



Fishing for Answers to Piracy in Somalia

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Since the collapse of the Somali government in 1991, illegal, unreported and unregulated (IUU) fishing in the Somali Exclusive Economic Zone (EEZ) has decimated fish stocks and left Somali fishermen with little economic opportunity. IUU fishing led Somali fishermen to take violent measures to protect the Somali EEZ in the absence of a centralized government and coast guard. The initial attacks revealed the profit potential of piracy, providing income for displaced fishermen and opportunistic Somali militants. Violence then became the norm in Somali waters, undermining the economic and security interests of the United States and the entire region. To reduce the incidence of piracy in the Gulf of Aden and Indian Ocean, the U.S. must provide alternative and superior income streams to Somalis engaging in piracy. The U.S. can achieve this strategic effect by focusing its efforts on fisheries redevelopment, which represents the greatest potential for economic and social development in Somalia. By ensuring the rights of Somalia within its EEZ, directing U.S. aid toward Somali fishermen, and employing existing government programs to develop a novel aquaculture industry, the U.S. can achieve its security objectives and help to foster a stable and moderate Somalia.

Historical Fisheries in Somalia

The marine fisheries industry has historically held an important position in the Somali economy and culture. Somalia has a large coastline, covering 3,300 kilometers and a corresponding EEZ covering 39,000 kilometers.¹ In 1990, prior to the collapse of the Somali government, fisheries contributed 2

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percent of the overall Gross Domestic Product (GDP), an estimated \$15 million USD per annum, while providing over 18,000 tonnes of fish for human consumption.² Domestic demand for fish remains high throughout the country, “especially in the capital Mogadishu . . . since fish consumption is estimated at over 9 tonnes per day.”³ Redevelopment of the fisheries industry represents an opportunity to reinvigorate the Somali economy. Furthermore, the inability of Asian and European countries to meet their domestic demand for fish within their own EEZs drives IUU fishing throughout African waters. These countries, if pressured to comply with international laws regulating fishing rights, represent tremendous prospective trading partners for Somali fishermen.

Collapse of Somali Fisheries

Article 56 of the United Nations Convention on the Law of the Sea (UNCLOS), ratified by Somalia in 1989, provides Somalia with “sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil.”⁴ Additionally, UNCLOS Article 58 provides that “states shall have due regard to the rights and duties of the coastal state and shall comply with the laws and regulations adopted by the coastal State.”⁵ Somalis have clear rights to harvest fish stocks from their EEZ under UNCLOS; however, these rights are predicated upon the ability of Somalia to protect its waters and the good faith of signatory states to respect these sovereign rights.

The collapse of the Somali government in 1991 created a significant void in the ability of Somalia to protect its EEZ. Elliott Anderson points out that “The absence of a functional method for enforcement of maritime fishing law, due to a non-functioning government and complete lack of naval force, meant that fishing vessels from Europe and Asia were able to deplete the nation’s fisheries.”⁶ The United Nations estimated that in 2005 over 700 unlicensed foreign vessels were fishing in Somali waters.⁷ The Marine Resources Assessment Group estimates that the total value of fish stocks removed from Somali waters each year totals over 100 million US dollars.⁸ This number represents nearly 15% of the total Somali GDP from 1990 and is likely a larger percentage of the current GDP. The catch sizes are nearly ten times more than prior to 1991 because Somalis typically use artisanal fishing methods and have not had the benefit of new fishing technologies used by foreign fishermen. Additionally, foreign fishermen have no stake in the future of Somali fish stocks and are willing to over-fish species that are slow to reproduce, such as tuna and sharks, leading to an aggregate collapse in Somali fish stocks.

Fisheries Collapse and Piracy

The absence of a coast guard protecting the Somali EEZ drove Somali fishermen to take direct, often violent, action against foreign fishermen.⁹ Piracy in Somalia thus grew out of the desperate actions of fishermen, who sought to protect their natural resources and livelihoods. A Somali pirate leader, Sugule Ali, recently explained that the foundational motive of the Somali pirate remains “to stop illegal fishing and dumping in [Somali] waters.”¹⁰ From the original laudable goal of protecting the Somali EEZ, however, piracy developed into a multi-million dollar industry as opportunistic Somali militants realized the profit potential of holding foreign mariners and cargo for ransom. Piracy quickly grew beyond the original fishermen as Somalis with ties to various militias, who also lacked sufficient economic

opportunities, entered the fray. Militia leaders within destabilized Somalia realized the income potential and began providing pirates with more sophisticated speedboats and weapons designed to intercept larger targets.¹¹ With the backing of these militias, the focus of Somali pirates has changed from targeting IUU fishing to capturing larger commercial vessels, which yield larger ransoms. Somali fishermen navigational skills, combined with the fearless disposition of Somali militia members, resulted in increasingly audacious actions and larger ransom payouts, estimated to total \$100 million in 2009 alone.¹²

