

Piracy, Illegal Fishing, and Maritime Insecurity in Somalia, Kenya, and Tanzania

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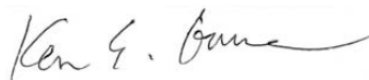
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Cover photo: Local men leaving for a night's fishing, Stone Town harbor, Zanzibar, December 2012. (Authors' photo)

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Area of Interest: Somalia, Kenya, Tanzania, and the western Indian Ocean.
 (U.S. Central Intelligence Agency map)

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Executive Summary

This study addresses two research questions:

- What are the links between illegal, unreported, and unregulated (IUU) fishing and piracy in Somalia?
- What role does the maritime sector play in emerging transnational threats such as drug trafficking, the illegal arms trade, and human smuggling in Somalia, Kenya, and Tanzania?

To answer these questions, we conducted semi-structured interviews with United Nations (UN) officials, Somali political leaders, experts at nongovernmental organizations (NGOs), and academic and policy specialists in Nairobi, Zanzibar, coastal Tanzania, Brussels, London, and Washington. We also analyzed other primary and secondary sources, including UN reports, local media accounts, and studies by leading academic specialists, policy experts, and NGOs.

Our analysis shows the following:

- Somali narratives about the origins and development of piracy depict pirates as aggrieved former fishermen defending Somalia against the depredations of foreign vessels fishing illegally in the country's waters. These accounts are not supported by the evidence. While some pirates fit this model in the past, they are relatively few in number. Most Somali pirates have never lived as fishermen given the marginal role of fishing in Somali culture and in the Somali economy.
- Since 2011, the number of piracy incidents, including the hijacking of commercial vessels, has dropped sharply. Leaders of pirate gangs have sought new sources of revenue, such as selling fishing licenses to foreign fishing trawlers and providing armed, on-board security. Security teams are drawn from a reservoir of demobilized pirates, who are directed by pirate leaders and businessmen operating in Somalia, the United Arab Emirates, Oman, Yemen, and Iran. Consequently, Somali pi-

rates are now, increasingly, enabling IUU fishing in the western Indian Ocean.

- Moreover, Somali pirates are increasingly operating in areas well beyond the country's territorial waters. This development belies claims that pirates are at sea to protect the country's resources from foreign exploitation.
- As the number of piracy incidents has dropped, other transnational threats have emerged. The maritime sector—including commercial vessels, fishing boats, and small artisanal craft, such as dhows—enables drug traffickers, arms dealers, and those engaged in human smuggling and trafficking to travel almost undetected up and down the coastlines of Somalia, Kenya, and Tanzania. Some of these illegal activities are conducted for purely criminal reasons. However, there is evidence of ties between criminal actors and terrorists associated with al-Qaeda's affiliates in Africa.

This analysis leads to the following policy recommendations:

- Preventing the re-emergence of large-scale piracy requires the continuation of counterpiracy measures that appear to have been effective, including naval patrols, best management practices, and the presence of armed security personnel aboard ships.
- International, regional, and local actors should consider two additional measures. The first is contracting out maritime security forces to commercial firms. The use of private military companies (PMCs) raises issues of accountability, international law, cost, and effectiveness. That said, some PMCs have demonstrated the ability to provide security on a short- and mid-term basis, and they may help to create a security "space" while government institutions develop.
- Second, countries in the region should consider community-based approaches to maritime security. Community policing, long the paradigm for European and North American law enforcement, could be applicable on the water as well as on the land. Giving local fisherman training and equipment, and linking them to a national monitoring system, could serve as a low-

cost “force multiplier” for government agencies that lack the resources and capabilities to conduct effective surveillance.

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Introduction

Piracy in Somali waters—a primary focus of international attention and countermeasures during the past decade—has declined dramatically.¹ According to the U.S. Navy, the International Maritime Bureau (IMB), the U.S. Department of State, and other sources, attacks dropped by 75 percent between 2011 and 2012.² One American diplomat, speaking in May 2013, noted that while pirates were still attempting to seize ships, not a single successful hijacking had taken place in the previous twelve months.³ U.S. government officials, as well as nongovernmental organizations, such as the International Maritime Bureau (IMB), attribute this sharp reduction to international naval patrols, the detention and prosecution of pirates, the institution of best management practices by the shipping industry, and

¹ For the United Nations (UN) definition of piracy, see Article 10 of the 1982 UN Convention on the Law of the Sea (UNCLOS), undated, pp. 60–61, http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (accessed July 23, 2013). Piracy is a continuing threat in other regions of the world as well, most notably the Gulf of Guinea and the Strait of Malacca. For more on piracy in these regions, see Jennifer Giroux, “Fighting Pirates: Learning from Malacca,” International Relations and Security Network, ETH Zurich, February 29, 2012, <http://www.isn.ethz.ch/Digital-Library/Audio/Detail/?ots783=40db1b50-7439-887d-706e-8ec00590bdb9&lng=en&id=137941> (accessed August 10, 2013).

² Andrew J. Shapiro, statement before the House Committee on Transportation and Infrastructure’s Subcommittee on Coast Guard and Maritime Transportation, Washington, D.C., April 10, 2013, <http://www.state.gov/t/pm/rls/rm/2013/207361.htm> (accessed May 12, 2013).

³ “No Somali Pirate Hijacking in Nearly a Year, Says UN,” *Guardian* (London), May 3, 2013, <http://www.theguardian.com/world/2013/may/03/somali-pirate-hijacking> (accessed May 4, 2013).

the presence of armed security guards on vessels transiting Somali waters.⁴

Continuing such countermeasures—as well as promoting political stability and economic development onshore in Somalia—is a necessary part of preventing a resurgence of piracy. But effective counter-piracy measures also require a deeper understanding of the factors that contributed to the growth of piracy following the collapse of Somalia’s government in 1991.⁵ Weak institutions, the inability to police Somali’s waters, and the considerable profits to be realized from piracy all have played a part. Yet many Somalis framed piracy as a legitimate response to what they saw as the depredations of foreign exploiters of Somali territory and resources. An understanding of these factors should inform any international efforts to thwart the re-emergence of large-scale piracy.

The piracy threat, along with al-Qaeda’s affiliated regional terrorism, have been the international community’s focus in the Horn of Africa.⁶ The emergence of other maritime-related threats during this period has received less attention. Trafficking in drugs, people, weapons, and contraband has no doubt been a feature of the east Af-

⁴ Louise Butcher, *Piracy at Sea: Overview and Policy Responses* (London: House of Commons Library, February 12, 2012), p. 6. These best practices were developed by the International Maritime Organization, the specialized UN agency for improving maritime safety. Best management practices (BMP) include the institution of reporting procedures and regular liaison with naval and military forces through organizations such as the European Union Naval Forces’ Maritime Security Center–Horn of Africa. For more on BMPs, see *BMP 4: Best Management Practices for Protection Against Somalia Based Piracy* (Edinburgh: Witherby Publishing Group Ltd, 2011).

