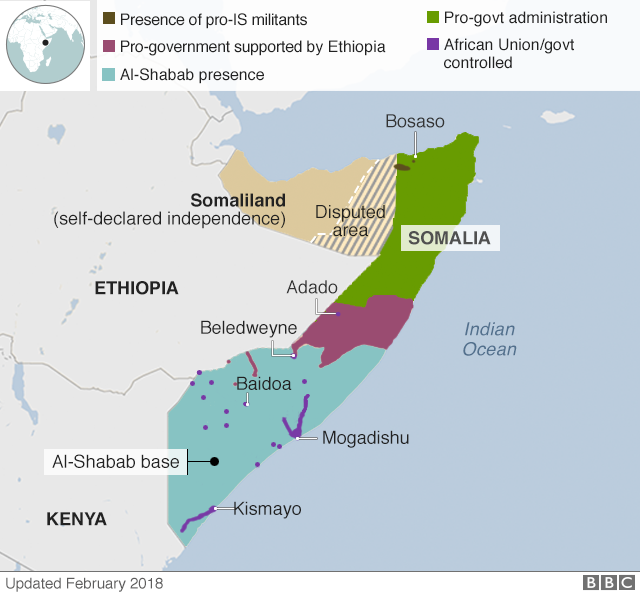
Countries currently backing the CTF-150 include Australia, Canada, Denmark,France, Pakistan, Japan, Germany, the United Kingdom and the United States. Other states who have participated include Italy, India, Malaysia, Netherlands, New Zealand, Portugal, Singapore, Spain, Thailand and Turkey. The command of the task force alternates among the different contributing navies, with commands typically lasting four to six months.

**Gulf of Aden**

A deep-water inlet with Yemen to the north, the Arabian Sea to the east, Djibouti to the west, and the Guardafu Channel, Somalia to the south, where piracy is most widespread.

*Figure 2: The Gulf of Aden*

**Al-Shabaab**

 A jihadist fundamentalist group centred in East Africa. In 2012, it swore allegiance to the militant Islamist organization Al-Qaeda. Al-Shabab continues to conduc­t attacks both in Somalia and in nearby Kenya, such as an attack on 15th January 2019 on a Nairobi hotel complex during which at least twenty-one civilians were killed and hundreds held hostage.

Since its inception in 2006, al-Shabab has exploited the vulnerability of Somalia’s main government, despite the government’s consolidation in recent years, to control large areas of ungoverned terrain. The terrorist group reached its highest in 2011 when it controlled parts of the capital city of Mogadishu and the crucial port of Kismayo.

***Figure 3: Al-Shabaab’s presence in Somalia***

General Overview

Historical Background

*Independence (1960-1969)*

Following World War II, Britain kept control of both British Somaliland and Italian Somaliland as territories.  In 1945, during the Potsdam Conference, the United Nations permitted Italy trusteeship of Italian Somaliland as the Trust Territory of Somaliland. Provisions provided by the Italian trusteeship gave the Somalis the chance to gain experience in Western political education and self-government. These were benefits that British Somaliland, which was to be unified into the new Somali state, did not have. A referendum was held in bordering Djibouti (then known as French Somaliland) in 1958, on the eve of Somalia's independence in 1960, to decide whether or not to join the Somali Republic or to stay with France. The referendum resulted in favour of a continual association with France, largely due to a mutual yes vote by the considerable Afar ethnic group and resident Europeans. On 1 July 1960, the two territories unified to form the Somali Republic, although within boundaries drawn up by Italy and Britain. In 15 October 1969, while paying a visit to the northern town of Las Anod, Somalia's then President Abdirashid Ali Shermarke was shot dead by one of his own bodyguards. His assassination was quickly followed by an armed coup d'état on 21st October 1969 in which the Somali Army was able to seize power without encountering armed opposition — essentially a bloodless takeover. The putsch was commanded by Major General Mohamed Siad Barre, who at the time led the army.

Somali Democratic Republic (1969-1991)

The Supreme Revolutionary Council (SRC) that held power after President Sharmarke's death was commanded by Lieutenant Colonel Salaad Gabeyre Kediye and Jama Korshel, Chief of Police. Kediye officially held the title "Father of the Revolution", and Barre shortly afterwards became the head of the SRC. The SRC consequently renamed the country the Somali Democratic Republic, dissolved the parliament and the Supreme Court, and suspended the constitution.

In July 1976, Barre's SRC removed itself and established in its place the Somali Revolutionary Socialist Party (SRSP), a one-party government focussed on scientific socialism and Islamic beliefs. There was strong emphasis on the Muslim values of societal growth, equality, justice, which the government maintained formed the fundamentals of scientific socialism and its own importance on self-sufficiency, public participation and general control, as well as direct ownership of the means of production. While the SRSP encouraged private investment on a partial scale, the administration's overall direction was effectively communist.

