

The Development and Implementation of a Somali Maritime Strategy

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As maritime piracy in the Horn of Africa reduces and both industry and the naval community start to think about what to do next, including assessing whether the critical, but very expensive measures they take to protect international shipping are still necessary. It is also time to take stock and address the real solution to Somali-based piracy, which lies on land – But who is going to do something about it and, more importantly, when?

Somalia has a new federal government that somehow, whilst still fighting Al Shabaab (and the pirates), has to deliver an impossible range of tasks, not the least of which is security and economic reconstruction after 21 years of war. Yet, one of the key assets Somalia possesses – its rich maritime resources – that could help regenerate the economy remains tantalizingly out of reach due to a lack of strategy on how to access it, mired in complex legal arguments over its economic zones and oil/gas and fishing rights, and complex political issues over national, regional and federal approaches.

But let's start at the beginning, Somali piracy is a criminal enterprise through which unscrupulous business men exploit young Somali men, and sending them to sea to carry out acts of piracy on the high seas of the Indian Ocean and the Gulf of Aden for money. Besides the ugly business of ransoming a ship and its cargo, the humanitarian toll on the crews and their families has an effect well beyond the shores of Somalia. Fortunately, the so-called "piracy business model" may be near collapse. Although pirates are still attacking ships, their rate of success has been seriously degraded by the effects of best management practice (protecting ships with defensive aids and armed vessel protection teams) increasingly adopted by the shipping industry, the deterrent effect of international naval activities, as well as pirates being arrested and prosecuted in courts in the region and around the world. The number of pirate ships in

operation is at an all-time low (at the time of writing one major ship, a large fishing vessel and six fishing vessels/dhows were being used as mother ships).

The number of hostages is also at its lowest level – but still at an unacceptable level with 97 hostages held at time of writing (eleven held ashore from ships long since ransomed away). Perhaps more significantly, the relationship between the pirates and the villages along the Somalia coast has changed. In the past, the villagers provided food and water for hostage ships. Now, with that income disappearing, the false economy that materialized at the height of the pirate phenomena has burst and the pirates are increasingly seen as pariahs. For the coastal communities, this means a return to the long-familiar hardships of a subsistence economy and everyday lives that remain plagued by famine, terrorists, criminal gangs and the business of war. But herein lies the eventual solution.

Piracy is at an all-time low, pirates are unpopular with local communities and there is a genuine desire among these communities and local authorities to improve security, and with that economic projects that can enable the return of those traditional industries which were once the heart of the Somali economy but have been undermined by war, famine, disease, illegal fishing, and alleged toxic waste dumping in Somali waters.

The warning indicator here is that unless the longstanding human security issues are addressed, the conditions that allow piracy to flourish can easily gain strength again. Those key conditions include a ready supply of international shipping (growing complacent with the costs of counter-piracy measures), lack of security and governance along the coastal areas that allows ransom negotiations to continue unhindered for months, even years, and a willingness to pay ransoms in the absence of an alternative option to successfully reclaim ships, cargo and crews.

If the answer to Somalia's economic recovery rests, at least in part, in its maritime resources, so does the answer to piracy. The United Nations has for some time been encouraging Somalis and the international community to think more strategically about the maritime domain. Somalia's maritime domain is a rich resource full of

potential - historically, five major ports in Somalia (Berbera, Bosasso, Mogadishu, Merka and Kismayo) have been used for export of cattle and other goods, and the fishing industry has rich potential despite being seriously damaged by illegal and unregulated fishing both offshore and along its coast. Although Somalis in general are not fish eaters, fish could have been a major source of nutrition during periods of famine if war had not forced the fishing and related industries to remain so underdeveloped.

In the strategic context, piracy is but one of several serious crimes that plague the shores and waters of Somalia – people trafficking, arms smuggling (including to Al Shabaab), drug smuggling, illegal trade (charcoal, electrical goods, and ivory) and terrorism (as Al Shabaab is supported to a large degree from the sea) also need to be addressed in order to initiate economic development on the Somali coast.