⁵ For more on international counterpiracy efforts in the region, see Maria Kingsley, *An Analysis of Pirate Incidents in Africa* (Alexandria, VA: CNA, June 2011).

⁶ The hijacking of the *Sirius Star* oil tanker in November 2008 was the proximate cause of the international community’s attention to piracy in the Horn of Africa. For more on this episode, see “Sirius Star Oil Tanker Released after £2m Ransom Paid,” *Telegraph* (London), June 9, 2009, <http://www.telegraph.co.uk/news/worldnews/piracy/4208438/Sirius-Star-oil-tanker-released-after-2m-ransom-paid.html> (accessed September 15, 2013).

rican littoral for many decades, but the international community's concerns about piracy have left these other threats underexamined and little understood.

The waters and coastlines of Somalia and its African neighbors to the south are emerging as transit zone for illicit actors from the Persian Gulf, East Asia, and South Asia. In many instances, the final market for the goods and people transported by these criminal entrepreneurs is as distant as Western Europe. But increasingly Africa itself is feeling the effects of these illicit economic circuits. While the continent may reap the benefits of increasing economic integration with the rest of the world, it is also becoming vulnerable to what has been termed "dark globalization."⁷

Study approach

This study addresses two key research questions:

- What are the links between illegal, unreported, and unregulated (IUU) fishing and piracy in Somalia?⁸
- What role does the maritime sector play in emerging transnational threats such as drug trafficking, the illegal arms trade, and human smuggling in Somalia, Kenya, and Tanzania?

⁷ For more on this phenomenon, see Peter Andreas, "Illicit Globalization: Myths, Misconceptions, and Historical Lessons," *Political Science Quarterly* 126, no. 3 (2011).

⁸ The European Union's definition of IUU fishing is probably the most widely accepted. Such fishing encompasses "behaviors infringing applicable rules on the management and conservation of fisheries resources, occurring in waters subject to or beyond the jurisdiction of a State; fishing activities carried out in a high seas area and subject to a Regional Fisheries Management Organization (RFMO) by fishing vessels without flag or flying the flag of States not party to the RFMO and in a manner contravening the rules issued by this organization; and fishing activities carried out in a high seas area not subject to any conservation and management measures in a manner inconsistent with State responsibilities for the conservation of fisheries resources under international law." European Union (EU), "Questions and Answers on IUU Fishing," October 17, 2007, http://europa.eu/rapid/press-release_MEMO-07-412_en.htm (accessed May 10, 2013).

To answer these questions, we carried out research through semi-structured interviews with United Nations (UN) personnel, regional political and business leaders, and local analysts. These interviews took place in Nairobi, Zanzibar, coastal Tanzania, Brussels, London, and Washington. We also analyzed other primary and secondary sources, including UN reports, studies by leading academic specialists, policy experts, and NGOs, and local media accounts.

This qualitative approach reflects the fact that quantitative data is hard to acquire—and what data exists should be accepted cautiously. Events such as pirate attacks (successful and otherwise) are widely reported, but IUU fishing is more difficult to quantify.⁹ For example, the U.S. Central Intelligence Agency’s National Intelligence Council found that while anecdotal evidence suggested that illegal fishing was on the rise in the Indian Ocean, “concrete statistics on this trend are, by their very nature, difficult to obtain.”¹⁰

Similarly, quantitative data on other transnational criminal and security challenges are equally problematic. Actors engaging in the arms trade, drug smuggling, and human trafficking—indeed, anyone in the criminal underworld or in the political underground—have an obvious interest in hindering or preventing outside scrutiny of their activities.¹¹ While this report cites numerical estimates, they should

⁹ However, ship owners and others have incentives not to report pirate attacks. In reality, the number of such incidents may be underreported by as much as 50 percent. According to one maritime security company, “with the cost of piracy to business rocketing, companies are now finding ways to avoid the costly reporting process that takes place when an act of piracy has been endured.” Quoted in “Underreported Acts of Piracy Distort Overall Figures-Experts,” *defenseWeb*, March 27, 2013, http://www.defenceweb.co.za/index.php?option=com_content&task=view&id=29972&Itemid=233 (accessed September 17, 2013).

¹⁰ National Intelligence Council, “The Fisheries-Food Security Nexus in the Indian Ocean and South China Sea: Impacts on Selected States and US Security Interests 2020 and 2040,” unclassified draft report (Washington, D.C.: November 29, 2012), p. 10. Given its extremely limited monitoring capabilities, it is hardly surprising that the Somali government has produced no reliable data on fish stocks or the fishing industry.

¹¹ For more on this point, see Rosemary Barberet, “Measuring and Researching Transnational Crime,” in Philip Reichel and Jay Albanese, eds.,

not be considered definitive but, rather, as reference points to give a sense of potential scale.

Organization of the report

This report is divided into three principal sections. The first part examines the relationship between piracy and IUU fishing in Somalia;¹² this section of the report puts particular emphasis on the popular discourses that help define and explain the emergence and development of piracy. Part two explores the nexus between fishing (legal and illegal) and other transnational threats that exist in the region's maritime domain; in this section, the analytic scope is widened to bring in Kenya and Tanzania, Somalia's neighbors in the western Indian Ocean. The report concludes with policy recommendations for addressing the challenges described in parts one and two of the report.

Handbook of Transnational Crime and Justice (Thousand Oaks, CA: SAGE Publications, Inc., 2013).

¹²Illegal fishing is also a major challenge in other parts of the continent, including West Africa. A. Eyiunmi Falaye, *Illegal, Unreported, Unregulated (IUU) Fishing in West Africa (Nigeria & Ghana)* (London: Marine Resources Assessment Group Ltd., January 2008). For more on global IUU fishing, see Pew Charitable Trusts, Environmental Initiatives, "Global Campaign to End Illegal Fishing," undated, <http://www.pewenvironment.org/campaigns/global-campaign-to-end-illegal-fishing/id/8589941944> (accessed June 21, 2013).

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Somali Piracy: The IUU Connection

Piracy has been a problem for the international community ever since valuable cargo—and crews that can be ransomed—have transited Somali waters. But it was not until the early 1990s that piracy in the area reached levels high enough to warrant international action. The downfall of the Siad Barre regime in 1991 and the disintegration of state institutions, including the armed forces and coast guard, ushered in a new era of civil war and anarchy. This security vacuum, together with economic collapse and opportunities for predation, created ideal conditions for piracy to flourish. Piracy surged during the 1993–95 period, dipped in 1996, and then grew modestly during 1997–2004.¹³

The enforcement of sharia law onshore by the Islamic Courts Union (ICU) helped deter piracy during 2006, when the ICU controlled major parts of Somalia.¹⁴ After Ethiopian forces drove the ICU from power in late 2006, piracy grew dramatically, and by 2011 the number of incidents reached an all-time high.¹⁵ During the 2005–2011 period,

¹³ Stig Jarle Hansen, *Piracy in the Greater Gulf of Aden: Myths, Misconceptions and Remedies* (Oslo: Norwegian Institute for Urban and Regional Research, October 2009), p. 19.

