UNDERSTANDING CONTEMPORARY MARITIME PIRACY

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by

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ABSTRACT OF DISSERTATION

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Abstract

Although the international news media is often filled with reports on maritime piracy, particularly those occurring in Somalia, little research has been done in the field of criminology to understand this crime. To address these issues, the present research employed two complementary research strategies designed to examine the character, magnitude and underlying dynamic of contemporary piracy in the 21st century. To examine the character and magnitude of contemporary piracy this study drew on and merged information from the two primary international data sources on piracy; information collected by the International Maritime Bureau and the United States Office of Naval Intelligence. The merger of these two sources provides the most comprehensive database on piracy incidence currently available from 2001 to 2010, the Contemporary Maritime Piracy Database. This new dataset is used to: examine the cross national and temporal character of contemporary maritime piracy across nine major dimensions, including: 1) the location and source of attacks; 2) the date of attacks; 3) the location at sea; 4) the time of attacks; 5) target vessel characteristics; 6) pirate characteristics; 7) pirate actions; 8) pirate motivation; and 9) responses to piracy. Dimensions three to nine were studied across regions and countries (dimension one) and over the 2001 to 2010 study period (dimension two).

This first phase of the research found that piracy in the 21st century changed dramatically, while Somali piracy has become the dominant form of piracy in the world. In particular, the escalation of piracy in Somalia during the study period has affected the aggregate profile of contemporary maritime piracy, because Somali piracy exhibits different characteristics from other forms of contemporary piracy.
To examine the underlying dynamics of contemporary piracy, this research employed a case study combined with a historical/policy analysis of Somali piracy because of that nation’s dominating role in the evolution of contemporary piracy. This phase of the research examined the conditions that underlie the emergence and growth of maritime piracy in Somalia, a country without a history of piracy. The case study is guided by an analytic framework based on Nikos Passas’ global anomie theory (2000) augmented with ideas of civic governance. The case study revealed that a set of processes, largely following the pattern articulated by the framework of global anomie theory with extensions suggested by concepts of civic governance, can help explain the origin and emergence of piracy in Somalia.
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Chapter 1

Defining Contemporary Maritime Piracy

Until a few decades ago, piracy was considered a matter of the past. The resurgence of piracy is a modern phenomenon. Despite increased public concern and media attention criminological literature on piracy is scarce; literature has been generated mainly from the fields of history, law, international relations, investigative journalism, and freelance writing. More recently with the escalation of piracy in Somalia, literature has emerged from maritime experts looking at piracy from a security perspective, focusing primarily on piracy as organized crime and its relation to terrorism. One of the few sociologists that has tackled the subject, Hua-Lun Huang, affirms that there is a serious lacuna in the formulation of theories or propositions “to assist modern sociologists or criminologists in demonstrating the relationships between, for example, piratical activities and socioeconomic/politico-geographic factors related to the exploration of the maritime environment” (2010, p. 279). This dissertation aims to increase our understanding of the substantive and temporal character of piracy in the 21st Century, specifically between 2001 and 2010.

Despite the reappearance of piracy, it is an act that is generally ill defined and little understood. This is despite the fact that piracy has a common global classification as *hostis humani generis* meaning enemy of all mankind1 *criminals* if you like. It is the oldest crime over which there is universal jurisdiction (Halberstam, 1988, p. 272). At the most basic level, piracy is

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1 ‘Hostis humani generis’ is a legal term that originates from admiralty law and refers to the unique status of maritime pirates since the 18th century. It has its source in the understanding that the high seas are common property of all nations and that every nation has the right to trespass through it. Pirates violate this universal right and therefore represent a crime against all nations, and therefore jurisdiction over pirates in the high seas is universal.
aggravated theft or attempted theft at sea. This is suggested by the old German word for piracy ‘Seeraub’, literally meaning ‘sea robbery’.

The definition of maritime piracy has changed over time and varies depending on context. The development of the concept mirrors the politics of the day, illustrated by the separation of pirates from buccaneers and privateers in the past (Konstam, 2007). In antiquity, the concept of pirate referred to anyone who attacked another at sea. The Greeks and Roman distinguished between robber pirates and pirate communities. Pirate communities were ones which indiscriminately seized persons or goods without a formal declaration of war (Goodwin, 2006). In Medieval times, the definition of pirates focused on theft at sea. To avoid situations of war, thieving between realms was protected under ‘letters of marque and reprisal’ by private entities where the purpose was retribution. By the seventeenth century, the idea of labeling a society as piratical was no longer acceptable. Instead pirates were seen as individuals who formed groups and were united in wrongdoing, these groups were not representative of a state (Rubin, 2006).

In the post Westphalian order piracy flourished, especially around busy trade routes. A new distinction was created between pirates, who were seen as disturbing the friendship between nations (Goodwin, 2006, p.978), and privateers, who were authorized to plunder by sovereign nations. By 1856 privateering, the state sponsored form of piracy, was outlawed by the Declaration Respecting Maritime Law signed in Paris. Maritime piracy nigh on disappeared in the nineteenth century, therefore the crime also disappeared or was omitted from many national criminal codes around the world.
What can be seen from this brief historical overview, is that throughout history piracy has changed in nature and location; it is a dynamic phenomenon that adapts to changing times. In 1932, the 20th century British historian Philip Gosse stated “the modern age seems to have done away with piracy… What with thirty-five knot cruisers, aeroplanes, wireless and above all the police power of the modern State, there seems little chance for the enterprising individual to gain a living in this fashion” (1932/2007, p.297-98).

Gosse was unable to foresee how enterprising pirates of the future would take advantage of the modern State and new technology. Although today we know that Gosse was wrong, the developments he identified did initially all but eradicate piracy. It was not until some years after the end of the Cold War that piracy began to reemerge on a larger scale. The problem became serious enough in Southeast Asia that by 1983 the International Maritime Organization (IMO) began requesting annual reports from the International Maritime Bureau2 (IMB) on the phenomenon (Hyslop, 1989, p.3). By 1992 the IMB had set up a free service to seafarers, the Piracy Reporting Center (PRC) in Kuala Lumpur, Malaysia, where shipmasters could report attacks to a single point of contact in order to initiate a process of response.3

Although the term piracy is loosely applied to a variety of acts both in modern and historical times, there are some vital elements of contemporary piracy which distinguish it from its historical counterpart (Young, 2007; see also Ong-Webb, 2007 and Liss, 2003). Adam Young describes three particular discontinuities between modern and historical piracy: the static territorial borders introduced by nation State consciousness; the fact that in the past piracy had

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2 The IMB is a specialized division of the International Chamber of Commerce. It is a non-profit organization, established in 1981 to act as a focal point in the fight against all types of maritime crime and malpractice.
3 For more information see IMB Piracy Reporting Center, go to http://www.icc-ccs.org/piracy-reporting-centre.
some conditional legitimacy whereas in the present it is considered completely illegal; and the material, political, social, and cultural changes of the modern era (2005, p.16).

Despite 30 years of piracy, systematic criminological research on the subject is scarce. The goal of this research is to provide an overview of what contemporary piracy is and understand the context for piracy in a country that has become the piracy hotspot of the 21st century; to unmask the opacity of modern piracy (Teitler, 2002). This introductory chapter begins with defining piracy and then provides an overview of this dissertation research.

In 1934, piracy was recognized as more than theft, the British jurist C. S. Kenny described it as “any armed violence at sea which is not a lawful act of war” (1934). However Kenny’s definition is not the legal definition, perhaps because it is too broad. The first international codification of piracy occurred in the 1958 Geneva Convention on the High Seas (Article 15) and the later in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) (Article 101)\(^4\). According to these piracy consists of:

\begin{itemize}
  \item[a)] Any illegal acts of violence, detention, or any act of depredation committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
    \begin{itemize}
      \item[i)] On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft\(^5\);
      \item[ii)] Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
    \end{itemize}
  \item[b)] Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
  \item[c)] Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b) of this article.
\end{itemize}

\(^4\) UNCLOS replicated the piracy clause of the Geneva Convention verbatim.
\(^5\) Other international legislation has taken the place of UNCLOS for offences against penal law and to any acts jeopardizing the safety of persons or property on board civilian aircraft while in-flight and engaged in international air navigation - Convention on Offences and Certain Other Acts Committed on Board Aircraft 1963, the "Tokyo Convention". Therefore piracy at sea differentiates from offences against aircraft under international jurisdiction.
Unlike Kenny’s definition, the convention limits acts of piracy to those for private ends, to incidents that occur outside the jurisdiction of any single State and sets a requirement for a ship-to-ship (or aircraft) conflict.

According to Joseph Bingham, who prepared the Comment to the Harvard Draft Convention on Piracy, the public ends element of the definition excludes “all cases of wrongful attacks on persons or property for political ends, whether they are made on behalf of states or of recognized belligerent organizations, or of unorganized revolutionary bands” (as cited in Halberstam, 1988, p.278). This limitation effectively excludes from international jurisdiction (under this convention) any acts of piracy that are condoned or organized by nation states as well as acts of terrorism that are directed at the source state (Halberstam, 1988, p.278). Although UNCLOS focuses on the motivation of the perpetrators it does not provide any guidance as to what constitutes a private motivation or how to classify an event where private and public motivations are comingled (Bento, 2011, p.119-120).

UNCLOS limits the act of piracy to transgressions committed on the high seas. The high sea is the area of the ocean that is outside of the territorial jurisdiction of a nation state, also known as international waters. Appendix A illustrates that territorial waters extend 12 nautical miles (nm) from the coast of a nation state (this 12 nm limit was set in UNCLOS itself, extending it from the previous 3 nm). Beyond this, each nation state has an Exclusive Economic Zone (EEZ) stretching 200 nm from its coast. Within the EEZ, the state has exclusive exploitation rights over the natural resources therein. According to UNCLOS ships have transit

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6 The Harvard Research in International Law prepared the Draft Convention on Piracy and the accompanying Comment to the Draft. Both these documents formed the basis for the Geneva Convention. UNCLOS replicated the clause in the Geneva Convention verbatim. Therefore, both these documents are relied on in the interpretation of the clauses in the Convention.
rights in the EEZ but they have to pay regard to coastal states’ rights, laws and regulations (Art.88-115). Technically these are international waters and according to Art. 58(2) of UNCLOS the piracy provisions apply. That means all vessels, regardless of nationality, can arrest and arraign pirates encountered in the EEZs and bring them to justice under their own domestic law.

It is important to note that the focus of UNCLOS was not piracy; primarily it was concerned with redistribution of resources to the new nations that were created with the end of colonialization, whilst simultaneously ensuring freedom of navigation for the more established fleets of former colonial powers (Anderson, 1995). Of the 327 articles in UNCLOS, only seven deal with piracy. Largely this is because at the time of drafting piracy was regarded as a problem of the past. The drafters of UNCLOS were concerned with issues of sovereignty not piracy which may explain why they failed to set any requirements for nations to legislate comparable domestic legislation on piracy\textsuperscript{7} and neglected to require any form of cooperation between nations when dealing with maritime predation (Murphy, 2007b).

It was not until 1995 that the act of piracy within territorial waters was defined in international law. The Code of Practice for the Investigation for the Crime of Piracy and Armed Robbery against Ships (Resolution A.922(22)) (IMO Code) distinguishes between piracy and armed robbery at sea. The definition states in Paragraph 2.2:

> Armed robbery against ships means any unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of “piracy”, directed against a ship or against persons or property on board such ship, within a State’s jurisdiction over such offences.