Somali Civil War (1991)

In 1991, the Barre administration was overthrown by a coalition of clan-based opposition groups, supported by Ethiopia's then ruling Derg regime and Libya. Following an assembly of the Somali National Movement and the northern clans' chiefs, the former British portion of the country declared its independence as Somaliland in May 1991. Although de facto self-governing and relatively stable compared to the turbulent south, it has not been acknowledged by any foreign government.



In the early 1990s, due to the prolonged lack of a stable central authority, Somalia began to be categorised as a "failed state”. Political scientist Ken Menkhaus reasons that evidence suggested that the nation had already reached failed state status by the mid-1980s, while Robert I. Rotberg similarly suggests that the state failure had preceded the removal of the Barre administration.

***Figure 4: The Somali Civil War***

Following the civil war, many of Somalia's residents left in search of asylum. As per the UNHCR, there were around 975,951 registered refugees from the country in nearby countries as of 2016. Furthermore, 1.1 million people were internally displaced persons (IDPs). An estimated 60% of the IDPs were children. The key reasons for the displacement include armed violence, periodic droughts, and other natural disasters delayed the IDPs' access to safe shelter and resources. IDP settlements were focused in south-central Somalia (893,000), followed by the northern Puntland (129,000) and Somaliland (84,000) regions. Also, there were around 9,356 recorded refugees and 11,157 registered asylum seekers in Somalia.

Key Players

United States of America (USA)

The United States of America has played a key role in combating the piracy off Somalia and particularly in the Gulf of Aden, since it is a very essential path for American vessels. Initially, the USA created a coalition with warships from 20 different navies, which was prearranged by the US navy as Combined Maritime Forces. On 8th January 2009, the USA established the Combined Task Force 151 (CTF-151), a task specifically created to combat such issues. In 2009, the USA agreed to send unmanned military surveillance planes so as to protect ships by patrolling the Indian Ocean. It is also part of Operation Ocean Shield, which is directed by the North Atlantic Treaty Organization (NATO). The United States of America has considerably increased the rate of air strikes against al-Shabab since 2016 and expanded its troop presence and involvement in Somalia. In spite of this, al-Shabab has conducted more attacks in 2018 than any previous years. Subsequently, it is evident that the United States of America needs to rethink its approach to the issue.

Russian Federation

Despite the fact that the Russian Federation aims to solve the issue of piracy through cooperation within the UN, the country’s government sent the frigate (a warship with a mixed armament) “Neustrashimy” to the Indian Ocean in 2008, after the attack on the MV Faina, in order to secure the Gulf of Aden. This frigate succeeded in protecting a Danish vessel by fighting off pirates with the help of a British warship. Russia has also asked the Somali government to permit the Russian navy to use force in their territorial waters so as to protect them from any potential threat. Somalia has also asked for Russia’s help to combat the issue of terrorism in the country, several times, in particular to equip the Somalian army in order to fight against Al Shabab.

People’s Republic of China

Since 2008, China’s defence ministry has sent navy ships to the Gulf of Aden, namely two destroyers and one supply ship, in order to patrol and aid vessels in case of an attack or a hijacking. Additionally, in 2014, China’s government sent a submarine to support and secure their navy ships in the region, while trying to protect foreign vessels from any kind of danger in the Gulf and in the Indian Ocean. The presence of Chinese vessels, along with Indian vessels in particular, have led to a dramatic decrease in pirate attacks since 2014, as they both embarked on a joint effort to rescuing hijacked ships, such as OS 35.

European Union (EU)

The European Union has taken major steps to solve the issue in the Gulf of Aden by establishing the European Union Naval Operation Atlanta, which was launched on the 8th of December 2008. It was mainly done in order to ensure that World Food Program (WFP) vessels provide Somali citizens with sufficient humanitarian aid, prevent and address any acts of piracy, to monitor and regulate fishing activities off the coast of Somalia and lastly to promote and encourage international cooperation on the issue and ensure that maritime security is achieved. The member states of the EU also participate in the plenary sessions and working groups of the Contract Group on Piracy off the Coast of Somalia (CGPCS), which is a mechanism established in 2009, created in order to promote international cooperation and combat piracy. The European Union intends to work closely with the Transnational Government of Somalia and the regional government in order to combat the problems Al Shabab causes to the country as a whole.

United Kingdom (UK)

As a major trade power, the United Kingdom is affected significantly by the current situation in Somalia. The UK has supported many efforts by international organizations such as the Combined Task Force 151, and NATO’s Operation Ocean Shield. In 2012, David Cameron, the former prime minister of the UK established the Piracy Ransoms Task Force, which aims to reduce the issue of maritime piracy and the payments of ransoms. The UK also organizes training initiatives for soldiers of the Somalian army in order for them to be ready to defend themselves against probable attacks of the terrorist organization Al Shabab.