The response to the threat of piracy around the Horn of Africa has been aimed at deterrence through increased patrol and naval intervention. Both the US and the North Atlantic Treaty Organization (NATO) have established operations to patrol the Somali EEZ and the Horn of Africa.¹³ The incidence of piracy continues to rise in the Gulf of Aden and Indian Ocean, despite US and NATO deterrence efforts, as shown below.¹⁴

Year	Somali Pirate Attacks	Percent Increase
2006	10	N/A
2007	42	320%
2008	63	50%
2009	167	165%
2010	219	31%
2011	236	8%

The numbers above indicate that the current U.S. deterrence strategy is unsuccessful, and it is time to find alternative means to subjugate Somali piracy.

Rebuilding Fisheries and Aquaculture

Any security strategy aimed at defeating piracy must be based upon the premise that piracy exists as a means of income for otherwise displaced Somalis. To ensure a successful security strategy in Somalia, the U.S. needs to provide alternative and superior income streams to the Somalis. The U.S. experienced success employing this strategic model during the early 1970s in Vietnam. Land reforms under Vietnamese President Nguyen Van Thieu in 1971 led to greater rice crop yields in 1972-1974. As a result of increased income and stability from the rice crop, there was a marked decrease in participation in the Viet Cong because the opportunity cost of violence had been raised.¹⁵ Somali pirates, like those who participated in the Viet Cong, are less likely to participate in violent behavior if they are provided greater economic incentive. Piracy comes at a very high risk and often very little reward because the pirates themselves normally keep little of the ransom, with the majority paid out to the controlling militia leaders.¹⁶ By rebuilding Somali fisheries through focused legal and economic reform, and by encouraging investment in novel business practices such as aquaculture, the US can provide Somali

pirates with a viable, low risk, and sustainable income alternative. Fisheries development will thereby reduce the flow of the piracy labor force as well as cut off a vital funding source for Somali militias, bolstering U.S. economic and security interests.

Legal Reform

To rebuild Somali fisheries, IUU fishing in the Somali EEZ must end, allowing fish stocks to rebuild. IUU fishing, particularly originating out of Europe and Asia, continues to be a persistent problem to this day. Estimates show European fishermen take a total catch out of Somali waters worth more than five times the value of European annual aid sent into Somalia.¹⁷ The USS Kidd's recent rescue of thirteen Iranian fishermen held hostage by Somali pirates confirms that fishing vessels continue to be a primary target for piracy and reinforces the need to secure the Somali EEZ.¹⁸ Article 56 and 58 of UNCLOS already provide for the necessary legal rights needed to secure the EEZ, but these provisions must be enforced. The US must increase pressure on its NATO allies and Asian trading partners to respect the substantive provisions of UNCLOS, which the US accepts as conventional international law. The U.S. Africa Command (AFRICOM) and U.S. Central Command (CENTCOM) should lead a coalesced effort through the Navy, Coast Guard, and NATO forces to protect the Somali EEZ from IUU fishing. Vessels found fishing within the EEZ should be inspected and, if necessary, escorted by force to international waters. In addition, legal action must be brought against noncompliant countries that continue to allow their fishing vessels to harvest catches from the Somali EEZ. Annex VI, Article 21 of UNCLOS provides jurisdiction to the International Tribunal on the Law of the Sea (ITLOS) for all disputes arising under UNCLOS.¹⁹ AFRICOM, CENTCOM, and NATO forces should keep accurate records of any vessels engaging in IUU fishing so Somalia can bring appropriate action against other signatory countries before the ITLOS.