\textsuperscript{7}To date not all nations have piracy legislation. To see which countries do have national legislation on piracy and what the content of these laws is, visit \url{http://www.un.org/Depts/los/piracy/piracy_national_legislation.htm}. 
Therefore *identical* behaviors are differentiated by location of the attack (either in territorial or international waters). Simply put, armed robbery at sea happens within the jurisdiction of a State, whereas piracy happens on the high seas, which is governed by international law.

Given the shortcomings of the legal definition of piracy, an alternative definition of piracy, used for statistical purposes\(^8\), is proposed by the International Chamber of Commerce’s International Maritime Bureau (IMB), one of the two major international organizations dealing with piracy. It is closer to Kenny’s original conception and centers on the victim’s experience. Maritime piracy is defined as ‘any act of boarding or attempting to board any ship with the apparent intent or capability to use force in the furtherance of the act’ (IMB, 1992, p.2).

Peter Hinchcliffe of the Secretary General of the International Chamber of Shipping explains, “If you are a victim at sea, of piracy or armed robbery, your sympathy is with the IMB definition” (Author Interview, February, 2010). Others in the maritime industry agree that from the perspective of the victim location at sea is not relevant and tend to agree with the IMB definition which has a broader scope (Author Interview with International Transport Worker’s Federation Assistant Secretary and Permanent Representative, John Bainbridge, February 2010).

The IMB definition is used in this dissertation as a basis for statistical analyses. The IMB definition encompasses a variety of acts without making a distinction based on the location of attack (high seas, territorial waters or in port) or the type of attack (hijack, theft, kidnap etc.). The IMB definition does not require that the act be committed from another vessel, instead it focuses

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\(^8\) More recently the IMB has used the phrase ‘piracy and armed robbery’ referencing the combined UNCLOS and the IMO Code designations. The transition from the statistical definition occurred after the IMO Code definition began to be more widely applied and understood. The IMO Code definition was formally recognized by an international legal document in the 2004 Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).
on boarding of, or attempted boarding of a ship with intent or capability of the use of force⁹. It is also noteworthy that the IMB definition does not distinguish between illegal acts that are committed for private ends or those that have the support of nation states; therefore it avoids any bias based on political motivations. The use of a broad definition, such as provided by the IMB, enable the study to capture a more comprehensive range of incidents and a broader array of behaviors.

In response to criticisms of available research, such as those levied by Graham Ong-Webb that “Even the exercise in rudimentary statistics on reported piracy attacks and lack of a more powerful synthesis of collected data continues to be problematic” (2007, p.38), this dissertation creates the most comprehensive database on piracy available to date, based on the IMB definition. This is done through the merger of two major collections of piracy reports; the reports collected by the International Maritime Bureau (IMB) and by reports provided to the United States Office of Naval Intelligence (ONI). The new dataset, the Comprehensive Maritime Piracy Database (CMPD), is used to examine the cross national and temporal character of contemporary piracy.

Pirate incidents are analyzed across nine major dimensions: 1) geographic location (i.e., attack location and source of attack); 2) date of attack; 3) location at sea (e.g., high seas, coastal waters, in harbor); 4) time of attack; 5) target vessel characteristics; 6) pirate characteristics; 7) pirate actions; 8) pirate motivation; and 9) responses to piracy. The last seven dimensions of piracy are examined across regions and countries (dimension one) and over the 2001 to 2010

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⁹ This is preferred over the legal definition provided by the United Nations Convention on the Law of the Sea (UNCLOS), which limits acts of piracy to those for private ends, to incidents that occur outside the jurisdiction of any State and sets a requirement for a ship-to-ship conflict (Article 101).
decade (dimension two). The analysis provides an assessment of the character, magnitude and development of contemporary piracy in the 21st century.

The results from the analysis of piracy in the 21st century suggest that the prevalent form of piracy has changed and a new type of piracy which begun in the 1990s has become the major threat in the study period. The most prevalent form of contemporary piracy originates from Somalia. The analysis of the integrated piracy dataset demonstrates that Somali piracy has distinct characteristics which are unlike other contemporary forms of piracy. Therefore the next part of the dissertation examines the origins and conditions that underlie the emergence of piracy in a country with no history of piracy and looks at the particular nature of piracy coming from Somalia and its recent escalation.

Using a case study combined with a historical/policy analysis format the dissertation uses global anomie theory and ideas of civic governance as a guide for a systematic study on the determinants, structure, and factors associated with Somali piracy. To do this global anomie theory is operationalized into five temporally linked components of an analytic framework which trace the social processes which lead to deviance and the normalization of deviance in society.

The dissertation begins with an overview of the literature on the precursors of piracy and the guiding theoretical framework of Passas’ global anomie (1999, 2000) in chapter two. In chapter three, the methods used for the different parts of this dissertation are explained, including the creation of the CMPD, the analysis of the newly compiled data, and the qualitative methods used for the case study on Somalia. Chapter four presents the results of the analysis, describing what the CMPD reveals about contemporary piracy. In Chapter five the results of the case study on Somalia are revealed, tracing the origins of piracy in this east African country but also
exploring the triggers for the dramatic upsurge in piracy from 2008. Finally, chapter six concludes with an overview of the research, the major findings and discusses the implication of the study for future research on piracy generally and for future counter piracy policy in Somalia specifically. The final chapter also examines the contribution of this research to global anomie theory as augmented with ideas of civic governance.

In summary, this research has three objectives regarding piracy in the 21st century: 1) To compile a comprehensive database of contemporary piracy, 2) Examine the cross national incidence and character of piracy in the 21st century, and 3) Assess whether the global anomie theoretical framework represent conditions in which piracy is more likely to flourish.
Chapter 2

Understanding Contemporary Maritime Piracy: Global Anomie Theory and Governance

To understand the determinants, structure and factors association with piracy in Somalia, this dissertation uses global anomie theory, as formulated by Nikos Passas (1999, 2000) to provide a guide for a systematic analysis of the context for piracy. The benefit of using this theory is that it provides an outline of social processes that explain the broader impact of globalization and how it serves to promote the emergence and continuation of deviance. Chapter two provides an explanation of the theoretical foundation used in the case study of Somalia. Before explaining the various elements and concepts of global anomie theory, an overview is provided of the literature on the causes of piracy. Existing literature on modern maritime piracy identifies a list of factors, which are considered precursors of piracy. Although much of the literature on piracy is based on regional studies of piracy occurring in Southeast Asia and more recently on Somalia, it is important to incorporate current knowledge on the subject into a systematic analysis of the problem. The chapter concludes with a series of research questions which the case study on Somalia hopes to answer.

Opportunity is the most common causal factor identified in piracy literature. For piracy, the idea of opportunity includes favorable geography as well as legal and jurisdictional weaknesses (Murphy, 2007, p.13; 2009, p.4). Favorable geography consists of both geophysical attributes (such as narrow waterways and an abundance of islands and inlets that afford ideal hiding places) and the presence of potential targets in high traffic areas (Caplan, Moreto, & Kennedy, 2010, p.1). When this is coupled with “insufficient coastal/port surveillance,
corruption, a lack of adequate marine policing resources and ready access to weaponry” (Chalk, 2008, p.8) it creates a perfect storm for piracy.

With the intensification of globalization, international trade has grown, new technologies have developed, commercial maritime traffic has increased substantially, and with that, the scale of the opportunity for maritime predation. Since 1968 seaborne trade has quadrupled, from an estimated 8 thousand billion tonne-miles to 32 thousand billion tonne-miles in 2008, with over 50,000 merchant ships plying the seven seas (ICS, 2010) and over 6,500 terminals that handle these cargoes (Chalk, 2008, p.10). Piracy becomes feasible when ocean going vessels slow or stop. Generally traffic slows not only when in proximity of ports and terminals but also around maritime choke points. These are areas which force ships into bottlenecks around narrow sea-lanes. In addition, when these are coupled with potential safe havens where pirates can move about unseen and escape into sheltered hiding spots (such as archipelagoes) vessels become more vulnerable to attack.

Opportunity refers to the practical conditions that are necessary for this crime to flourish, why piracy occurs in some parts of the world as opposed to others. However topography and traffic concentration are insufficient to explain any variance in piracy incidence over time. Nor does it explain the context that enables piracy.

In addition to opportunity, poverty in littoral states has been implicated in the rise of piracy (Burnett, 2002, p.117) although the general consensus has been that poverty is only part of a more complex explanation (Chalk, 2008, p.11; Valencia, 2006, p.87). Since poverty does seem to be a common factor (although to date there is no detail as to the impact fluctuation in economic conditions has on piracy) among nations with a high rate of piracy it does necessitate
some comment. Only two of the highest piracy incidents countries (that account for over 31 percent of all attacks in the study period)\textsuperscript{10} fall within the list of the United Nations Least Developed Countries\textsuperscript{11}. These two countries, Somalia and Bangladesh, are two of the three countries with the highest number of piracy reports in the study decade. However, poverty rates are not static, whether there is a genuine longitudinal correlation between the two remains to be empirically established although there is some evidence that higher per-capita incomes dampen the level of physical violence and material damage of piracy attacks (Iyigun & Ratisukpimol, 2011). Considering the case of Southeast Asian piracy, measuring in terms of gross domestic product (GDP) and other industrial output measures, there is evidence of considerable economic growth. However over both the period of growth and through the 1997 economic crisis (1997) piracy remained relatively stable, only recently showing a downturn (see analysis in Chapter 4).

Another issue to consider is that the poor are not only the “labor pool for piracy from which the majority of piracy stems, but also constitutes the majority of victims” (Young, 2007, p.57). Although Young was considering the countless (often unreported) fishing vessels that are attacked by pirates in the Malacca Straits, it is equally important to consider crew on merchant ships. Increasingly cargo vessels recruit at minimum wages from the world’s poorer nations. Both officers and ratings (i.e. those working in an engine-room, forming part of a watch, or serving on certain types of ship) are recruited from the developing world. Currently 70.7 percent of officers and 80.8 percent of ratings come from the developing world (this includes seafarers from Eastern Europe, Far East, Indian sub-continent, Africa, and Latin America), which

\textsuperscript{10} These key countries are Indonesia, Somalia, Bangladesh, Nigeria, India, Guyana, Malaysia, Vietnam, Philippines, Peru, Brazil, Venezuela and Tanzania.

\textsuperscript{11} The Least Developed Countries (LDC) represent the poorest and weakest countries. LDC are identified using three criteria: per capita gross national income (GNI), human assets and economic vulnerability to external shocks. The latter two are measured by two indices of structural impediments: human assets index, and the economic vulnerability index. The current list of LDCs is available at http://www.unohrlls.org/en/ldc/25/.
translates to about 1,045,000 individuals (BIMCO, 2010). Poverty is therefore a factor for both the makeup of the offender and the victim population, adding to the problem of using it as the sole explanatory factor.

Within criminology, poverty alone has been found to be an insufficient explanation of crime generally; instead a more fruitful correlation has been to focus on economic inequality within a broader framework of factors (La Free, 1999). Among piracy scholars Adam Young puts the issue of poverty in context, he suggests that the problem is based on a form of social breakdown and that the roots of modern piracy in Southeast Asia lies “in the cultural, economic and political environment of states in the region, and their inability to effectively control or regulate this environment…economic growth without concomitant political development, poverty and ineffective distribution of wealth, and fragmented or challenged political hegemony, are some of the roots of piracy” (2007, p. 3). Furthermore Young suggests that the issue is weak state development, “economic development has outpaced the capacity of the state to redistribute the profits effectively” (2007, p.59). Looking at another region of the world, Anyu and Moki (2009) similarly list poverty, failed states/poor governance, and flaws in maritime-transport treaties as the three salient factors that have made Africa a “piracy hot spot”.