¹⁴ As the ICU foreign minister told reporters in 2006, "piracy has given Somalia a bad image around the world, and we needed to take steps against it. Such crime on the high seas can now carry the penalty of jail or the death sentence." Quoted in Colin Freeman, "Pirates Fear the Lash of Sharia Law," *Telegraph* (London), October 15, 2006, <http://www.telegraph.co.uk/news/worldnews/1531507/Pirates-fear-the-lash-of-sharia-law.html> (accessed August 10, 2013). For an overview of the ICU, see "Mapping Militant Organizations: Islamic Courts Union," undated, Stanford University, <http://www.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/107> (accessed August 2, 2013).

¹⁵ For more on Somalia piracy trends, see Emmanuel N. Sone, "Piracy in the Horn of Africa: The Role of Somalia's Fishermen" (master's thesis, Naval Postgraduate School, December 2010); Mark Lowe, "Global Piracy Trends," *Maritime Security Review*, January 20, 2012; and Danielle A.

an estimated 3,741 crew members representing 125 different nationalities were held for ransom by pirates, some for as long as three years. Nearly 100 seafarers are estimated to have died at the hands of Somali pirates.¹⁶

The economic costs of Somali piracy have been considerable—\$18 billion in annual losses to the world economy in 2010.¹⁷ During the piracy resurgence, the international community began a major campaign to counter piracy and to protect shipping. In addition to UN Security Council resolutions and other measures, a variety of task forces were established, including Combined Task Force 151 (CTF-151), an international response group drawn from 25 countries, and the European Union’s Naval Force Somali – Operation Atalanta (EU NAVFOR –ATALANTA).¹⁸

After 2011, the number of incidents, including ship hijackings, dropped precipitously. But while the heyday of Somali piracy may be over, the factors that contributed to it— state weakness, lawlessness,

Zach, D. Conor Seyle, and Jens Vestergaard Madsen, *Burden-Sharing Multi-Level Governance: A Study of the Contact Group on Piracy off the Coast of Somalia* (Broomfield, CO: One Earth Future and Oceans Beyond Piracy, 2013).

¹⁶ World Bank, *The Pirates of Somalia: Ending the Threat, Rebuilding a Nation* (Washington, DC: World Bank, 2013), p. xxii.

¹⁷ *Ibid.*, p. xxiii.

¹⁸ EU, “Containing piracy: EU NAVFOR – Operation Atalanta,” http://eeas.europa.eu/piracy/containing_piracy_en.htm (accessed May 2, 2013). The mandate of CTF-151 is to deter and defeat piracy; its broader goals include counterterrorism, the promotion of regional cooperation, and the promotion of a safe maritime environment. <http://oceansbeyondpiracy.org/matrix/activity/us-and-combined-maritime-forces-cmf> (accessed September 16, 2013). EU NAVFOR, operating under an EU Council Joint Action (itself based on UN Security Council resolutions), has mandates to protect World Food Program vessels and the African Union Mission in Somalia (AMISOM) shipping; deter and counter piracy and armed robbery at sea; protect vulnerable shipping; and contribute to the monitoring of fishing off Somalia’s coast. EU NAVFOR, <http://eunavfor.eu/mission> (accessed September 16, 2013).

and extreme underdevelopment—persist.¹⁹ Somalia appears to have entered a period of relative political stability, but the enduring economic and political conditions that gave rise to the growth of piracy continue to make the country an attractive venue for transnational criminal and terrorist groups. International naval patrols, intelligence and law enforcement, economic measures, and other tools likely will continue to make up a large part of the international community’s counterpiracy repertoire. Understanding Somali narratives—which Somalis have used to understand, explain and, in some cases, justify piracy—is critical for keeping piracy at bay. Illegal fishing is central to those narratives.

The cost of illegal fishing in Somalia

Somali waters, particularly off the coast of the semi-autonomous state of Puntland in the country’s northeast, contain some of the world’s most important stocks of tuna, anchovies, sharks, rays, lobsters, and shrimps.²⁰ The extent of IUU fishing of the Somali coast is difficult to

¹⁹U.S. Africa Command, “U.S. Conducting High-Level Strategic Review of Somalia Strategy,” May 21, 2009, <http://www.africom.mil/Newsroom/Article/6651/us-conducting-high-level-strategic-review-of-somal> (accessed June 21, 2013).

²⁰N. P. Van Zalinge, “Summary of Fisheries and Resources Information for Somalia,” UN Food and Agriculture Organization (FAO), undated, <http://www.fao.org/docrep/field/303859/3038590b.htm> (accessed May 15, 2013); and FAO, “Somalia Fisheries,” February 2013, p. 1, <http://www.faosomalia.org/newsletters/Fisheries%20Fact%20Sheet.pdf> (accessed June 8, 2013). The UN Environmental Program notes that the limited survey data available for demersal fish stocks throughout the Somali continental shelf area is an impediment to the estimation of sustainable levels of exploitation. However, “it is reasonable to assume that the highest densities of both demersal and pelagic fish stocks will be found in the upwelling enriched waters of northeast Somalia.” Coral reef fish species form the basis for a major part of the fisheries production in southern Somalia and there are no available data to analyze the coral ecosystem or to survey the stocks of finfish and shellfish. “Conservative estimates have put the country’s yearly sustainable marine finfish production in the range of 300,000 tons, with the major commercial fisheries being small and large pelagics, demersal fishes, sharks and rays, as well as shallow-water and deep-sea lobsters and shrimps.” United Nations Environment Program, UNEP Regional Seas Reports and Studies No.

assess, although one study suggests that more than more than *half* of the total annual catch in the wider western Indian Ocean is illegal.²¹ Within Somali waters, possibly hundreds of vessels participate in this depredation. Exact numbers of IUU fishermen are impossible to glean, but there is credible evidence that foreign fishing occurred within 200 nautical miles of Somali coasts in the 1990s and early 2000s.²² As late as 2005, the UN Food and Agriculture Organization (FAO) estimated 700 foreign-owned vessels engaging in “unlicensed” fishing off the Somali coast.²³

The reduced catches of small-scale Somali artisanal fishers is almost certainly a byproduct of overfishing by commercial and industrial vessels from outside the region.²⁴ (Technically, according to some authorities, no illegal fishing takes place in Somalia’s 200-nautical-mile Exclusive Economic Zone, or EEZ—the area next to and beyond the country’s 12-mile territorial waters—since the country has failed to declare an EEZ, despite the urging of some members of the international community.)²⁵

84, “Coastal and marine environmental problems of Somalia, UNEP 1987;” A.J. Kulmiye, “Assessment of the Status of the Artisanal Fisheries in Puntland Through Value Chain Analysis,” study commissioned by VSF Suisse [Veterinaires Sans Frontieres] and UN Development Program Somalia, May 2010.