The US and its NATO partners cannot, however, be expected to enforce international laws in the Somali EEZ indefinitely. Therefore, as suggested by Tayé-Brook Zerihoun, UN Assistant Secretary-General for Political Affairs, the US and its international partners must start "developing Somali capacity to deal with piracy on land and waters close to shore through the establishment of a coast guard."²⁰ Mr. Zerihoun's proposition, however, is merely one piece of a much larger puzzle. A Somali coast guard would be meaningless without the proper domestic legal infrastructure to prosecute those who are caught in Somali waters participating in IUU fishing or piracy activities. This legal infrastructure, of course, cannot exist without a stable and legitimate central government. What results is a causality dilemma wherein economic development cannot take place without a centralized government but such a government will not exist until the economic situation improves. It is clear that there is no single panacea to the Somali problem and both economic and security reform must take place simultaneously. By focusing on fisheries first, however, both benefits can be achieved incrementally because it provides economic opportunity while also reducing the Somali pirate's base. Even at this early stage, plans should be simultaneously created to allow for the long-term sustainability of Somali redevelopment, such as the initial training of a Somali coast guard force and preliminary drafting of the supporting legal framework.

Fisheries Aid

Agricultural development is currently the principal focus of the current U.S. strategy for Somali aid. According to the FAO, “The fishing sector has received very little attention from the international community and aid agencies, while, in contrast, the livestock and crop husbandry sectors have received more attention and more aid.”²¹ Efforts by the United States Agency for International Development (USAID) should shift focus from an agrarian-based approach to a marine-based approach. Fisheries redevelopment not only provides a significant opportunity to provide necessary protein to the Somali people but also has tremendous growth potential to allow Somalia to reinvigorate its economy. USAID is facing significant budget constraints, however, existing programs and budget authorities through a “whole of government” approach could compensate for these shortfalls.

USAID should engage in an interagency cooperative process with the National Oceanic and Atmospheric Administration (NOAA) and the National Marine Fisheries Service (NMFS) in order to provide Somalis with the appropriate level of expertise and equipment to redevelop its fisheries industry. Section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) empowers NMFS to engage in a fishing capacity reduction program.²² Under the capacity reduction program, NMFS has the authority to purchase fishing vessels and equipment to prevent over-fishing and rebuild fish stocks within the U.S. EEZ. NMFS scraps the vessels and their appurtenances purchased under the current program, but a simple change in the statute could allow NMFS to provide the purchased vessels and fishing equipment to Somalia with little or no additional cost to taxpayers. This change would continue to allow NMFS to meet the goals of the Magnuson-Stevens Act while providing crucial aid to rebuild Somali fisheries. However, the US must ensure that Somali militias do not overtake the aid provided to Somali fishermen. The vessels provided should have minimal cruising speed so that they are of little use in piracy operations. Diligent oversight on all levels would be key during implementation.

It is not enough to simply deliver vessels under the Magnuson-Stevens Act and expect Somali fisheries to immediately rebound. Education, along with vessels and equipment, is also essential. By working through the interagency process, USAID, NOAA and NMFS could educate Somalis on the necessity of developing sustainable fishing practices that ensure continued fish stocks and greater long-term economic benefit. Education regarding fish life cycles, habitat protection, and breeding and migratory patterns would allow for more efficient use of Somali marine resources. In addition, education regarding fish processing on an industrial level would allow for greater economic development on land once the fishing industry begins to rebound. As previously described, the international demand for fish in Somali waters already exists and proper processing techniques would allow this demand to be fully captured. This education would have an additional benefit of providing for greater food safety for both exported and domestically consumed fish, which in turn would provide for greater nutritional value for the Somali population.

The education programs must go beyond just fishing to include supportive marine trades. The vagaries of the sea would inevitably wear down the fishing vessels and equipment provided under the Magnuson-Stevens Act. To deal with this inevitability, Somalis must be educated in marine mechanics so

that they can perform the necessary repairs. This education would not only allow for greater use of the provided fishing equipment, but will also help to develop a secondary marine mechanic industry, allowing for further domestic economic development. USAID has budget constraints; however, the primary and secondary effects of the suggested aid programs would provide for greater economic development in Somalia than could be achieved through the delivery of food aid and agrarian support alone. In addition, the proposed programs would provide tremendous nutritional potential for the Somali population while having a direct and substantial impact on U.S. security and international trade.

Aquaculture

There is an additional opportunity to grow Somali fisheries beyond previous levels through the development of a new aquaculture industry. Somalia's rich waters and pelagic species provide an idyllic setting for the development of a fish-farming industry. Aquaculture now represents over 30 percent of all fish products consumer worldwide, accounting for over 52.5 billion USD per annum and could have a remarkable impact on the Somali economy.²³ Additionally, reliance on aquaculture would allow wild fish stocks sufficient time to rebuild, ensuring the environmental sustainability of a redeveloped Somali fisheries industry.