The broader issue of governance is also identified in other works that mention factors such as a permissive political environment (Murphy, 2007, p.13), cultural tolerance for piracy (Murphy, 2009; Caplan et al., 2010), the presence of conflict and disorder (Murphy, 2007, p.13) as well as insufficient/inadequate marine policing and corruption (Chalk, 2008, p.8). Some have described the lack of governance and an effective social security apparatus as key elements in

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12 This is the only study known to this author that deals exclusively with piracy in the continent of Africa.

The primary root of the maritime raiding problem in the Malacca Strait is the lack of effective government along the Sumatran coast coupled with absence of viable, legitimate economic opportunities for coastal communities. If poor governance has allowed the maritime predation problem to persist for more than 30 years, including the participation of rogue officials, then the present emphasis on more efficient and better coordinated patrols at sea is addressing only part of the problem. The fact that there are no pirate bands based on the Malaysian side of the Strait (leaving aside the ship hijacking rings which contract the actual hijackings) suggest that economic development and effective administration and governance are key factors in addressing piracy in the Malacca Strait. (Mak, 2007, p.201)

Similarly, when discussing Somalia, Hansen and Hoesslin state, “Maritime security in waters surrounding Somalia is fully correlated with the internal situation…Besides the economic decline and the political chaos, the lack of effective control over the coast is the primary reason for the surge in piracy” (2009, p.18).

Despite identifying governance as a salient concept, the coverage of the relationship has been superficial, lacking an analysis which explains what the relationship between piracy and governance consists of. Moreover, the tendency has been to focus on governance as government. Governance is a broader concept which includes “the mechanisms and processes for citizens and groups to articulate their interests, mediate their differences, and exercise their legal rights and

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13 Note that Mak’s statement regarding no pirate bands in Malaysia does not mean that there is no piracy in Malaysia. There is piracy in Malaysia on a much smaller scale than in Indonesia, the attacks in Malaysian ports and anchorages are perpetrated by Malaysian nationals. In addition, Indonesian pirates will prey on vessels in the Malacca Strait, which are close to the Malaysian coast. (Author Interview with International Maritime Bureau’s Director, Capt. Pottengal Mukundan, February 2010)
obligations. It is the rules, institutions and practices that set limits and provide incentives.” (June, Chowdhury, Heller, & Werve, 2008, p.7) Governance can be understood broadly as the set of norms, processes, and institutions through which diverse interests emerge, are articulated and acted out, and through which conflicts of interests are addressed or resolved in a given social group or community (Passas and Twyman-Ghoshal, forthcoming 2012). It seems that this factor may indeed shed light on the context that enables piracy to flourish and is treated in more detail below.

The policing function of nations and sub regions is contingent on existing types of governance and political will. Moreover, policing the seas presents different challenges than those on land, not only is the area much greater (consider policing Indonesia’s 14,000 islands or the 20,000,000 square miles of the Indian Ocean including the Red Sea and the Persian Gulf that are troubled by Somali pirates) but the sea is divided by competing interests and priorities.

UNCLOS provides the geographical area within which a nation state may regulate seas, primarily up to 12 nm from the coast (territorial waters) and then to a limited degree up to 200 nm from the coast (exclusive economic zone). However the ocean is not as clearly demarcated as the Convention would have it and some territorial waters overlap, creating uncertainty and conflict. For instance, the Malacca Straits has the customary international legal status of high seas; this despite the fact that at the southern end it is only 7.8 nm wide, technically falling within the 12 nm limit of territorial waters of the two sovereign nations of Malaysia and Indonesia. To date these countries are still not in agreement about their respective maritime boundary which clearly affects the policing of those areas (Mak, 2006; Mak, 2007; Murphy, 2007b; Valencia, 2006).
These legal ambiguities make cooperation critical – with the sea abutting the coasts of different countries, pirates can transit from the territory of one country to the next with relative ease. To be effective maritime security needs the same flexibility as practiced by pirates. UNCLOS however, remains silent on the issue of international cooperation.

Cooperation depends on the priority afforded by individual nations to policing the sea, as well as on the allocation of funds by the governments of coastal states. Overall, it can be said that piracy has been of low priority on policy agendas. In countries such as the Philippines and Indonesia there have been more pressing inland issues that have required government attention (Murphy, 2007, p.26). With the added burden of the sheer scale of the area to police, the problem of a lack of boats, equipment, staff, and training, policing inadequacies can only in part explain failures in inhibiting piracy, but not the onset and escalation of piracy.

Finally, another potentially critical factor that has been identified as a precursor of contemporary piracy is globalization and neo-liberalization. Globalization and neo-liberalization have been associated with the growth in crime generally (Sheptycki, 2005; Franko Aas, 2007), in the increase of transnational crimes (Williams & Baudin-O’Hayon, 2002), and piracy (Young, J., 2002; Sakhuja, 2010; Lehr, 2007). Lehr (2007, p.vii) explains that globalization and neo-liberalization have had a direct impact on the level of maritime traffic and the presence of potential targets, thereby impacting the opportunity for committing piracy. However, these forms of internationalization have also had a vast impact on socio-economic, political, and environmental conditions within nations, which need to be explored in more detail when considering the context for piracy.
The historian J.L. Anderson explains that earlier forms of piracy have been “at least partly global in its structure, events and policies that are formulated in one part of the world have a direct impact on actions in another part of the world” (1995, p.176). It is argued here, that this is also true for current forms of piracy, which is affected by modern forms of interconnectedness on many levels. In addition to the impact of globalization on the level of maritime traffic, particularly on important transit routes, piracy has benefited from advances in technology. Today’s shipping is able to function with “skeleton crews” due to advanced navigation technology, meaning there are fewer crew for anti-piracy watches (Chalk, 2009, p.3). Simultaneously organized forms of piracy are able to use cell phones and the internet to access websites that track merchant ship movements. However, the impact of globalization is broader than just through technology and traffic.

In summary, research on contemporary piracy has identified a variety of potential causes of piracy, but there have been few attempts to examine empirically if socioeconomic and governance factors are associated with piracy and if so, how these affect piracy. Literature that has identified socioeconomic and governance factors, has not examined these systematically (see for instance Ong-Webb, 2007, Young, 2007, and Anyu & Moki, 2009).

The exploratory case study on Somalia in this dissertation draws on Passas’ global anomie theory (GAT) (Passas, 2000; Passas, 2005) to identify potential socio-economic and political conditions that provide the context for piracy. There are several benefits of using this theory. Although GAT is an elaboration of Robert K. Merton’s anomie/strain perspective, it is also an integrative theory which incorporates other criminological thinking and knowledge from other disciplines including political science and international relations. This allows for a more comprehensive and holistic analysis of deviance. Another benefit of GAT is that it describes a
chronological process that places the emergence of deviance and its development over time within context. This is particularly suited to studying Somalia, where piracy began in the early 1990s and has since become the most prevalent form of contemporary maritime piracy. A review of the theory and the specific research objectives derived from this is outlined below. The specific research questions that are drawn primarily from this theoretical framework and form the basis for this dissertation are provided at the end of this chapter.

Global anomie theory suggests that globalization and the related ideology of neoliberalization are conducive to the process which leads to anomie, dysnomie, and deviance in society. This occurs because of discrepancies in economy, politics, culture and law that are not only multiplied but are also made more palpable through increased awareness. The process of globalization provides the opportunities and the motivations for deviance whilst simultaneously reducing the ability of authorities to control crime. Governability is directly impacted through neoliberal policies that reduce normative standards and control mechanism, whilst shrinking welfare programs. These processes produce pressures in individuals and groups to find a solution, which may be deviant. Deviance is rationalized under extant conditions and if successful and allowed to continue unabated becomes normative for others in society, even to those that do not endure the same pressures. As deviance becomes normalized in society, governability is further affected and reduced.

In addition to the global anomie framework, the concept of civic governance is integrated to elaborate on what Passas refers to as the ‘shield of state’ (Passas, 2000). Hastings (2009) and others (such as Munck, 2005; Dupont, Grabosky & Shearing, 2003; Giddens, 2000) have argued that governance is the buffer between various forms of globalization and their effect on society;

\[14\] Consider Merton’s five modes of adaptation: conformity, rebellion, retreatism, ritualism, and innovation (1938).
therefore dependent on the type of governance, crimes such as piracy can be facilitated or stymied. The form of governance is predicted to influence the extent of piracy.

Globalization has an effect on economy, politics, culture (ideology), and environment (Steger, 2009, p.8), therefore beyond creating opportunities it is a pattern of related processes and activities, a pattern of related characteristics of the human condition and the global political economy (Mittelman, 2000, p.4). Globalization is described as the growing interconnectedness of states and societies, which operates on multiple levels (Held, 2000, p.42). It is often thought of as an economic fact; however the impact is much broader and has many facets. It is a multidimensional set of processes that include advances in technology; transformation in culture, politics, and law; as well as changes in the environment (Steger, 2009; Held, 2000; Sheptycki, 2005).

Cumulatively these changes have a bearing on the identity of societies and the individuals within them. Although globalization has its roots in the global empires and global economic systems of the past (Isbister, 2006, p.99), it is not the same as imperialism or colonialism (the later, altered form of imperialism). Held explains, “in nearly all domains contemporary patterns of globalization have not only quantitatively surpassed earlier epochs, but have also displayed unparalleled qualitative differences – that is in terms of how globalization is organized and reproduced” (1999, p.425). Not only has the scale of world trade surpassed any levels in the past but the speed of commerce, communication and capital flows is unprecedented. The reach of media technologies means that ideas, values, and experiences are broadcast globally neigh on instantly. Consider that it took 40 years for radio to have a listenership of 50 million in the United States, that same number of people using personal computers was reached within 15 years, whereas the internet had 50 million users within 4 years. (Giddens, 2003, p.12)
Furthermore, the contemporary form of internationalization does not center solely around one group of dominant nations (Giddens, 2000, p. 16). Whereas in the past the connections of internationalization were triggered by dominant nations, the current form drives “to disembed the market from any social or political context” (Munck, 2005, p. xi) in an attempt to homogenize the world. This is evidenced by the unprecedented impact of supranational organizations such as the International Monetary Fund (IMF) and the World Bank, as well as the growth in the number of multinational corporations, which account for the majority of world exports (Munck, 2005, p.3). The integrated global markets and financial systems that now function as one world system are based on information networks that circumnavigate the earth at incredible speeds, compressing time and space.