²¹ David J. Agnew, John Pearce, Ganapathiraju Pramod, Tom Peatman, Reg Watson, John R. Beddington, and Tony J. Pitcher, “Estimating the Worldwide Extent of Illegal Fishing,” *PLoS One*, no. 2 (February 2009), <http://www.plosone.org/article/info:doi/10.1371/journal.pone.0004570> (accessed July 5, 2013).

²² Patricia Schneider and Matthias Winkler, “The Robin Hood Narrative: A Discussion of Empirical and Ethical Legitimizations of Somali Pirates,” *Ocean Development & International Law* (2013).

²³ <http://www.fao.org/fi/oldsite/FCP/en/som/profile.htm>.

²⁴ FAO Somalia, “A 5-Year Strategy and Plan of Action 2011–2015,” p. 42, undated, <http://faosomalia.org/uploads/FAO%20Somalia%205-year%20strategy.pdf> (accessed August 13, 2013). At any given time, an estimated 700 foreign-owned fishing vessels are engaged in IUU fishing in Somali waters.

²⁵ In 1972, Somali Law No.37 on the Territorial Sea and Ports stated that “the Somali territorial sea includes the portion of the sea to the extent of 200

Two types of non-Somali vessels conduct IUU fishing in Somali territorial waters: *Regional vessels* from countries such as Kenya, Iran, Saudi Arabia, the United Arab Emirates (UAE), and Yemen typically operate within Somalia's 12-mile territorial sea. There, they are often visible from the Somali shoreline and they interact frequently with Somalis. Indeed, many of the vessels' operators buy counterfeit fishing licenses issued by corrupt Somali officials, warlords, businessmen, fishermen, or even pirates.²⁶ *International vessels* are mainly flagged in China, Taiwan, Thailand, Sri Lanka, India, France, Spain, Germany, Honduras, and Russia, and most fish within Somalia's undeclared 200-nautical-mile EEZ waters.²⁷ Fears about piracy appear to have kept down the number of such vessels.²⁸

nautical miles within the continental and insular coasts." See http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/SOM_1972_Law.pdf (accessed July 20, 2013). To date, Law No.37 is the only official national legislation that defines Somalia's maritime zone as including fishing and coastal navigation activities, as well as infringements and corresponding penalties. Somalia is one of the remaining few coastal states that continues to claim its territorial sea beyond the 12 nautical mile limit established by UNCLOS. These oceanic boundaries are established in UNCLOS. For more on UNCLOS, see "Baselines Under the International Law of the Sea," International Law Association (Sofia conference report) 2012;. For a different view, see Thilo Neumann and Tim René Salamon, "Fishing in Troubled Waters: Somalia's Maritime Zones and the Case for Reinterpretation," *Insights*, March 15, 2012, <http://www.asil.org/insights120315.cfm> (accessed January 15, 2013).

²⁶ These fishing fleets can be particularly insidious insofar as they often engage in bottom trawling, and, as such, not only destroy vital habitats, such as coral reefs, but also deplete commercial and noncommercial fish stocks due to extensive by-catch. Kulmiye, "Assessment of the Status of the Artisanal Fisheries in Puntland Through Value Chain Analysis;" Mohamed Abshir Waldo, "The Two Piracies in Somalia: Why the World Ignores the Other," *Wardheernews.com*, January 8, 2009, http://wardheernews.com/Articles_09/Jan/Waldo/_08_The_two_piracies_in_Somalia.html (accessed December 15, 2013).

²⁷ These international fishermen do not interact on regular basis with the coastal communities. As for the regional IUU fishing vessels, some of the international fishers acquire counterfeit Somali fishing licenses.

²⁸ Authors' interviews with UN officials, Nairobi, November 2012

Tuna is particularly prized among the international IUU fleet. The international fishing boats are most active in Somali waters during the south-west monsoon period (June–September), when migration patterns bring tuna inside the 200-mile limit. As with the operators of regional vessels, some international operators acquire counterfeit Somali fishing licenses. Selling these bogus permits is a lucrative business: Annual permits can cost as much as \$150,000 per boat.²⁹

IUU fishing has had several important negative effects on Somalia. It has deprived the government of badly needed license fees, tariffs, taxes, and other revenue. IUU fishing represents a further erosion of state authority in its maritime domain. Although never a major source of protein for the Somali people as a whole, fish are vital to the survival of the country's small population of artisanal fishers; as suggested above, overfishing is reducing their annual catches.³⁰ Finally, IUU fishing in the form of bottom-trawling causes substantial damage to Somalia's marine ecosystems, including the coral reefs that are home to many species.³¹

²⁹M.G. Hassan and A. Mwangura, "IUU Fishing and Insecurity Impacts on Somali Fisheries and Marine Resources" (paper delivered at 4th IUU Fishing Update and Consultation, Chatham House, London, March 31–April 1, 2008), <http://www.illegal-fishing.info/uploads/Hassan.pdf> (accessed June 20, 2013). For more on corrupt dealings involving fishing licenses, see United Nations Office on Drugs and Crime (UNODC), *Transnational Organized Crime in the Fishing Industry* (Vienna: UNODC, 2011), p. 112.

³⁰Somalia's fishing sector is a relatively small, employing roughly 90,000 full- and part-time fishermen and other workers. FAO, "Profil de la pêche par pays" (Somalia), January 2005, <http://www.fao.org/fi/oldsite/FCP/en/som/profile.htm> (accessed August 10, 2013). Somalia's total population (as of 2013) is estimated at roughly 10 million. In this report, the terms "fisher" and "fishermen" are used interchangeably.

³¹Kulmiye, "Assessment of the Status of the Artisanal Fisheries." For more on bottom-trawling, see *Environmental Justice Foundation (IJF), Squandering the Seas: How Shrimp Trawling is Threatening Ecological Integrity and Food Security Around the World* (London: IJF, 2003).