North Atlantic Treaty Organization (NATO)

The NATO is one of the most key organizations regarding this topic, due to the fact that it has helped improve the situation in the Horn of Africa considerably. Specifically, in 2008 after being called upon by the United Nations, NATO, with Operation Allied Provider and Allied Protector, was successful in protecting maritime routes from piracy. Moreover, in August 2008, NATO launched Operation Ocean Shield, which aimed to defend vessels traveling through the Gulf of Aden, and was responsible for protecting the area from possible attacks. It has also supported the EU Operation Atlanta and cooperated with Combined Task Force 151. Overall, NATO’s operations have been extremely effective at reducing the impacts of piracy in and around the Gulf of Aden, with its Operation Ocean Shield resulting in a decrease of 25% in pirate attacks.

**Previous Attempts to Solve the Issue**

***NATO Operation Ocean Shield***

The NATO’s Operation Ocean Shield is a mission aiming to counter piracy in the Gulf of Aden and it has helped on numerous instances to disrupt piracy through protecting vessels by monitoring the region and separating pirate boats from legitimate ones. Additionally, NATO’s vessels can conduct operations in which they can use force in order to protect vessels from maritime attacks. They are also accountable for ensuring that the crew aware of the Best Management Practices 4, which gives them advice on how to protect themselves from an attack. Other operations established by NATO in the area are Operations Allied Provider and Allied Protector; the first one aiming to secure World Food Program vessels passing through the Gulf of Aden and the second one aiming to secure the maritime routes in the Horn of Africa.

***Figure 5: NATO Operation Ocean Shield***

***EU Naval Force Operation Atlanta***

In 2008, the EU Naval Force in accordance with numerous UNSC resolutions, launched Operation Atlanta which aims to secure World Food Program vessels and in general vessels passing through the Gulf of Aden, prevent piracy, monitor maritime activities in the region and encourage international cooperation on the issue through international organizations.

***Combined Task Force 150/151***

The Combined Task Force 151, which was established in January 2009 has taken several steps in order to combat piracy in the Internationally Recommended Transit Corridor in the Gulf of Aden, in cooperation with regional and international partners in order to ensure that the maritime roads in the area are secure. Combined Task Force 150 focuses mainly on maritime security operations, namely countering terrorism and ensuring maritime security in the area.

UN Involvement, Relevant Resolutions, Treaties and Events

UN Involvement

The UN has been a prevalent and constant presence regarding this issue. It has passed a multitude of resolutions, listed below, which have presented an array of solutions, ranging from the establishment of coalitions to suggesting the possibility of establishing a regional or international tribunal to prosecute suspected pirates.

UNSC Resolutions

Numerous UNSC resolutions have been submitted in order to solve the issue of piracy and maritime terrorism in the Indian Ocean and off the coast of Somalia. Security Council Resolution 1851 was arguably the most prominent resolution regarding this matter. It called for a mechanism which enabled international cooperation and permitted the use of military action to defeat pirates. Due to this, many nations and organizations such as NATO were able to launch their own operations.

* S/RES/1801 was adopted by the Security Council on 20th February 2008 which extended the actions of the African Union Mission in Somalia by six months.
* S/RES/1816, which was adopted on the 2nd of June 2008 asked states to collaborate with the government of Somalia and permitted foreign vessels to enter Somalia’s waters.
* S/RES/1838 was adopted by the Security Council on the 7th of October 2008 calls for all countries which have warships in the Gulf of Aden and Indian Ocean to use military force in order to battle piracy.
* S/RES/1851 was adopted by the Security Council on the 16th of December 2008 in order to take action and deploy vessels and military aircraft. This resolution was the start for international cooperation between relevant countries and organizations involved.
* S/RES/2184 was adopted by the Security Council on the 12th of November 2014 unanimously calls for member states and regional organizations to fight against maritime crime with the resources they currently possess (vessels, military aircraft etc.).
* The S/RES/2446 was adopted on the 10th of November 2015 once again unanimously calls for states to prevent and secure Somalia from maritime piracy and find and tackle the roots of this issue.

Treaties and Agreements

**Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation/Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (The SUA treaty of 1988)** - The SUA treaty of 1988 was adopted on 10th of March 1988 and implemented on the 1st of March 1992. In the 1980s the issue at hand was of extreme concern to the international community especially after several reports emerged of hijacking and hostage situations, in which passengers and crew were threatened and killed. In March 1988, the SUA convention of 1988 was adopted in order to find solutions regarding the issue of ‘sea criminals’ who mainly hijack ships, use violence against crew and passengers of a ship.