A small group of Somalia's close partners (UNPOS, UNODC, IMO and the EU) met in London after the election of the new federal government and identified the key elements of maritime recovery. These were: 1) The creation of a maritime resource and security strategy for all Somalis and not just the federal government; 2) A legal framework which would support Somalia's claim to its maritime resources and harmonize legal frameworks both at federal and regional levels; 3) Capacity building of Somalia's security and law enforcement agencies to deal with maritime crime; 4) Capacity building of the key ministries at federal and regional levels with maritime responsibilities; 5) Public diplomacy to educate officials, administrators, and ultimately the Somali people that the maritime domain represents economic recovery and that maritime crime is not in their long-term best interests.

The Somali people are keen to engage in this key aspect of their recovery and have been cooperating, despite political issues, in a little known dialogue called the Somalia Contact Group for Counter Piracy or better known by its short name, the Kampala Process. Originally established under the Djibouti Code of Conduct to fight piracy and act as a single voice for the Somali governments and administrations, it has now evolved into a much more effective tool – serving as a bridging mechanism between the Somali Federal Government and the regional administrations of the states

of Puntland, Galmudug and, crucially, Somaliland. The Kampala Process is unique in Somali terms as it primarily meets at the technical level thereby avoiding political differences.

The development of a Somali Maritime Strategy began in Addis Ababa in March 2013 with a workshop of Somalis from the Federal Government, Puntland, Galmudug and Somaliland, to first develop their own ideas on what the Somali people needed before involving the wider international community. Under the facilitation of the Kampala Process Secretariat and a new partnership with Oceans Beyond Piracy, the Somali delegates mapped out a basic strategy derived from drawing deductions on four key questions: 1) What are Somalia's maritime natural resources? 2) What are the country's long terms goals in the maritime domain? 3) What are the risks and threats to deriving prosperity from these resources? and 4) what are Somalia's strategic goals? The strategy also made some key assumptions which included the need to have a legal mandate based on existing laws (addressed by a legal sub-working group of the Kampala Process), which will underpin policing Somali waters and garner funding and support with capacity-building and development from the international community.

The Somali strategy has six key areas and thematic annexes designed to provide architecture for development along a number of lines, allowing agencies and donors to pick from a range of activities that fit under the umbrella of a national strategy. The key areas are Maritime Governance, Maritime Law Enforcement, Maritime Defence and Security, Maritime Safety, Maritime Response and Recovery, and the Maritime Economy. Underpinning the strategy are some significant legal hurdles, but great steps have been made with regard to Somalia's position under UNCLOS and the recent discovery of a Somali 1989 Maritime Law fully in compliance with UNCLOS. There is still work to be done by the federal government to delineate its Exclusive Economic Zone EEZ but the days of poaching and stealing Somali resources due to a lack of legal clarity are over.

Implementing this strategy has already begun with small projects across Somalia but more needs to be done and greater access to funding is necessary. A number of

international and regional organizations are actively engaged in developing programmes but they all need to take a lead from the Somalis own maritime requirements and not compete with each other. There is also space for commercial opportunities and public-private partnerships.

The Kampala Process offers a route and can, if allowed, bridge some of the political divides that exist. Equally, the international community will need to decide where it directs its efforts and make some hard decisions, especially related to supporting some of the regions where “ungoverned space” still offers a haven to piracy and other criminal activities. There is a clear connection between this strategy and the Busan New Deal for fragile states, and recognition of the key role the maritime environment will play in Somali recovery.

To the Somalis, the maritime environment represents not only a lifeline to international markets and commerce, but also a major source of revenue from fishing and aquaculture, the extraction of non-renewable marine-based resources and, eventually, tourism. The Somali Maritime Strategy highlights the vulnerability of their maritime space to threats that have significant land-based dimensions either related to the origin of the threat, its effects on the Somali people, or the capabilities required to counter them.

It is hoped that in time the maritime strategy, which is supported by UN Security Council Resolution 2012, will deliver improvements in governance, law enforcement and safety, which in turn will positively impact Somali citizens not only in the maritime area, but also concerning, food security, improved access to goods and services and an export route for their products. But this endeavor to achieve a national outcome for the Somali people will require unified action from the international community and cooperation by the Somali Federal Government, regional governments and Somaliland through their own mechanism of the Kampala Process.



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