Somali narratives

The explanations that Somalis offer to explain the post-1991 development of piracy fall into three general categories: the “coast guard” narrative, the “empty sea” narrative, and the “anger” narrative.³² These discourses are not mutually exclusive, and are in fact mutually supportive. According to the first narrative, piracy plays a state-like security role in protecting Somali lives and sovereignty against foreigners intent on stripping the country of its natural resources. Framed in this way, defending “our coasts,” “our sea,” and “our water” is a patriotic response that confers legitimacy on Somalis who attack outsiders intent on plunder.³³

The “empty sea” narrative posits piracy as a reasonable response to overfishing, IUU activities, and economic underdevelopment. With the sea stripped of its riches by foreign exploiters, piracy is the only way for Somalis to earn a living. According to this narrative, kidnapping for ransom is not criminal; rather, it is “taxation” intended to compensate Somalis for the depredations caused by outsiders.³⁴ The third narrative, “anger,” stresses the inevitable emotional responses of Somalis to the plundering of the country’s fish stocks, the destruction of the nets and boats of artisanal fishers, and the violation of Somalia’s national dignity.³⁵

³² Christian Bueger, “Practice, Pirates and Coast Guards: Reconstructing the Grand Narrative Somali Piracy,” unpublished paper, November 2012, http://www.academia.edu/2089360/Practice_Pirates_and_Coastguards_The_Grand_Narrative_of_Somali_Piracy (accessed July 6, 2013).

³³ Ibid, and authors’ interviews with UN and Somali government officials, Nairobi, November 2012. The intent to couch their activities in protective or defensive terms is apparent in the names many Somali pirate groups give themselves, such as “Kismayo Volunteer Coastguards,” “Somalia Marines for Hobyo and Haradheere,” and “National Volunteer Coastguard.”

³⁴ Schneider and Winkler, “Robin Hood Narrative.”

³⁵ Hansen, “Piracy in the Greater Gulf of Aden,” p. 29.

Assessing IUU fishing–piracy linkages

Illegal fishing has been underway in Somali waters since the 1990s. According to the UN, local accounts described foreign-flagged industrial trawlers “frequently engaged in intentional collisions with local fishermen in Somali waters, leading to the destruction of fishing gear, injuries, and even deaths of local subsistence fishers.”³⁶ Early instances of what would later be considered piracy *did* involve artisanal fishermen who had armed themselves, often with the assistance of local militias.³⁷ Foreign fishing vessels were attacked, hijackings occurred, and ransom was paid, but the amounts were relatively small —on the order of \$5,000–\$10,000 dollars per incident.³⁸

Yet the success of these “defensive” attacks by Somali fishermen in the country’s territorial sea soon transformed them into oceangoing racketeers. In the words of one expert, piracy “became an easy business, a way of life... they [the fishers] got hooked onto it.”³⁹ Whatever the motivations behind the different Somali piracy discourses, they were overshadowed by the reality of piracy, which was dominated by money-driven, clan-based, transnational criminal networks. Foreign fishing vessels, the ostensible targets of Somalia’s pirate groups, have been involved in relatively few piracy incidents—perhaps because international fishing fleet operators cannot (or will not) pay significant ransoms. Fishing’s modest place in Somalia’s economy makes it unlikely that many pirates have ever worked as fishermen or even considered fishing as a potential occupation.⁴⁰ Finally, the pirates’

³⁶ UN Security Council, *Report of the Secretary-General on the Protection of Somali Natural Resources and Waters*, UN Doc. S/2011/661, p. 11.

³⁷ Authors’ interviews with UN officials, Nairobi, November 2012.

³⁸ *Ibid.*

³⁹ Quoted in Schneider and Winkler, “Robin Hood Narrative.”

⁴⁰ Notably, the fishing community in Somalia is very small and Somalis do not consume fish on a regular basis. Indeed, recent scholarship notes that “despite Somalia having one of the largest maritime zones in the western Indian Ocean with rich fish grounds, Somalia has one of the lowest per capita fish consumption levels in the world: a mere 1.6kg/per person/per year compared to global and African consumptions that are respectively 15 and 7 kg/person/year.” Somalis prefer red meat such as sheep, goats and camels over fish and poultry. Fish, in particular, is wide-

hunting grounds have continued to extend beyond the country's waters—as far south as the Mozambique Channel—which further undermines claims that they are defending Somalia's interests, people, and resources.⁴¹

Recent evidence suggests that far from protecting Somalia, pirate leaders are helping facilitate IUU fishing. According to the UN Monitoring Group on Somalia and Eritrea, the decline in hijackings of commercial vessels has led gang leaders to seek new sources of revenue, such as selling fishing licenses to foreign fishing trawlers and providing armed, on-board security.⁴² Security teams are drawn from a reservoir of demobilized pirates, who are directed by pirate leaders and businessmen who operate in Puntland, the quasi-independent Somaliland region, the UAE, Oman, Yemen and Iran.⁴³ These securi-

ly regarded as a “low-class” food. That said, the relative low cost is contributing to a perceived increase in fish used as a source of protein, especially for former pastoral populations displaced by the region's ongoing drought. In addition, despite the low consumption, the fishing industry provides direct and indirect employment to coastal communities. Jasmine Hughes, “The Piracy-Illegal Fishing Nexus in the Western Indian Ocean,” Future Directions International, February 10, 2011, <http://www.futuredirections.org.au/files/1297299965-FDI%20Strategic%20Analysis%20Paper%20-%2010%20February%202011.pdf> (accessed January 22, 2013); FSNAU, “Gender in emergency food security, livelihoods and nutrition: A compendium of what we know; And recommendations on what we need to know for enhanced gender Analysis”, 2 November 2012, page 8, available at http://www.globalgender.org/upload/%7B9ECEE90-12BA-4460-90EB-D8A39C41CB40%7D_Gender-Report-Emergency-Food-Security-Livelihoods-and-Nutrition_1.pdf.

⁴¹ “Somali Pirates Find Mozambique Channel a Balmy Home,” January 3, 2011, http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=11248:somali-pirates-find-mozambique-channel-a-balmy-home&catid=51:Sea&Itemid=106 (accessed August 2, 2013).

⁴² *UN Security Council Report on Somalia of the Monitoring Group on Somalia and Eritrea*, UN Doc. S/2013/413 (July 12, 2013), p. 100.

⁴³ *Ibid.*

ty personnel, the UN concludes, “often open fire on unprotected fishermen in order to drive out competition.”⁴⁴

⁴⁴ Ibid.

The Maritime Sector and Emerging Transnational Threats

Long coastlines, porous borders, a lack of government capacity, weak enforcement mechanisms, corruption, and other factors have enabled IUU fishing to thrive in Somalia's waters. The same factors have allowed other transnational threats to develop in Somalia—and spread further south into Kenya and Tanzania. Increasingly, these countries are becoming hubs for international trafficking in drugs, arms, and people. Oceangoing merchant vessels are an important means for transporting these illicit goods, but smaller fishing boats that move among the region's innumerable small islands and between small and large ports also play a role. These smaller vessels also play a role in moving terrorists from al-Shabaab, al-Qaeda's East Africa affiliate, to and from Somalia.