**Protocol for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation /Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (The SUA Protocols)** - From the 10th till the 14th of October 2005, a diplomatic conference on the amendment of the SUA treaty was held, in which it was decided to modify the SUA treaty of 1988 and its Protocol, which implemented the 28th of July 2010. In the treaty a new article was added, namely the article 3b regarding hijackings, hostage taking and destruction of a ship with explosive devices. In 1988, a new article was added, article 2b, which broadens the range of offences included in the protocol.

“SUA-Treaties //.” *SUA Treaties*, www.imo.org/en/About/Conventions/ListOfConventions/Pages/SUA-Treaties.aspx.

**International convention against the Taking of Hostages 1979** - The convention was adopted in the General Assembly of the UN on the 17th of December 1979 in accordance with the resolution 34/1461. It is a treaty by which states agree to punish and forbid hostage taking. It includes definitions for ‘hostage’ and ‘hostage taking’.

**United Nations Convention on the Law of the Sea (UNCLOS) -** The United Nations Convention on the Law of the Sea, which was adopted on 10th of December 1982, is considered as a convention, which provides states with aid and assistance when facing issues with maritime security and especially piracy.

“UNCLOS and Agreement on Part XI - Preamble and Frame Index.” *United Nations*, United Nations, www.un.org/Depts/los/convention\_agreements/texts/unclos/closindx.htm.

Timeline of Events

|  |  |
| --- | --- |
| **Date** | **Description of event** |
| 1960 | Somalia gains independence |
| 17th December 1979 | International convention against the Taking of Hostages |
| 10th December 1982  10th March 1988  1991  14th October 2005  2008  2009  12th November 2014  10th November 2015 | United Nations Convention on the Law of the Sea (UNCLOS)  Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (The SUA treaty of 1988)  Political Instability in Somalia  Protocol for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation /Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (The SUA Protocols)   * Security Council Resolutions S/RES/1801 S/RES/1816 S/RES/1838 S/RES/1851 * NATO’s Operation Ocean Shield * EU Naval Force with the Operation Atlanta in Somalia * NATO Operation Allied Protector * Combined Task Force 151   Security Council Resolution S/RES/2184  Security Council Resolution S/RES/2446 |

Possible Solutions

In order to solve piracy in Somalia fully and efficiently, it is imperative that we target the problem from its root. The international community is largely fixated on offshore methods to combat piracy, such as increasing naval presence and on-board security, which have helped reduce the number of hijacks. But ending piracy would mean that these measures be made expandable and permanent, which wouldn’t be sustainable in the long run, due to their costly nature. Instead, **focusing on the enablers of piracy rather than the perpetrators themselves is crucial.** With a restricted number of suitable coastal areas accessible to anchor hijacked ships, piracy would be less profitable if Somalia removes access to safe anchorage points or increases the price considerably for coastal access. In addition, the central government can provide incentives – along with implementing built-in monitoring mechanisms – to urge local stakeholders to end pirate activity.

Secondly, the Gulf of Aden is extremely large and requires vast resources to patrol. **To manage this issue, nations must collaborate and cooperate with each other to develop an effective strategy and provide each other with the resources** to confront pirates directly as well as confront the causes of piracy in Somalia. Forums such as shared awareness and de-confliction (SHADE), sponsored by US Naval Forces Central Command, provides a good platform to tackle this problem. SHADE enables more than thirty countries to come together to coordinate maritime activities to counter piracy in the Gulf of Aden and Indian Ocean. Providing economic assistance, aid and advice to Somalia would enrich economic stability, improve living standards, and strengthen the rule of law in Somalia. Raising the standards of both security and living would diminish the primary incentives for pirates. In the meantime, continued international naval presence, under already well established operations like Operation Ocean Shield in this dominant maritime transit region would limit acts of piracy to a controllable scale.

Thirdly, it is imperative that the global community addresses the underlying cause of the issue. Onshore conditions of economic disorder, poverty as a result of the deterioration of the state, accompanied with illegal fishing have long been publicised as the root causes of the outbreak of piracy. However, illegal fishing continues to be widespread and the response of the international community has been insignificant in comparison to anti-piracy efforts. Instead, naval expeditions have focused on the pirate threat, while other causes attract far less responsiveness. Still, community engagement offers a critical mechanism. **Community and regional responses should be based on initiatives such as the African Union’s Integrated Maritime Strategy, and initiatives conceived by Intergovernmental organizations such as the United Nations Office of Drugs and Crimes**. Both outline a detailed and feasible plan to improve governance and infrastructure which will address both piracy and broader forms of maritime crime. These initiatives are imperative and provide a sustainable and long-term solution, rather than a dependence on naval strength in the Indian Ocean.

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