The form of globalization that has been dominant over the past few decades is one that is fueled by neo-liberal ideology (Steger, 2009, p.40). Neo-liberal ideology advocates free trade between nations, disembedding the market from its context. The role of the nation state is to enable free trade by minimizing state interference and allowing flows in information, money, objects, and people. In effect these changes have created a global economy rather than one bounded by national borders, creating a global division of labor which is focused on mutual dependence and a single international market rather than subsistence and self sufficiency of individual countries. Globalization is the force that creates an environment of transition, including economic development and hyper-efficiency in communication. These market globalist ideas have been promoted by the IMF and World Bank across the developing world, and have required dramatic political transformations that have directly affected not only entire national economies but also state capacities to govern their territory.
Neo-liberal globalization stresses the importance of material goals, “market economies cannot perform without lofty aspirations, consumerism, emphasis on material/monetary goals, and competition” (Passas, 2000, p.19). It prioritizes the accumulation of wealth over all other objectives (such as reducing poverty, increasing education, protecting local agriculture, etc.)\textsuperscript{15}, and national strategies have been realigned in order to accommodate this purpose, minimizing state interference to promote free trade (Passas, 2000, p. 21). The effect has been that diverse populations have been exposed and conditioned to the value of material gain; of alternative priorities; of other forms of happiness; of freedom; of social mobility, whilst simultaneously creating awareness of inequalities and injustices as the structural contradictions are revealed\textsuperscript{16}. The outcome is an enlightening experience that has been the source of anxiety, frustration and misery as the constraints of one’s environment are fully appreciated. Therefore globalization with the overarching ideology of neo-liberalism, has not only changed global economic and financial organization, it has also stimulated an awareness of alternative needs, goals, and created widespread consciousness of others in the world and how they live. Individuals are now aware of both proximate goals and distant ones. As a result, globalization has restructured the way in which we live (Giddens, 2000, p.21-22) affecting societies from ‘top down’ whist simultaneously working from the ‘bottom up’ (Franko Aas, 2007, p.5). Therefore the global interconnections have created local transformations (Robertson, 1995) that vary according to location and conditions (Sheptycki, 2005). This means that the impact from a common source varies in its effect from location to location; from people to people.

\textsuperscript{16} This is the basic argument Merton (1938) was making in order to explain rising crime rates in the United States.
Within the anomie tradition, Messner and Rosenfeld (2001b) have explored how a cultural emphasis on monetary success has dominated other major institutions within United States society, including polity, family, and education. In addition to the devaluation of these institutions, economic primacy has penetrated those other institutions and restructured priorities17.

To allow free trade to flourish consumerism and material ambitions have been vigorously promoted. This has been facilitated by unprecedented advances in technology that have brought distant societies together. Consider the ease of communication across continents and the growth of international travel. Through the global networks brand names have been spread together with a desire to own them. This is where economic changes have seeped into cultural and identity transformations. The central tenant of anomie theory is that promotions of monetary goals, which are universally advocated, are not coupled with universally available, legitimate means for attaining these goals. There are economic and political asymmetries as well as structural disparities.

From another perspective globalization as interconnectedness has included the sharing of ideas; not only consumerism and competition but also egalitarian thought, human rights, the role of women in society, democracy, and justice. However, as mentioned earlier the effect of globalization is not uniform, that the impact of transnational practices varies from place to place (Sheptycki, 2005, p.79-83). Reference group theory provides an explanation for this variation,

17 Messner and Rosenfeld provide the example of education, which they show is now tailored towards obtaining a job rather than the pursuit of knowledge. Exams such as SATs and MCAS evaluate students’ abilities in the form of quantitative standardized tests, that do not encourage diverse learning styles instead students are prepared to adjust to the dominant institution. Within family, there has been a push for women to enter the paid labor force without a concurrent shift of men into the role of homemaker. Mothers are encouraged to return to work as soon as possible after birth. This has been further exacerbated by the fact that maternity leaves are reduced to a minimum and paternity leaves still remain an exception.
why each society has its own unique cocktail of globalization. Therefore, although globalization affects all, the effect is not consistent. The broader forces of globalization play out differently in different places. Reference group theory also provides the theoretical linkage between the macro level forces of neo-liberal globalization and individual level motivations.

According to reference group theory attitudes and behaviors are influenced by “both membership and non-membership groups and individuals who are selected as points of reference and comparison” (Passas, 1997, p.64). Individual values and norms are shaped according to their reference group. Within the context of globalization a reference group is broader; it is a combination of at least three groups: 1) People in the local membership groups, these are people who the individual knows and interacts with directly, 2) Local non-membership groups are individuals that are in the immediate vicinity of the individual but are not from the person’s interaction group, for instance fellow citizens from other social strata or resident foreigners, and 3) Distant non-membership groups, these are people who are neither known personally to the individual nor reside in their vicinity. These may be individuals they have seen or heard of in the news, movies or other media. This combination of referents means that to truly understand the effect of globalization, countries need to be studied individually in order to appreciate the entire selection of referents that shape society, a blend of both local and distant realities. Therefore with globalization individuals are disembedded from their cultural identities, from their physical, social context.

This varied combination of reference groups is a mechanism that generates incentives and demands for material goals as interpreted within local contexts. It can also create a sense of deprivation, absolute or relative, when these goals cannot be achieved. Absolute deprivation implies that something is demonstrably lacking, such as a shortage of sustenance or shelter.
Relative deprivation is founded on the comparison with referents or temporal comparisons between past and present situations (Passas, 1997, p.67). What is crucial is that unlike in the past, there are new points of comparison; there is increased awareness of disjunctures, injustices, infractions, and insecurity.

The American sociologist who developed anomie theory within criminology, Robert K. Merton, recognized such a disjuncture in 1930’s United States. Merton saw that problems were attenuated in a society which placed emphasis on attaining the American Dream, in a society which was striving to be classless, when in reality stratification between social classes continued. Therefore the attainment of the American Dream was not universal but it was institutionally promoted and universally sought (Merton, 1938). Merton theorized that America’s high crime rate was a result of a society which placed less emphasis on the rules for achieving the prescribed goals than attaining the goals.\(^{18}\)

In effect these processes produce what Giddens calls ontological insecurity (Giddens, 1990; Young, 2003). The concept of ontological insecurity is more suited to understanding the individual level effects than strain or frustration alone, because it relates to an increasing state of insecurity that relates to self-identity and the constancy of the social and material environment (see also Passas, 1999, p.405). Although strain and frustration are present due to an inability to reconcile the newly espoused goals and the lacking structural conditions to achieve these, the

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\(^{18}\) Solutions come in a variety of forms; some individuals _conform_ by maintaining the cultural goals and the institutional means to achieving these. Others although aware of the goals, reject or scale them down and merely go about the _ritual_ of following the institutional norms. This is a manner in which it is possible to flee from the inevitable frustration and danger of attempting to attain the culturally espoused goals. Alternatively, the increased pressures could cause some individuals to reject both the goals of economic success and the means of attaining such a success, in effect giving up on society and _retreating_. Some on the other hand, ascribe fully to the cultural goals, but upon realizing that they cannot attain these through institutional means _innovate_ new means of achieving them. Finally there are those individuals that not only rejected the goals and means prescribed by the society but in their _rebellion_ campaign for a transformation, with new goals and means for achieving them. This involves withdrawing allegiance from the prevailing social structure and bestowing it to a _rebellion_ of some form. (Merton, 1938, p.676)

\(^{19}\) Giddens takes the concept from the psychiatrist R.D. Laing’s 1960s work ‘The Divided Self’.

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The impact of the social change is broader. Continuous social change creates uncertainty about employment, housing, gender roles, the future, and makes it hard for individuals to reconcile the ever-changing context. The result is a discontented population, which feels pressure to find a solution to the perceived problems. The search for solutions may be individual, at an organizational level, or by an entire stratified social group.

When the solution to the problem is successful (in that it enables the attainment of desired goals or at least some advancements towards them), it has a normative effect not on others (remembering that these could be others in the membership group but also those in distant non-membership groups). Normative referents are ones that provide individuals with values and outlooks, they provide a regularizing environment. In contrast comparative referents, discussed earlier, evoke assessments and evaluations, which have the potential of leading to frustrations.

When the resultant behavior (such as piracy) becomes part of the normative culture it has an anomic effect. Anomie, defined as the “withdrawal of allegiance from conventional norms and a weakening of these norms’ guiding power on behavior” (Passas, 2000, p.20), occurs when deviant behaviors become normative for other individuals or groups in society. The awareness of the structural contradictions provides the individual the initial rationalization and justification to make the criminal act a viable solution. As the behavior is continued successfully, without repercussion from any control mechanisms, it becomes normative not only for the individual already engaged in the deviant behavior (‘the behavior worked so I will do it again’) but also for others faced with the same pressures and insecurities. When over time this deviant behavior is widely reproduced it becomes accepted social conduct, even to those who do not perceive the same pressures and insecurities. This provides an even larger pool or recruits but also reduces the ability to govern or regulate the behavior.
The ability to govern is weakened at various stages in the process towards anomie. Initially international neo-liberal policies have required countries to realign their national strategies in order to accommodate the prime purpose of the global free market economy. However the effect of the reduction of state interference can be damaging when a society is already undergoing major economic and social upheaval. At such times societies require the ‘shield of state’ in order to cushion the effects of change (Passas, 2000). Over the last several decades however quite the opposite has happened where:

…welfare programs, safety nets, and other assistance to the poor (individuals, companies, and states alike) forcibly declined or disappeared. Thus, global neoliberalism systematically causes relative deprivation as well as absolute immiseration of masses of people. In effect, it has generated new sources of criminogenesis and removed existing antidotes to it. (Passas 2000, p. 27).

Passas introduces the term ‘dysnomie’, i.e. difficulty to govern, and suggests three causes: a lack of global norm making mechanisms, inconsistent enforcement of international rules, as well as a regulatory patchwork of diverse and conflicting legal traditions and practices (2000, p. 37). Together these exacerbate the asymmetries in a society undergoing significant structural and cultural change. Passas was referring particularly to legal asymmetries and the “nationalist insistence on sovereignty and states’ unwillingness to allow the introduction of common principles and law enforcement mechanisms” (Passas, 2000, p.39), therefore the failures of the international system and the national reluctance of international norm making mechanisms.
It is suggested here that there is another cause of dysnomie which stems from within. It builds on what Passas calls the shield of the state (2000), which identifies the role of the state as an arbiter between the effects of globalization & neo-liberal policies on its citizens on the one hand, and economic development on the other. It is suggested here that the role of the state as an arbiter goes beyond exercising authority over its subjects to establishing legitimacy and enabling civic society. It is broader than just about the state or its government, although these are crucial components; it is the more holistic notion of governance that is crucial to temper the effects of neoliberal globalization.

The failure of governance has been implicated in the rise of organized crime, drug trafficking, money laundering and corruption (Williams and Baudin O’Hayon, 2002, p.130) and as a cause for piracy (Hastings, 2009; Anyu and Moki, 2009; Young, 2007; Murphy, 2009; Sakhuja, 2010). Moreover, good governance has been advocated as the key to crime prevention (Waller and Sansfacon, 2000, p.15; United Nations Human Settlements Program, 2007, p.96) and has been associated with the reduction of crime rates (Neumayer, 2003). But what is governance and what makes it good?