A perfect model for aquaculture development already exists in Chile. The rise of aquaculture in Chile has caused many artisanal fishermen to transition to aquaculture due to the guarantee of a steady paycheck. Chile is now one of the top five fish-producing countries in the world, with aquaculture products accounting for 46.5 percent of its total fish exports.²⁴ A partnership between the Chilean government and international nonprofit organizations led the development of the Chilean aquaculture industry.²⁵ The Chilean artisanal fishing culture was also a key component during the development of the Chilean aquaculture industry. This cultural consideration helped to ease the transition to sustainable aquaculture practices and yielded a higher satisfaction of life for Chilean fishermen.²⁶ Using the Chilean model, USAID, NOAA, AFRICOM, and CENTCOM should engage with nonprofit organizations to develop a Somali aquaculture industry. Somali waters are home to many of the same fish and mollusks found in Chilean waters; therefore, much of the requisite technology already exists. It would also be imperative to account for Somali fishing culture, to empower stakeholders in the transition from artisanal fishing to modern aquaculture practices. Direct communication with Somali representatives would also be a necessary during the development process. To achieve the greatest efficiency, engaging AFRICOM's in-theater resources to work with local populations and to act as sensors in identifying any potential development opportunities is essential.

The complete development of a Somali aquaculture industry would require a significant investment in infrastructure and education. To encourage domestic investment, the US could explore the use of amnesty programs for those currently engaging in piracy. For example, amnesty could be granted to those funding piracy in exchange for disarmament, repentance, and investment in aquaculture projects. Similar programs have been attempted by the Nigerian government, which has offered education and business development assistance in exchange for disarmament in an effort to reduce terrorism in Niger Delta, with positive results.²⁷ Amnesty would allow those that take advantage of the program to reap the financial benefits of aquaculture development while providing a tremendous

service to their communities. Offers of amnesty could also be coupled with existing U.S. programs to foster aquaculture development. The Export-Import Bank (Ex-Im Bank) could offer direct or secondary loans to Somalis within the amnesty program seeking to invest in U.S. goods and services related to aquaculture development. This program would guarantee agreeable financing terms to make aquaculture development more palatable to Somali investors, while offering a secondary economic benefit to U.S. companies. Somali investment could also be coupled with domestic U.S. investment through the Overseas Private Investment Corporation (OPIC), allowing for economic growth in both nations while further opening diplomatic ties with Somalia. These diplomatic ties, fostered through aquaculture development, would be aimed at slowly enhancing the political and social status of moderate Somalis with an end focus of a stable and prosperous Somalia, free of piracy.

Conclusion

Somali piracy continues to grow at an alarming rate, placing the lives of U.S. mariners at risk, impeding free navigation in the Indian Ocean, and adding significant cost to the waterborne transportation of goods. Deterrence efforts by the U.S. and EU in the Gulf of Aden and Indian Ocean are ineffective, further threatening U.S. and international security. Within the US, popular support does not exist for military action against the Somali people to address this security threat. Despite the disinterest in the use of force, there are steps that can be immediately taken by the U.S. Government to eliminate the threat of piracy. Policymakers must first recognize the fundamental issue: that piracy itself is not the problem, but merely a symptom. Government instability, economic despondency, and international indifference have left Somalis with few options, as exemplified by the desperation of the Somali fishermen who first entered into piracy. Therefore, to combat piracy, the US should develop a security strategy focused on economic development in Somalia. New economic opportunities would raise the opportunity cost of engaging in piracy and allow for greater social and political stability.

The initial focus on fisheries development represents the greatest potential for economic and social growth. Fisheries development harnesses the skills already possessed by Somali pirates, embraces traditional Somali culture, and develops the rich natural resources of Somali waters. The proposed legal reforms would provide stability in the Somali EEZ, allowing for the development of Somali fisheries, and the corresponding decline in IUU fishing would help to ensure additional trade partners in Europe and Asia. Existing U.S. programs under USAID, Ex-Im Bank and OPIC, coupled with a novel approach of the Magnuson-Stevens Act by NOAA, offer tremendous investment opportunities, fostering domestic and Somali economic and social growth. These programs, in combination with offers of amnesty, could provide further economic incentive to move Somalis away from piracy and toward an innovative aquaculture industry. Fisheries redevelopment, as a starting point, would therefore greatly contribute in providing a sustainable peace in Somali waters, which in turn could help to foster social and political change throughout the country.

¹ Food and Agriculture Organization of the United Nations (FAO), "Fishery Country Profile: The Somali Republic" (2005), p. 1.

² *Ibid.*, 1.

³ *Ibid.*, 8.

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- ²⁶ *Ibid.*, 205.
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