Drug trafficking

Countries in the western Indian Ocean region—particularly Kenya and Tanzania—are growing as global trafficking hubs for drugs such as cannabis, cocaine, and heroin. While much of this illicit trade moves by air, corruption, favorable geography, and a lack of law enforcement capacity and presence have made seaborne modes highly attractive to criminals.

In the case of Tanzania, according to a local report, the country's location “places it near Asian countries, and that having good infrastructure which links it to eight other neighboring countries which receive cargo through ports in Dar es Salaam and Zanzibar . . . makes it a ‘good’ location for transporting drugs.”⁴⁵ Fishing boats and freighters can move with little monitoring among the heavy maritime

⁴⁵ “Tanzania Major Transit Route for Drug Trafficking, Paper Says,” Open Source Center, September 21, 2009.

traffic off the coasts of Eastern Africa and the Gulf of Aden to markets in the Middle East and Europe.

A very light police and customs presence in the island ports of Zanzibar and Pemba make those facilities ideal for moving illegal goods.⁴⁶ With countless inlets cutting through dense mangroves, a substantial presence of dhows and artisanal fishing vessels, little official scrutiny, an estimated 17 landing sites for “unofficial” small cargo, and a “porous seashore approach,” the northern coastal town of Tanga has become what the UN describes as a “narco-hub of choice for drug-traffickers from East Africa, Iran, and Pakistan.”⁴⁷



“Unofficial” port at low tide, Tanga, December 2012
(Authors’ photo)

As discussed in the introduction to this report, precise figures on the size of this illegal trade are difficult to come by. Cannabis appears to

⁴⁶ “Zanzibar Islands ‘Prime Target’ for Drug Trafficking, Growing Heroin Addiction,” Al Jazeera English TV, October 1, 2012.
<http://blogs.aljazeera.com/blog/africa/zanzibar-plagued-heroin-addiction>

⁴⁷ *UNSC Report on Somalia*, p. 187; and Polycarp Machira, “Fake Goods Continue to Hurt Dar’s Economy,” *Guardian on Sunday Online*, August 23, 2009.

be the most widely consumed and trafficked drug in the region. Tanzania is the largest producer, and cannabis destined for North America and Europe is smuggled by boat from Dar es Salaam via the Comoros Islands. Seizures give some idea of the scale of the problem: In 2007, 225 tons were seized in Tanzania, and 44 tons in Kenya.⁴⁸

Sources such as the International Criminal Police Organization (INTERPOL) have detected an increasing flow of heroin in and out of the region.⁴⁹ Heroin moves from Pakistan and Iran, with Tanzania serving as the major transit hub. Heroin is smuggled to markets elsewhere in Africa, Western Europe, and North America.⁵⁰ In some instances, dhows and other small vessels offload drugs from so-called mother ships waiting on the high seas.⁵¹

⁴⁸ UNODC, “Organized Crime and Trafficking in Eastern Africa: A Discussion Paper” (paper presented at the Regional Ministerial Meeting on “Promoting the Rule of Law and Human Security in Eastern Africa,” Nairobi, November 23–24, 2009), http://www.unodc.org/documents/easternafica/regional-ministerial-meeting/Organised_Crime_and_Trafficking_in_Eastern_Africa_Discussion_Paper.pdf (accessed August 10, 2013).

⁴⁹ Authors’ interviews with UN officials, Nairobi, November 2012.

⁵⁰ UNODC, “Global Afghan Opium Trade: A Threat Assessment,” July 2011, http://www.unodc.org/documents/data-and-analysis/Studies/Global_Afghan_Opium_Trade_2011-web.pdf (accessed August 1, 2013).

⁵¹ The Kenyan and Tanzanian authorities claim that fishing boats and dhows may be going to the high seas to collect drugs from large vessels. However, neither country has the capacity to investigate or stop such operations. Some of the motherships are believed to be IUU fishing vessels flagged in Asian countries. Regional authorities also suspect that drugs might be entering Somalia and then moved to Kenya and Tanzania on small fishing boats. Authors’ interviews with UN officials, Nairobi, November 2012; and Eray Basar, “Drug Trafficking in Africa”, Civil-Military Fusion Centre, December 2012, [https://www.cimicweb.org/cmo/medbasin/Holder/Documents/r024%20CFC%20Monthly%20Thematic%20Report%20\(07-DEC-12\).pdf](https://www.cimicweb.org/cmo/medbasin/Holder/Documents/r024%20CFC%20Monthly%20Thematic%20Report%20(07-DEC-12).pdf) (accessed March 19, 2013). A dhow is capable of transporting 100–300 kilos of heroin. Authors’ interviews with UN officials, Nairobi, November 2012.

The following cases give some picture of contemporary heroin smuggling activities:

- In March 2010, police in Tanga arrested an Iranian national and four local men in connection with trafficking 95 kilograms of heroin.⁵²
- In February 2011, Tanzanian authorities seized 179 kilograms of heroin brought to the country by boat—the largest single seizure of heroin in East Africa up until that time.⁵³ Two Tanzanians and two Pakistanis were arrested.⁵⁴
- In January 2012, in Lindi, near the border with Mozambique, Tanzanian police seized 211 kilos of heroin. Two Tanzanians and one South African of Iranian origin were arrested.⁵⁵
- In March 2011, Kenyan authorities seized 102 kilos of heroin and charged six drug traffickers, including two Iranians and one Pakistani.⁵⁶ The six individuals were caught while offloading heroin from small fishing boats.⁵⁷
- On 29 March 2013, while conducting counterpiracy operations, the Canadian warship HMCS *Toronto* successfully interdicted one of the largest heroin shipments ever recorded—approximately 500kgs—on the high seas in the Indian Ocean off Zanzibar Island, Tanzania.⁵⁸

⁵² “Tanzanian Police Arrest Two ‘West Africans’ Over Drug Trafficking,” *The Citizen* (Dar es Salaam), June 25, 2010.

⁵³ *Report of the International Narcotics Control Board: Analysis of the World Situation, 2011*, http://www.incb.org/documents/Publications/AnnualReports/AR2011/AR_2011_E_Chapter_III_Africa.pdf (accessed July 12, 2013).

⁵⁴ Authors’ interviews with UN officials, Nairobi, November 2012.

⁵⁵ *Ibid.*

⁵⁶ “Kenya Charges Six Men Over Heroin Grab,” Reuters, March 28, 2011, <http://www.reuters.com/article/2011/03/28/ozatp-kenya-drugs-idAFJOE72R0MJ20110328> (accessed June 4, 2013).