Governance is not a synonym for government (Rhodes, 1996, p.652; Rosenau, 1992, p.4). At the most basic level governance refers to the act of exercising authority, illustrated by the World Bank definition: “the exercise of political power to manage a nation’s affairs” (World Bank, 1989, p.60). The notion of governance is more than just a description of the authoritative act or governmental form; it incorporates government amongst other facets. The UNESCAP\textsuperscript{20} definition of governance is “the process of decision making and the process by which decisions are implemented”. June et al. expand this definition and explain that governance refers to “the

\textsuperscript{20} United Nations Economic and Social Commission for Asia and the Pacific
mechanisms and processes for citizens and groups to articulate their interests; mediate their differences; and exercise their legal rights and obligations. It is the rules, institutions, and practices that set limits and provide incentives.” (2008, p.7) According to Rosenau governance is a transcendent issue in today’s world where there is “the attrition of established patterns… [and] …the lessening of order” (1992, p.1). Traditional notions of governance are based on a hierarchical relationship between the state and its citizens; the state is the dominant actor and has sole monopoly over the use of violence. Whereas the contemporary “essence of governance is its focus on governing mechanisms which do not rest on recourse to the authority and sanctions of government” (Stoker, 1998, p.17).

The term civic governance provides a descriptive nomenclature in this dissertation to denote a more encompassing/inclusive definition of governance. It is compatible with the argument made in the white paper on European governance (2001), Paul Magnette’s paper on European governance and civic participation (2001), and what has also been referred to generally as new or modern governance (Kennett, 2008; Simon, 1997; Rhodes, 1996; Newman, 2005; and Kooiman, 1993a). It refers to the process of making and implementing decisions across various sites of action, a “less top-down approach and complementing its policy tools more effectively with non-legislative instruments” (European Commission, 2001,p.4). Similar to what Shearing and Wood called community governance (2003), it is a blurring between the boundaries of public and private spheres, with a dispersed central authority. However civic governance describes that these are interactions between central authority and civic society; including social actors, social groups, public or semi-public organizations, institutions and authorities. Critically it is governing beyond the threat of force as an impetus for action (Dunsire, 1993, p.34) and is
based on an active society that is dynamic, complex and diverse\textsuperscript{21} (Kooiman, 1993b, p.36). In sum civic governance is defined here as central authority that is dispersed across multiple parallel spaces in society, so that citizens and groups can articulate their interests, mediate their differences and exercise their legal rights and obligations; consisting of the rules, institutions, and practices that set limits and provide incentives by including civil society in the social control mechanism.

Within the idea of civic governance, the role of government is not laissez faire. The key is in activating self-regulation\textsuperscript{22} (Dunsire, 1993), which can only stem from a functional governing structure and the inclusiveness of the population as a whole in a legitimate decision making and implementing process. It is theorized that this is the means by which societal controls will be naturally galvanized and the motives and opportunity for piracy tempered. This requires an active government that diminishes inequalities and structural discrepancies and where positive normative referents are strengthened. With reference to piracy, it is suggested that the solution is on land, not just in the capture and punishment of perpetrators; but in supporting civic governance and establishing justice.

In summary, it is argued that globalization and neo-liberalization are critical factors that impact society in a way that transforms and changes conditions within nations on two levels. On the one hand it affects the culture of societies and their cognizance of structural contradictions, and on the other hand it impacts the governing mechanism within those societies. The

\textsuperscript{21} Kooiman explains that governance needs to reflect society. With dynamics, Kooiman is referring to the constant forces that impinge on and act within society, thereby impacting its development. Complexity refers not only to the high number of interactions between many parts of the system but also to the type of interactions and their nature. Finally, diversity is a wide term that directs attention at the actors within the system: their qualities; their differentiation and specialization, as well as; their increasing individualization.

\textsuperscript{22} The essence of self-regulation is where compliance is not forced and the majority naturally adjusts behavior according to new regulations – a natural self-imposed adjustment (Dunsire, 1993). “This is not about a reduction of government, rather the dispersal of government power across new sites of action, augmented through new strategies and technologies” (Kennett, 2008, p.10).
interconnections created by globalization serve to enhance awareness of the world beyond. This growing awareness is generated through interconnections through multinational corporations, international media, trade, the internet, improved communication, tourism, and other access points to the world beyond. This process serves to amplify the importance of material goals and consumerism as a country strives to join the global market. Simultaneously this growing awareness exposes unjustified inequalities, stratification and marginalization. Therefore, the widened ambit of reference groups together with new disparities created through economic restructuring provides new sources of aspirations. Simultaneously these produce ontological insecurities and frustrations where these aspirations cannot be fulfilled. Passas explains that the “criminogenic potential is activated through the cultivation of awareness of economic asymmetries and the widespread interpretation of them as unnecessary and changeable” (1999, p.408). As deviant solutions are established and become enshrined in the culture, governability is impaired.

Simultaneously, globalization as fueled by neo-liberal ideology directs the objectives of nations towards consumerism and open competition and reduces the ability of the state to control the negative effects on its population. Restrictions are placed on the governing of sovereign states, which often has a direct impact on the level of poverty and injustice in society. Dysnomie (difficulty to govern) is caused through inadequate international norms and the lack of acceptance of these but also due to a failure or blockage of civic governance. When this is coupled with normative deviance, control mechanisms are further hindered and deviance continues unabated.

Quantitative data drawn from reports of piracy incidents is unlikely to provide the breadth and depth of data required to examine the potential determinants and processes
suggested by anomie theory, which underlie the emergence and continuance of piracy in Somalia. Therefore this phase of the research will employ a case study approach to develop a richer and more focused examination of these issues. This section of the dissertation will employ global anomie theory in combination with civic governance to provide a possible integrative theoretical framework of piracy. The exploratory case study aims to identify which factors are associated with piracy and how these factors are variously associated with piracy. Therefore factors may emerge that were not predicted by the theory.

This research aims to answer the following set of eleven research questions related to the emergence and continuation of piracy in Somalia. These questions are drawn from global anomie theory, supplemented with concepts related to civic governance.

**Research Question One:** Has neoliberal globalization had an impact on Somalia? Did it create economic restructuring, deregulation, dependence, and increased poverty?

**Research Question Two:** Has neoliberal globalization introduced egalitarian discourse, consumerism, and competition?

**Research Question Three:** Has the process of globalization introduced socially distant comparative and normative reference groups?

**Research Question Four:** Has the impact of globalization and neo-liberalization produced means-ends discrepancies and asymmetries?

**Research Question Five:** Has the process created perceptions of injustice, relative and absolute deprivation, strain, and ontological insecurity?

**Research Question Six:** Have the mean-end discrepancies and asymmetries created pressures towards deviance, which have resulted in a search for solutions (some of which may be deviant)?

**Research Question Seven:** Has the deviant behavior been rationalized? If so, are the rationalizations related to the extant conditions?

**Research Question Eight:** Has the deviant behavior become successful? Has it become normative for others in society?
Research Question Nine: Have international norms been adequate and have they been applied consistently?

Research Question Ten: Has civic governance been effective?

Research Question Eleven: Has the normalization of piracy impacted governance effectiveness?
Chapter 3

Methodology

This dissertation is an exploratory study aimed at increasing our understanding of what piracy is: its nature, character, scale, and development in the 21st century. A framework for analyzing contemporary piracy is created by studying victimization reports of piracy over a ten year period, from 2001 to 2010. Furthermore, the study provides an exploratory look at the conditions that underlie the emergence and growth of this phenomenon in Somalia. To address these questions, the study uses two complementary methodologies; an analysis of piracy reports since 2001 to 2010 from the two major international piracy reporting agencies, and a case study of the dominant form of piracy that has emerged in the 21st century. The chapter is divided into three sections. Part 1 describes the sources of data and the methods used to create the most comprehensive piracy dataset available to date. Part 2 details the results of the data collection effort, the information collected in the new piracy dataset - Contemporary Maritime Piracy Dataset (CMPD). And Part 3 will explain the analytic framework for the case study on Somalia.

Part 1 – The Contemporary Maritime Piracy Dataset

In order to gain an accurate understanding of the character, trends and incidence of contemporary piracy, it is necessary to study reports of actual piracy incidents from around the globe. Research on piracy has been criticized as being limited and superficial largely due to the lack of synthesis of reported piracy (Ong-Webb, 2007, p. 38). To this end, this research draws on two major data collection efforts on maritime piracy, that of the International Chamber of Commerce International Maritime Bureau (IMB) and the United States Office of Naval Intelligence (ONI).
The IMB is the principal international organizations dealing with maritime piracy. In October 1992 it established the Piracy Reporting Center (PRC) in Kuala Lumpur, Malaysia, in order to help understand the growing problem of piracy in the Malacca Strait. Since then it has spread its ambit to shipping around the globe. The PRC is the “only manned center receiving and disseminating reports of piracy and armed robbery 24 hours a day across the globe” (ICC-CCS Website, 2012), tasked primarily with issuing status reports on piracy and armed robbery to ships via broadcasts using a global satellite communication service (Immarsat). In addition the IMB issues quarterly and annual reports detailing the reports collected by the PRC. The PRC self-report victimization data is received from captains or owners of ships that have been the victim of a pirate attack, each report is logged using a report template (see Appendix C).

Similarly, the ONI’s Anti-Shipping Activity Messages provide maritime safety information for U.S. shipping. These messages provide the location and description of hostile acts at sea, against ships and mariners. This information is also summarized in the ONI’s monthly Worldwide Threat to Shipping Reports and weekly Piracy Analysis and Warning Reports. The ONI receives its information from direct reporting as well as analysis of reports from a variety of sources, including the IMB, navies and coast guards from around the world, press reports, and other maritime organizations and websites. In addition the ONI allows information to be uploaded online. For the Anti-Shipping Activity Message online reporting platform refer to Appendix D, and the full list of sources used by the ONI, refer to Appendix E.

The present study uses both these major data collections to create a more comprehensive picture of piracy. Specifically, the reports for the time period from 2001 through 2010 are collected and integrated into a single comprehensive maritime piracy database. There are several reasons for choosing this time interval for the analysis. It is clear from the IMB’s annual reports
for this period that a shift has occurred in the location of piratical attacks, from Asia to Africa. The previous decade does not show any dramatic changes in piracy trends. Moreover the total number of piratical incidents reported by the IMB for the study period grew by nearly 62 percent compared to the previous ten-year period (1991-2000). Although better reporting practices can explain some of this increase, it is unlikely to explain the bulk of it. Finally it is important to note that since 2001 IMB reports provide improved data and geographic coverage of piracy than existed in prior decades (Author Interview with IMB Director Capt. Pottengal Mukundan, February 2010). This improved coverage of the data enables better analysis of global trends.

Within the new dataset a source code was maintained, which identifies whether the report came from the IMB or the ONI. As the ONI includes the IMB as one of its sources, there was a large overlap of cases. Considering that the ONI reports are obtained from multiple sources, there was a substantial amount of duplication in their online data. Interestingly, it was found that the ONI reports contain many, but not all of the cases reported by the IMB. Therefore a substantial amount of data reconciliation and validation was required. This included not only comparing the cases between the two sources (IMB and ONI) but also within the cases reported by the ONI. This was done using a multi-step process, where cases were analyzed to find identical factors first by looking at the location and time of the attack; then by the type of vessel that was victimized; and whether the attack involved boarding. Finally the case description was studied. If the time of attack was identical but the descriptions were different, i.e. the vessel type, location, or a narrative description was different, then both cases would be included in the database. Any cases deemed identical were removed.

23 From 1991-2000 the total number of piratical attacks reported to the IMB were 2050, whereas from 2001-2010 the total number was 3318. It is likely that some of this increase is due to better reporting practices but the impediments to reporting have not changed drastically enough to explain such a steep increase in incidence through better reporting practices.
Figure 1 shows the distribution of the piracy cases between the two sources consulted. The IMB remains the primary source of information on piracy attacks globally, providing a total of 74.5 percent of the information for the comprehensive dataset. However the ONI does add a good amount (over 25 percent) to this dataset, creating a more comprehensive dataset than has been available to date. The process of integration of these two data sources was made easier by the fact that both sources provided comparable information in their reports. Both sources usually provided information on the location of the attack, whether the vessel was in motion or stationary, some information on the attackers (such as numbers of attackers and level of armament) and information on the victims (such as the reaction and consequences to the crew and cargo). This information provided the foundation for the variables included in the dataset.

Together the information from the IMB and ONI was used to create an integrated Contemporary Maritime Piracy Dataset (CMPD) that includes all non-duplicated reported
incidents of piracy between 2001 and 2010. Within this dataset each report was coded across nine major dimensions which include: 1) geographic location (i.e., attack location and source of attack); 2) date of attach; 3) location at sea (e.g., high seas, coastal waters, in harbor); 4) time of attack; 5) target vessel characteristics; 6) pirate characteristics; 7) pirate actions; 8) pirate motivation; and 9) responses to piracy.

The choice of variables coded was driven by the availability of information in the case descriptions. The dimensions also reflect suggestions made by Robert Beckman (2002, p.320) to categorize treatment of crew, the types of weapons employed and the nature of the property stolen in order to better understand the level of seriousness of an attack. Beyond these, the newly coded dataset also includes; the level of damage to the ship; the evasion tactics used by the victim vessel, and; whether the attack was reported to any authorities. The variables are discussed in more detail in Part 2.

During the process of data cleaning it became evident that there are some limits on what constitutes piracy. Two particular issues arose. First, not all reported hostile acts at sea are piracy; and second, there are different ways in which piracy can be counted.

The ONI reports include all cases that infringe on the safety of shipping; this introduces some ambiguity as to which of these constitutes piracy. This dissertation adopts a broad definition of piracy which is particularly appropriate for creating a comprehensive dataset. The dissertation uses the IMB’s definition of, ‘any act of boarding or attempting to board any ship with the apparent intent or capability to use force in the furtherance of the act’ (IMB, 1992, p.2).

However particular subsets of cases captured by the reports were incidents occurring off the coast of Sri Lanka during the civil war. These attacks can be distinguished from other reports
in that they involved pre-emptive strikes by the Sri Lankan Navy, suicide vessel attacks by the LTTE, and often involved a very high number of casualties. The number of reports attributed to the Sri Lankan civil war amounted to 22 attacks out of total of 34 attacks in Sri Lankan waters. The majority of the civil war attacks occurred in 2006 (50 percent) and 2008 (over 30 percent), they involved a high number of casualties (the five cases in the entire dataset that had over 15 non-assailant deaths were all attributed to the civil war). Moreover these cases had a high percentage of casualties amongst the attackers, accounting for 120 deaths in just 2 cases (which are the two cases in the entire sample with the highest number of attacker casualties).

Instances of war faring, even if conducted at sea, although involving force, are a distinct category from piracy. These cases involved extreme levels of violence. Therefore the civil war cases within Sri Lanka are excluded from the main analytic sample, since they would unfairly skew the distribution of the remaining cases. It is important to reiterate that this does not mean that all reported cases from Sri Lanka are removed, 12 reports that were not instances of war faring remain in the dataset.

Piracy can be counted in different ways. For instance, the IMB distinguishes between attempted and actual attacks. Attempted attacks are cases where the victim vessel is not boarded. The IMB annual reports divide the narration of the cases between these two categories. There are however some areas of ambiguity. If a vessel is being fired upon, the bullets cause some damage to the ship but the ship is not boarded, the case is classified as an attempted attack. On the other hand, if the same set of circumstances cause injury to a crewmember or loss of life, but there is no boarding, the attack is classified as an actual attack. Another case in point is the thefts of zinc anodes. Zinc anodes are attached to the hull of a ship to protect the submerged portion of the ship
from corrosion. The theft of zinc anodes does not require any boarding; the IMB classifies these cases as actual attacks given that the objective of the attacks is fulfilled without boarding.

This research does not distinguish piracy between attempted and actual attacks. The problem in distinguishing between attempted and actual attacks lies in the assumption that boarding a vessel is a sign of a successful piracy, however considering the various motives for piracy, boarding may not be necessary for a successful attack. The dissertation uses the working definition provided by the IMB that does not require boarding as a prerequisite for success; instead it includes ‘any act of boarding or attempting to board’ (IMB, 1992, p.2).

Another issue related to the way that piracy is counted, is the way that attacks are reported. The majority of reports refer to a single unique attack by a group of pirates on a single ship (3865 reports refer to unique attacks). However there are a number of reports that refer to a series of attacks which are related. These can be attacks on multiple ships within a short period of time (within a few hours) by what appears to be the same group of pirates, or several attacks on the same vessel, where each attack is within two hours of the next. These series of attacks are related and constitute a single piracy incident. There are 151 incidents that include 575 attacks (this does not include unspecified press reports). Table 1 illustrates that there are two distinct ways in which piracy can be counted, either in the number of attacks (i.e. each unique assault on a ship) or in the number of incidents (i.e. a series of related assaults).
A note needs to be made here of a group of reports, which are labeled ‘unspecified press reports’. These represent incidents that were reported by the press and describe incidents that were comprised of an unusual amount of attacks, which stood out from the rest of the cases; three from Bangladesh, and one from Cambodia. The Bangladeshi cases involved a large number of attacks (456) on fishing trawlers that were required to pay a protection fee to a group of attackers. Those vessels that did not pay the protection fee were hijacked; the crew was kidnapped, beaten, or killed. This cluster of attacks was reported by the ONI, who sourced the information from Lloyds List (a daily newspaper for the global maritime industry). The 40 Cambodian attacks (one incident) were also found in a report from the ONI, which originated from local media. Here 40 Vietnamese fishing vessels were attacked in contested waters between Cambodia and Vietnam. Although the Bangladeshi reports conform to other reports in the dataset of similar types of crimes involving large number of vessels and protection fees, these particular incident reports involved a larger number of vessels, contains very few details on the incident and did not provide the date(s) when these attacks occurred. Considering that there is uncertainty on the date of these attacks, the detailed nature of the incident (for instance, do these attacks even constitute a single incident or are they merely a series of incidents which were reported in an
unspecific press report?) these are excluded from the analytic sample. In addition, these incidents may involve more a protection style form of exploitation than actual piracy. Nevertheless, it is clear that more research is needed to understand this little publicized phenomenon of racketeering style piracy.

The primary objective of this dissertation is to understand the nature of piracy, therefore incidents are used as the unit of analysis because incidents represent the primary motivation of the event, it’s locus of activity. Incidents are also most policy relevant because they represent the core activity and corresponds more closely to the general approach of the IMB.

Finally, a note needs to be made on some limitations of the data. These fall into three categories, limitations in the data that is collected by the two organizations (criticisms have been aimed particularly at the IMB as the ONI data has rarely been used by academic research24), in the information recorded on each case, and in the merger process.

The IMB data have been criticized for underreporting and over-reporting. The criticism of over-reporting by the IMB is based on its wide statistical definition of piracy. As mentioned earlier the definition is based on capturing a deviant behavior without consideration for juridical definition. Underreporting has been an issue particularly for incidents involving fishing vessels that are unlikely to even report to local authorities. The reasons for non-reporting by fishermen may be due to mistrust of authorities, lack of knowledge on how to report, and/or perceptions that piracy is an accepted risk of fishing. The focus of the IMB since its inception has been merchant shipping (although this has been broadened in the past decade); this is also true of the ONI. This is aggravated by the fact that local fishermen as well as other small, local commercial

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24 This author is unaware of any other studies that have used the ONI data, except for a mention in Murphy’s book *Contemporary Piracy and Maritime Terrorism* (2007, p.21).
activity are unlikely to report to the IMB (Young, 2007, p.123) even now that their scope has broadened. Although the benefit of adding the ONI data is that it includes other sources such as local media and international press which reduces this shortcoming, assaults on fishing vessels are still underreported and as explained earlier, in some cases the reports are not detailed enough for analysis.

The IMB estimates that about 40-60 percent of attacks go unreported (Ong-Webb, 2007, p.40), reasons for which include cost of staying in port during investigation (a burden on the ship owner or charterer) and fear of increased insurance costs (Chalk, 2008, p.7). There is also a fear that cases which are reported are ones which are more violent or require hospitalization (Young, 2007, p.123; Ong-Webb, 2007, p. 41). However this more comprehensive collection of piracy reports finds that the data is not overly populated with armed or threatening cases. Of the 3999 incidents in the analytic sample, 20.6 percent of cases do not specify the level of armament, 21.1 percent are deemed not armed, and over half are armed (58.3 percent including various levels of armament, from makeshift weapons such as sticks and clubs to knives, guns and explosives). Similarly out of all the incidents, 56.5 percent are reported as involving no threat or assault, 42.9 percent include some level of threat or assault (although it is important to note that the majority of these are threats only, 32.8 percent), and only .6 percent are unclear on the matter.

The other limitation is in the information recorded on each case. Although we have a good amount of general information, more detailed information would allow better insight into the problem. Of course more information would be better, but this is constrained by what is feasible to obtain in the short time frame when an incident is called in (in the case of the IMB) and what can be drawn out from other sources (in the case of the ONI). As discussed in the next section on the data collected, some information is rarely reported but if it were targeted more
aggressively would provide an exponential benefit to the analysis. This is particularly true for information on the level of damage to the victim vessel and the response of authorities when alerted to the incident. However, it is important to reiterate that this integrated dataset provides an improvement on this limitation because information is added through the merger process.

The entire dataset was compiled by a single researcher, providing consistency in the coding procedure. Code validity was maintained by consulting with the IMB and the dissertation committee. However it is likely that some errors were made in the process of coding and merging. This includes the possibility of misidentifying duplicates, typographical errors and assessment errors. To reduce the impact of possible measurement errors the data was thoroughly tested and retested by running analyses and correlations. This included taking subsets and checking the frequencies and cross tabulating results to ensure reliability.

**Part 2 – Data Collected in the Contemporary Maritime Piracy Dataset**

The data collected for the CMPD is based on the data available from both the ONI and the IMB. As mentioned earlier, both sources of information provide comparable data on piracy incidents, thereby simplifying the process of coding and merging the two datasets. The variables created derive directly from the IMB-PRC attacks report template (*Appendix C*) and the ONI Anti-Shipping Activity Message online reporting platform (*Appendix D*). The variables created are grouped as follows: location of incident, date and time of assault, victim information, attacker information, assault details, treatment of crew, and response. Missing data on most of the attributes was less than three percent with the exception of certain categories, such as time of day of the attack, number of pirate boats used in the attack, and the level of armament. These variables which had a higher number of missing data are discussed in more detail below.
Locations of Contemporary Piracy

The location of piracy is both a description of physical location and the alleged nationality of those responsible for the assault. One method used to capture the location of the incident is in the maritime territory where the aggression occurred. The categories of maritime territory mirror the limits of various ocean areas from the sea baseline (approximated as the coast) set out in the United Nations Convention on the Law of the Sea 1982. The categories are at berth; in territorial waters (up to 12 nautical miles from the coast); within the exclusive economic zone (from 12 to 200 nautical miles from the coast); in the high seas (beyond 200 nautical miles from the coast); and unknown. In an additional variable these are collapsed to a three category variable to reflect the jurisdictional differences: in territorial waters (national jurisdiction), at sea (international jurisdiction), and unknown.