⁵⁷ *Ibid.*

⁵⁸ <http://combinedmaritimeforces.com/2013/04/01/cmf-ship-in-huge-high-seas-heroin-haul/#more-2998>

Finally, Kenya, Tanzania, and Somalia also serve as transshipment points for cocaine. In August 2011, authorities in Zanzibar arrested three people and seized 23 kilos of the drug. During the same month, police in Tanga took into custody seven individuals suspected of planning to ferry 15 kilos of cocaine from Brazil into the Tanzanian capital and across the border into southern Kenya.⁵⁹ Both cocaine and heroin are smuggled into Somalia via the Kismaayo and Bosaso ports and then transported to Kenya on trucks; the cargo is disguised as sugar or rice.⁶⁰

Small-arms trafficking

It is estimated that there are approximately 640 million small arms and light weapons (SALW) in circulation globally, with 100 million of them in Africa. The firearms are moving from one conflict to the next, landing up in the hands of warlords and criminal gangs. The SALW most widely available in the region are the AK-47 and G3 assault rifles.⁶¹ These weapons are used in lawful ways (such as the protection of cattle from rustlers), but they are also widely employed by criminal gangs and other illicit actors.⁶² The lack of official resources, capacity, and political will has helped make Somalia an entrepôt for illicit arms into Eastern Africa, with many of the shipments coming from the Gulf of Aden.⁶³ Both Kenya and Tanzania are feeling the

⁵⁹ “Tanzanian Police Arrest 10 Persons Following Seizure of Cocaine from Brazil,” Pana Online (Dakar), August 17, 2011.

⁶⁰ Peter Gastrow, “Termites at Work: Transnational Organized Crime and State Erosion in Kenya,” International Peace Institute, September 2011, available at http://www.ipinst.org/images/pdfs/ipi_epub-kenya-toc.pdf (accessed August 1, 2013).

⁶¹ Contrary to popular belief, the AK-47 is not extremely cheap. According to some accounts, the iconic weapon sells for hundreds of dollars in African conflict zones. But it is easy to use, highly reliable, and extremely deadly in close quarters—attributes that make it particularly appealing to terrorists and criminals the world over. For more on the AK-47, see C. J. Chivers, *The Gun* (New York: Simon & Schuster, 2011).

⁶² UNODC, “Organized Crime and Trafficking in Eastern Africa.”

⁶³ The Gulf of Aden routes involve regional (mainly Yemeni) flagged fishing vessels that are often specially modified for light and small weapons storage.

public safety and security effects of arms smuggled across the region's permeable and lightly controlled borders

Illegal-arms traffickers provide weapons to ordinary criminals and to terrorist organizations. In October 2011, government authorities in Mogadishu seized a speedboat loaded with weapons.⁶⁴ One of the speedboat's passengers was Abdallah Mte, a petty drug dealer from a criminal network in Tanga; the other seven passengers were believed to be Kenyans and Tanzanians with fishing licenses issued in Tanga.⁶⁵ Authorities believed that Abdallah Mte's boat had been travelling from Baraawe, an al-Shabaab-controlled port in southern Somalia and known destination of the Tanzanian criminal network when operating in Somali waters.⁶⁶ Currently, Abdallah Mte and his fellow passengers are on trial in Mogadishu for suspected links to al-Shabaab.⁶⁷

Trafficking in persons and migrant smuggling

Regional vessels engaged in IUU fishing, small fishing vessels, dhows, and other craft facilitate human trafficking and migrant smuggling in the region. The difference between human trafficking and smuggling centers on issues of motivation and exploitation: A smuggled person is a willing participant, while a trafficked person is usually transported against his or her will and then physically or economically exploited by "customers."

According to the UN Monitoring Group, traffickers are increasingly moving individuals or small groups of people and arms to and from Somalia using "small (5 to 20 meter), relatively fast, fiberglass craft, motor-driven boats that were originally designed for fishing."⁶⁸ These

⁶⁴ Mohamed Odawa, "Somalia Captures Speed Boat Filled With Weapons," *Somalia Report*, October 17, 2011, http://www.somaliareport.com/index.php/post/1781/Somalia_Captures_Speed_Boat_Filled_with_Weapons (accessed August 5, 2013).

⁶⁵ Authors' interviews with UN officials, Nairobi, November 2012.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ UN Security Council, *Report of the Panel of Experts on Somalia Pursuant to Security Council Resolution 1474*, UN Doc. S/2003/135,

vessels operate between various points along the coasts of Yemen, Somalia, and Kenya. Typically, these boats move at night, and if challenged by authorities, their operators “claim to be traveling to or from Somali fishing grounds.”⁶⁹ Smugglers often use medium-size vessels with a capacity to carry 70 people to Somalia at a charge of \$250 per person.⁷⁰

As with other underground activities, reliable statistics are difficult to come by. Among the most authoritative estimates are those made by the intergovernmental International Organization on Migration (IOM). According to the IOM, as many as 20,000 Somali and Ethiopian male migrants are smuggled from the Horn of Africa to South Africa each year. The region’s estimated revenue from smuggling activities is valued at about \$40 million.⁷¹

The routes in East Africa start primarily in Ethiopia, Eritrea, and Somalia, transiting through Sudan, Chad, and Libya, and ending in Mediterranean countries such as Egypt, Libya, and Turkey.⁷² According to a UNODC assessment in 2007, the Gulf of Aden serves as a transit hub for Somalis moving onward to Middle Eastern and European countries. Voyage on the high seas and inland waterways, and the brutality of those engaged in this illegal trade, pose considerable risk for those being transported.

Tanzania is a transit hub for irregular migration due to its central location between the Middle East, Somalia, and South Africa. In the East Africa region, migrants are smuggled onto the Tanzanian mainland by boat, sometimes stopping along the way at offshore islands like Pemba, Mafia, and Zanzibar. They then move overland to South

<http://www.un.org/sc/committees/751/mongroup.shtml> (accessed July 5, 2013).

⁶⁹ Ibid.

⁷⁰ Authors’ interviews with UN officials, Nairobi, November 2012.

⁷¹ Gastrow, “Termites at Work.”

⁷² It should be noted that large numbers of people also move in the opposite direction—that is, across the Red Sea and through Yemen.

Africa. Each segment of the journey involves separate transactions and payments.⁷³

In general, boys are trafficked to work as cheap labor in mines and farms, as well as in sex work; girls are trafficked for household labor and sex work. According to the IOM, women and children from India, Kenya, Burundi, and the Democratic Republic of the Congo are trafficked to Tanzania to work in agriculture and prostitution. They also add that some Somali children have been smuggled through Tanzania and Zanzibar to the Middle East. However, much of the trafficking appears to be essentially regional in nature.⁷⁴

⁷³ Authors' interviews with UN officials, Nairobi, November 2012; and authors' interviews with local entrepreneurs in Tanga, December 2012.