The political location of the crime is distinguished between where the act took place and where those responsible are believed to be from. This information was gained from the reports themselves and directly from the IMB (Author Interview with IMB Director Capt. Pottengal Mukundan, February 2010) which allowed for some additional estimation on the origins of the perpetrators. These estimations were made based on the assumption that where an assault is at berth or in the adjacent anchorage area, the attackers originate from the contiguous country unless there is any other information that would indicate otherwise. Where attacks are perpetrated in the high seas the attackers nationality is coded as unknown, except for cases of Somali piracy, which include an assumption that attackers are Somali. Over the years Somali piracy has been perpetrated further and further out into the Indian Ocean and can be identified as Somali piracy by the modus operandi of the assault (Author Interview with IMB Director Capt. Pottengal Mukundan, February 2010). There is some uncertainty over the responsibility of
incidents perpetrated in the Malacca Straits, which sits in close proximity to both Malaysia and Indonesia. The home country of perpetrators is not listed in reports. Once again based on advice from the IMB, most incidents are attributed to Indonesia, except for those that occur within a Malaysian port area (Author Interview with IMB Director Capt. Pottengal Mukundan, February 2010).

The location of the incident was given as that of the contiguous nation or in instances where the act is committed in the high seas, the ocean or sea where it occurred. In addition to information on the location of the incident and alleged country of responsibility, CMPD provides the region where the incident occurred and the region those responsible originated from. The categories include Africa, Asia, Europe, North America, Oceania, South America, and the High Seas.

**Date and Time of Piracy Incident**

The set of variables in this group provides information on the year and month of the incident, the time (in hours) as well as the time of day when the incident took place. The information provided by the ONI and the IMB on date was disaggregated into year, month, and season to allow more insight on possible trends over the years, trends within a year and across seasons.

Returning briefly to the difference of counting piracy as attacks and incidents, *Chart 1* lists both the number of incidents and attacks per year over the study period. It can be seen here that enumerating incidents and attacks provides a comparable trend. Although there is some
variance between attacks and incidents\textsuperscript{25}, this dissertation uses incidents because it is possible to characterize an incident in terms of attacks without losing any information. Essentially the benefit of counting in incidents is to provide a more accurate representation of piracy centered on the locus of activity.

Both the IMB and ONI data provide information on the time of occurrence. Cases that provide actual times are either in local time or in Coordinated Universal Time (UTC)\textsuperscript{26}. Some reports provide a local time of day, which was used to estimate the time of day the incident occurred. These time were coded into three groups that included: ‘early hours’ coded as 5:00 hours; ‘night hours’ coded as 00:00 hours; ‘evening’ coded as 20:00 hours; and ‘afternoon’ coded as 15:00 hours. Where UTC time was reported, an equation had to be used to estimate the

\textsuperscript{25} Examining the percentage difference over the ten year period, the drop in the last couple of years related primarily to fewer reported attacks on fishing vessels in Bangladesh and Cambodia.

\textsuperscript{26} Coordinated Universal Time is the primary time standard by which the world regulates clocks and time and is a successor to Greenwich Mean Time (GMT).
local time based on the location of the victim vessel. These estimations may produce some degree of error particularly for ships in transit, which often set the ship’s clock to UTC. This is reflected in the data, of the 222 attacks reported on the high seas, that is over 200nm from the coast, 65.8 percent report time of incident in UTC. The coding of these involved a best guess on the local time based on the reported coordinates. Out of the entire set of cases, 12 percent did not have any reference to the time of day of the attack and remain unknown.

**Target Vessel Information**

The information on the victim includes the type of vessel attacked, the cargo the vessel was carrying and the vessel movement status. The ONI and IMB reports vary in the amount of information provided on the type of ship that is attacked, some reports provide detailed information on the vessel types (cable laying ship, shrimping vessel, tourist excursion boat) whereas others are more general (merchant ship, tanker, research vessel). The information was coded initially as provided and then reduced to nine generalized categories of ships: cargo ship; fishing vessel, passenger vessel, private boat or yacht, tanker or oil related ship, tug/barge, navy or coast guard vessel, survey/research ship; and other.

Similarly the description of the nature of cargo on a ship ranged from detailed information (such as nylon taffeta, dates, and chicken feet) to more general accounts (such as aid supplies, containerized cargo, vehicles, and refrigerated cargo). The same procedure was used here as in the vessel type variables, the information was initially coded as provided and then reduced to nine cargo categories: fishing; energy; bulk; container and wheeled; refrigerated; tug towing a barge; non-cargo (for instance in the case of a navy ship, passenger boat, or a private...
vessel); other (livestock, fruit juice, scrap metal, livestock, etc.); and unknown (when type of vessel is not reported).

The vessel movement status refers to whether a ship was stationary or motoring/under way at the time of the attack.

**Contemporary Pirate Information**

Based on the ONI and IMB reports the following information was collected on the attackers: the number of assailants; the number of boats used in the attack; the presence of a group; the presence of arms; and the appearance of the attackers.

The number of boats and number of assailants are both interval level variables that consist of counts. The number of boats refers to the total number of boats, including any mother ships in the vicinity (a separate variable provides whether there was a mother ship in the vicinity). The number of assailants is based on the number of people the victims were able to see, so it may not include support personnel that were in the boat(s) while the attack was carried out. It is information that is often reported in crude terms such as few, couple, many. In these instances the number of assailants was coded as unknown. Critically the number of boats was reported more regularly (75.8 percent of incidents have information on the number of boast) than the number of assailants (55.7 percent of incidents have this information). Therefore the number of boats is a better measure of the size of the operation.

The presence of a group is a nominal level variable that indicates whether the attack was carried out by a sole assailant or a group of individuals. The appearance of the attacker is a dichotomous variable on whether the attackers were dressed in any uniform or were masked (a rare phenomenon at 3.4 percent of all incidents in the analytic sample).
The type of arms used by pirates was coded as an ordinal level variable that ranged from less serious to more serious forms of weaponry. The categories of the weapons used included; not armed, knives and makeshift weapons, small arms (but not automatic weapons) and if present less serious weapons, automatic weapons and if present less serious weapons, explosives and if present less serious weapons. Information on the level of armament was available in close to 80 percent of cases.

**Piracy Incident Details**

The dataset provides the following specifics on the assault: whether the vessel was boarded, whether weapons were fired, whether the victim ship was damaged, whether the attack involved the hijack or a theft of the vessel, and whether there was a demand for payment. In addition, the CMPD provides counts of the various types of items stolen.

The variables on boarding, firing weapons, hijacking, payment demand, and fishing infraction are all dichotomies with the added category of unknown. Hijacking is defined as the temporary commandeering of the vessel. Hijacking is disaggregated from information on payment demands because not all hijacks are accompanied by payment demands, some hijacks are short term seizures that do not involve a demand for payment but instead are sophisticated thefts of cargo. A separate variable provides information on whether the vessel was stolen. The theft of a vessel is distinguished from a hijack because a theft is an appropriation with the intention of permanently depriving the owner, unlike a hijack which is only a temporary appropriation.

The damage to a vessel was coded on an ordinal scale. The categories include no reported damage, minor damage (bullet holes, broken glass), medium damage (such as fire due to
shooting), major damage (e.g. intentional destruction of communication equipment), excessive
damage (vandalism, bombing), and sinking of the ship. Where the nature of damage was
uncertain, it was coded as unknown. Unfortunately damage is not reported very often, only 6
percent of incidents provided information on the level of damage to the vessel.

Finally, the assault details include data on items that were appropriated by attackers.
These often included more than one type of item per incident and included a wide range of items,
from mooring ropes to engine spare parts to entire cargoes. For each report of theft, up to four
stolen items were listed. These were then grouped into four types: equipment (which includes
ship, electronic, engine and security equipment as well as supplies); valuables (which includes
cash, valuables, and documents); cargo (either some or the entire load); and the ship itself.
Incidents could include more than one stolen type. The data provides a count that calculates the
percentage of incidents these categories of stolen items are stolen.

**Treatment of Crew**

An important set of information is provided on the treatment of the crew by the attackers.
These include dichotomous variables on whether the crew was taken hostage, kidnapped, or
missing. In addition an ordinal level variable describes the level of violence used by the
attackers.

The dichotomous information on how the crew was handled is based on the following
definitions. A crew is considered hostage when the individuals are prevented from being in
control of the vessel and are not able to leave the ship. Crew is considered kidnapped when
individuals are forcibly removed from the ship to a different location. The last of the dichotomies
is whether crewmembers are missing. Missing crew includes cases where the consequences to some crew are unknown, as well as small number of instances where crew jumps overboard.

The variable describing the level of violence was created from information on whether the crew was threatened (defined as an act which communicates intent to inflict harm or loss, this includes restraining the crew), assaulted (this is defined broadly to include battery, as a threatening act which involves physical contact), and killed (defined as causing the death of a person). This information was initially coded separately and then combined into an indicator of the level of violence. The measure is hierarchical and includes the categories of; no violence, threat, assault, and killing.

**Information on the Response to Contemporary Piracy**

The final group of variables describes the response to the piracy incident. This includes both the response of the victim vessel to the assault and the response of authorities upon being alerted, based on the self-report of victims. The latter is information that was not always available but when reported provides a valuable insight into authority reaction to piracy. The term authority is defined broadly to include not only the port authorities but also coast guard, navy, and joint naval forces (such as the fleet operating in the western Indian Ocean and the Gulf of Aden).

Information was available on the types of tactical responses victim vessels used to avoid or foil pirate attacks. Up to four types of the tactics were coded for each reported incident, which usually included all responses used. In cases where additional responses were reported, most serious were included. These included a variety of responses such as maneuvering in a zigzag manner to evade boarding, sounding the ship’s whistle, firing rocket flares, throwing garbage at
the attackers, activating a distress radio beacon, finding the high freeboard effective in preventing boarding, or the use of local watchmen. The list of reported responses was grouped into the following eight types: **warnings** which include making noise using alarms or foghorns, switching on deck lights or using searchlights, firing flares, mustering crew, and shouting; **requesting assistance** either by radioing for help, broadcasting a mayday signal, or activating a distress radio beacon; **maneuvering** the ship to evade boarding, which includes moving the rudder or casting off a barge; hiring **guards** or watchmen who assisted in deterring the attack; using other **onboard protection** such as locking doors or locking all crew in a citadel; mounting a **counter attack** which includes tactics such as activating water hoses or foam monitors, throwing garbage, ramming attackers, physically defending themselves using makeshift weapons or firearms; **chasing** or capturing the attackers; and **other** (which includes the vessel’s high freeboard or the use of razor wire to stop boarding, photographing pirates, using the onboard shiploc system, or where unspecified counter piracy measures were utilized). As most victim vessels used more than one form of response, the data also provides information on how many of evasion tactics were used.

Coded separately is a variable on whether the incident was reported by the victim vessel to local authorities or to coalition forces. Local authorities are those of the closest nation, and coalition forces refer to the international fleet operating off the coast of Somalia, particularly in the Gulf of Aden. In addition, where the response of authorities involved a dispatch of military or law enforcement resources to the scene of the attack, information was collected on the response time coded in hour increments if available.