⁷⁴ Annette Hubschle, *Organized Crime in Southern Africa: First Annual Review* (Pretoria: Institute for Security Studies, 2010), <http://www.issafrica.org/uploads/OrgCrimeReviewDec2010.pdf> (accessed June 28, 2013). Fighters and weapons associated with regional terrorist groups move across the Red Sea to and from Somalia and Yemen. The absence of any security force presence along the southern Yemeni coast creates a permissive environment for such activities.

Conclusion and Recommendations

This report has addressed two research questions: What are the connections between IUU fishing and piracy in Somalia? And what role does the maritime sector play in other emerging threats in Somalia, Kenya, and Tanzania? The answer to the first question is that while illegal fishing prompted some Somali fishers to take up arms against foreign commercial fishing vessels, the most important drivers of piracy have been weak government institutions, extreme underdevelopment, a lack of maritime law enforcement and presence, and onshore political instability.

The narratives that Somalis have used to explain (and in some cases, to justify) piracy, while widely accepted, are undercut by the evidence. Far from serving as “coast guards” and protectors of Somali resources, territory, and livelihoods, pirate gangs enable IUU fishing by selling false licenses and supplying gunmen to provide security aboard foreign vessels. Moreover, pirates in recent years have operated far beyond Somali waters. Put another way, pirate gangs are playing a defensive role—but one that protects the illegal extraction of resources.

After reaching an apogee in 2011, piracy entered a period of steep decline. But piracy comes in cycles. After surging during the 1993–95 period, the number of incidents dropped in 1996, then grew slowly from 1997 to 2004, and then expanded dramatically from 2006 to 2011. Although Somalia is regaining some measure of political stability, other factors that contributed to its political and economic collapse remain—factors that sustain the country as a prime venue for international criminal and terrorist activity. Preventing the re-emergence of large-scale piracy requires the continuation of counterpiracy measures that appear to have been effective in the past, including naval patrols, best management practices, and the presence of armed security personnel aboard ships.

As the number of piracy incidents has dropped, other transnational threats have emerged. The answer to the second question addressed in this report is that the maritime sector—commercial vessels, fishing

boats, and small artisanal craft such as dhows—enables drug traffickers, arms dealers, and those engaged in human smuggling and trafficking to move with little scrutiny up and down the coastlines of Somalia, Kenya, and Tanzania. Some of these illegal activities are conducted for purely criminal reasons. However, there is evidence of ties between criminal actors and terrorists associated with al-Qaeda’s affiliates in Africa.

In addition to the countermeasures discussed above, what other actions to thwart piracy, IUU fishing, and the emerging transnational threats should be considered? As with any security challenge that crosses borders, international cooperation and action—political, military, law enforcement, and economic—are self-evident needs. Naval task forces, UN monitoring, the creation of intergovernmental bodies such as the European Union–funded Indian Ocean Commission (which has assisted some countries with satellite and radar surveillance of IUU fishing), and Regional Fisheries Management Organizations illustrate the relatively robust level of current cooperation.⁷⁵

However, the responses of the countries in the region most threatened by piracy, IUU fishing, and other transnational threats have been considerably less robust. Some of this is a reflection of the lack of resources, capacity, and political will. But it also reflects “a lack of maritime domain awareness and command and control capability, fragile regulatory and judicial structures, deficient interagency coordination, and inconsistent relationships with international partners.”⁷⁶ Filling in these shortfalls is an obvious long-term requirement. Somalia’s declaration of an EEZ, while politically contentious within that country, is widely acknowledged as an essential step in securing additional international protection for Somalia’s national territory and marine resources.

⁷⁵ Rupert Herbert-Burns, “Countering Piracy, Trafficking, and Terrorism: Ensuring Maritime Security in the Indian Ocean,” in David Michel and Russell Sticklor, eds., *Indian Ocean Rising: Maritime Security and Policy Challenges* (Washington, D.C.: Stimson Center, 2012), p. 38.

⁷⁶ Hughes, “The Piracy-Illegal Fishing Nexus in the Western Indian Ocean.”

Two other measures should receive additional consideration at the national, regional, and international levels. The first is the contracting out of maritime security forces to commercial firms. Private military companies (PMCs) have a long and checkered history in the region, and particularly in Somalia.⁷⁷ The reliance on PMCs raises issues of accountability, international law, cost, and effectiveness.⁷⁸ But as a practical matter, some PMCs have demonstrated the ability to provide security on a short- and mid-term basis, and they may help to create a security “space” while government institutions develop. Recently, the Somali government’s relationship with PMCs appears to have entered a new phase with the signing of a contract with a Dutch firm to train a Somali coast guard.⁷⁹ That said, regional governments may require assistance in building the legal and regulatory capacities to oversee these companies, and ensure that they strictly adhere to both national and international laws.

Second, countries in the region should consider community-based approaches to maritime security. Community policing, long the paradigm for European and North American law enforcement, could be applicable on the water as well as on the land. Giving local fisherman training and equipment, and linking them to a national monitoring

⁷⁷ See, for example, “Private Security Companies in Somalia are in Violation of the Arms Embargo–UN,” *defenceWeb*, August 2, 2012, http://www.defenceweb.co.za/index.php?option=com_content&task=view&id=27172&Itemid=111 (accessed June 2, 2013); and Scott Fitzsimmons, “Privatizing the Struggle Against Somali Piracy,” *Small Wars & Insurgencies*, 24, no. 1 (2013).

⁷⁸ For more on the costs, risks, and benefits of engaging PMCs, see Christopher Spearin, “Private Security, Somali Piracy, and the Implications for Europe: An Appropriate ‘State’ Response to a Contemporary Challenge?” paper presented at European Security and Defence Forum, Chatham House, London, November 11, 2009; Stig Jarle Hansen, “Private Security and Local Politics in Somalia,” *Review of African Political Economy*, 35, no. 118 (2008); and Lindsey Cameron, “Private Military Companies: Their Status Under International Humanitarian Law and Its Impact on Their Regulation,” *International Review of the Red Cross*, 88, no. 863 (September 2006).

⁷⁹ “Somali Government Signs Landmark Coastal Protection Contract,” July 30, 2013, <http://horseedmedia.net/2013/07/30/somali-government-signs-landmark-coastal-protection-contract/> (accessed August 5, 2013).

system, could serve as a low-cost “force multiplier” for government agencies that lack the resources and capabilities to conduct effective surveillance.⁸⁰

⁸⁰ Maureen Farrell and Michel Wagner, “Community Watch on the Water: Relationship Building on the Kenyan Coast” (unpublished paper, U.S. Africa Command and Combined Joint Task Force– Horn of Africa, March 2011).