Finally, an ordinal level variable was constructed to provide data on the level of assistance provided by authorities to requests by victim vessels. These are ordered hierarchically.
ranging from the capture or killing of attackers; a response with no capture of the attackers; a response involving the investigation of the incident; no response; a refusal to respond; and a refusal to respond because there is a suspicion that the authorities were accessories to the incident. Unfortunately this information was not available in the majority of cases (only 6.4 percent had information).

In Chapter 4, the CMPD is used to analyze the universe of known pirate incidents between the years 2001 and 2010. Pirate incidents are analyzed across nine major dimensions: location and data; location at sea; time of attack; target vessel characteristics; pirate characteristics; characteristics of pirate actions; motivation; response to piracy. Together these provide an overview on what contemporary piracy is. For each of the last seven dimensions, piracy incidents are also examined across regions, countries and over the 2001 to 2010 decade. The analysis provides and insight into the evolution of piracy in the 21st century and identifies potential emerging threats.

**Part 3 – The Case Study of Somalia**

The final part of the dissertation explores the conditions that underlie the emergence and growth of piracy in Somalia using a case study combined with a historical/policy analysis method. The selection of Somalia as the case is driven by results from the analysis of the CMPD, which identified Somalia as the new piracy hot spot and as a country which produced a new type of contemporary piracy. Somalia is unique in that the emergence and continuation of piracy has only occurred in the past two decades and has been accompanied by a dramatic change in the state of the nation.
The rationale for using a single case study is that Somalia represents a unique case, but also an increasing dominant form of contemporary piracy that requires documentation and analysis. This also makes Somalia a critical case for testing global anomie theory, which is a well-formulated macro-level theory which specifies a series of factors that are temporally linked. Another good reason for using a single case study of Somalia is that it is one of the few countries that exhibit a sudden emergence of piracy in our recent past (since 1991) allowing for a better analysis of the context for the emergence of this crime. The single case study format allows an in depth analysis of the development of this crime in Somalia, which has revealed increasing levels of organization and normalization within society.

Case study research allows for the collection of a wide variety of empirical materials and also enables chronological ordering of the factors (Yin, 2003). This is particularly suited to an analysis based on global anomie theory, which postulates a social process leading to deviance and anomie. This case study allows an exploration of the empirical foundations of the theory (Hamel, Dufour and Fortin, 1993, p. 33) and provides for theory generalization. The analysis will entail examining the case study country to see if the factors predicted by global anomie theory are present. The analysis may reveal other factors which are not predicted by the theory. Although the case study approach will only provide exploratory findings on the relationships among the factors and of the effect of these factors on piracy, it will provide an overview of the context for piracy in Somalia.

The case study examines the conditions that create the impetus for deviance and the pressures generated which make piracy feasible. This dissertation does not elaborate on
structuring variables\textsuperscript{27}, that is what shapes an individual decision towards piracy, such as individual predisposition towards a particular form of deviance over another, or the abilities an individual possesses that makes piracy feasible. The case study does not focus on the opportunities that make piracy an attractive option\textsuperscript{28}. Although this study does not answer these micro level questions, which look specifically at why one individual engages in piracy whereas another does not, it paves the way for such research in the future by providing a detailed study of the social context for piracy. The aim of this study is to explore whether macro level factors suggested by global anomie theory are evidenced in the Somalia. This is done through a collection of pirate narratives and historical data obtained from a variety of secondary sources.

Illustrating global anomie theory, Passas (p.39), provides a schematic representation of the social process leading to anomie and deviance which outlines the complex sequence of events that over time can link in a progressive manner to deviant subcultures (normative referents) and ultimately deviance without strain. Here, Passas’ visualization is adapted into a framework comprised of five linked components to guide analysis of the social processes that have led to the emergence and continuation of piracy in Somalia\textsuperscript{29}. This framework also provides a template for future analysis of other countries.

The first component of the global anomie theory analytic framework looks at the impact of globalization and neoliberal reforms that provide impetus for economic restructuring.

\textsuperscript{27} Cullen (1984) explains that social conditions increase the probability of deviance when these are coupled with structuring variables. Structuring variables shape the direction of the deviant outcome, certain structuring variables shape the deviant outcome towards piracy. This dissertation will focus on the social conditions that create the impetus for deviance, the socially generated pressures for piracy. This dissertation will not elaborate on the structuring variables such as individual predisposition towards a particular form of deviance over another; or the abilities an individual possesses that makes piracy feasible.

\textsuperscript{28} Albanese (2011, p.19) explains that choice of crime is dependent on the environment that is conducive to that criminal activity.

\textsuperscript{29} A linked component framework was used by Gildea and Pierce (2007) to help assess the operation of the United States small arms control regime.
and deregulation in a country to accommodate the free market. This includes deregulation and privatization of the economy, weakening of government, but also effects on the cultural-ideological landscape with the introduction egalitarian discourse, consumerism, and competition. This is augmented through the introduction of socially distant, comparative referents. The data sources used for this component were mainly historical, development, sociological, and economic analyses; laws, policies, and official statements; as well as media and NGO reports. These were searched for recurring themes, specifically economic restructuring, deregulation, dependence, increased poverty, egalitarian discourse, consumerism and competition, and distant referents. All of the information was catalogued to identify a pattern.

Component two looks at the effects of globalization and neoliberalization, specifically at how means-ends discrepancies were created in Somalia. Mean-ends discrepancies describe circumstances where newly established desires cannot be achieved under existing structural conditions. In an effort to better explain the holistic effect of means-end discrepancies and asymmetries on individuals in society, the concept of ontological insecurity\(^\text{30}\) is integrated into global anomie theory (Giddens, 1990; see also Passas, 1999, p.405). Ontological insecurity is created when social relations and cultural identities are disembedded across time and space (Giddens, 1990), such as with the introduction of new referents, new desires, and new economic structures which create uncertainty. Therefore individuals experience strain as well as ontological insecurity when they are increasingly aware of injustice and feelings of deprivation. The sources used for component two mirrored those used for component one. A selection of themes were identified which included means-ends discrepancies, perception of injustice and

\(^{30}\) Giddens defines ontological insecurity as “a lack of confidence that most human beings have in their self-identity and the constancy of the surrounding social and material environments of action” (1990, p.92).
relative deprivation, and absolute deprivation. In addition, ontological insecurity and situations producing strain were identified in the narratives of Somalis.

Component three is the impact of these factors on individuals in society. This is a gradual process where the search for a solution to the discrepancies leads some to deviant behaviors that are rationalized under the extant conditions. These are behaviors that no longer conform\textsuperscript{31} to societal standards by maintaining the ascribed cultural goals and the institutional means to achieving these. Solutions employed are rationalized, that is individuals will justify and explain the behavior in order to reduce society’s and their own sense of rebuke (Sykes & Matza, 1957). For component three a series of interviews with pirates obtained by journalists and academics were found, these were analyzed for the following themes: overemphasis on goals, lack of alternative opportunities, and rationalizations of deviance.

Component four addresses the subsequent development of deviant subcultures – that is the development of piracy. The continuance of deviant behaviors is a combination of the success of such behaviors and the lack of effective social controls. Where deviance results in financial and/or social rewards, individuals conducting such behaviors become normative referents for others in that group. These subsequent associates need not feel the initial pressures, here the behavior is emulated because it has become a normative standard, resulting in further descent towards a state of anomie, i.e. “the withdrawal of allegiance from conventional norms and a weakening of these norms’ guiding power on behavior” (Passas, 2000, p.20). Where society or authority does not curb these behaviors it results in impunity. A combination of sources was used to identify the themes in component four, including resident and pirate narratives, media reports, as well as sociological analyses.

\textsuperscript{31} This refers back to Merton’s five adaptations to strain (1938).
Finally, the fifth component identifies the impact of growing anomie within society on governability; the effect is dysnomie or ‘difficulty to govern’. Passas suggests that this is caused by a: (1) lack of global norm-making mechanisms, (2) inconsistent enforcement of international rules, and (3) a regulatory patchwork of diverse and conflicting legal traditions and practices (Passas, 2000, p. 37). Passas’ argument is augmented in this dissertation. The antonym to governance, ungovernability “stresses problems related to the acceptance of political leadership, a lack of conformity and a decreasing level of compliance” (Mayntz, 1993, p.8). These elements combine and result in internal legitimacy failures, what is here termed ineffective or failure in civic governance further contributes to anomie. For this final component of the theory, the analysis included using historical/policy sources as for components one and two. Each of Passas’ causes of dysnomie were searched for, in addition to ineffective civic governance.

Figure 2 summarizes the components of the analytical framework.

32 “Legitimacy refers to an order of authority perceived to be valid and deserving of compliance.” (Friedrichs, 2007, p.14).
33 The term civic governance is defined here as central authority that is dispersed across multiple parallel spaces in society, so that citizens and groups can articulate their interests, mediate their differences and exercise their legal rights and obligations; consisting of the rules, institutions, and practices that set limits and provide incentives by including civil society in the social control mechanism.
### Figure 2. Global Anomie Theory Analytic Framework

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1)</td>
<td>Impact of Globalization and Neo-liberalization via</td>
</tr>
<tr>
<td></td>
<td>- Economic restructuring, dependence, deregulation and increased poverty</td>
</tr>
<tr>
<td></td>
<td>- Egalitarian discourse, consumerism, competition</td>
</tr>
<tr>
<td></td>
<td>- Socially distant comparative and normative reference groups</td>
</tr>
<tr>
<td></td>
<td>- Weakening of government</td>
</tr>
<tr>
<td>2)</td>
<td>Produces means-ends discrepancies &amp; asymmetries</td>
</tr>
<tr>
<td></td>
<td>- Perception of injustice, relative and absolute deprivation, strain, and <em>ontological insecurity</em></td>
</tr>
<tr>
<td>3)</td>
<td>Resulting in pressures toward deviance:</td>
</tr>
<tr>
<td></td>
<td>- Search for deviant solution (overemphasis on goals, when legal solutions are unavailable)</td>
</tr>
<tr>
<td></td>
<td>- Rationalization of deviance</td>
</tr>
<tr>
<td>4)</td>
<td>Successful deviant subcultures become normative referents (Anomie)</td>
</tr>
<tr>
<td></td>
<td>- Deviance adopted without original strain</td>
</tr>
<tr>
<td>5)</td>
<td>Impact on governability from, and failure in civic governance.</td>
</tr>
<tr>
<td></td>
<td>- Dysnomie (lack of global norm-making mechanisms, inconsistent enforcement of international rules, regulatory patchwork of legal traditions and practices and <em>ineffective civic governance</em>)</td>
</tr>
<tr>
<td></td>
<td>- Normative deviance</td>
</tr>
</tbody>
</table>

For the case study, literature was drawn from various disciplines such as economics, political science, international relations and development on: globalization; the political changes in the country; economic policies and structural adjustment programs; population migration; freedom of press; international relations with other countries; issues of sovereignty and information on piracy. The research focused on economic and human development such as the emergence of Diasporas, changing gender roles, and changes in traditional divisions of labor but also at availability of foreign products and access to media. Academic sources were supported with reports from: non-governmental organizations (e.g. Freedom House, Oxford Committee for Famine Relief - OXFAM, Organization for Economic Cooperation and Development - OECD, Human Rights Watch, Democracy Now, Netherlands Organization for International Assistance -
OXFAM Novib, Greenpeace, Norwegian Institute for Urban and Regional Research, Chatham House, and the UK’s Department for International Development); supranational organizations (e.g. World Bank, International Maritime Organization, United Nations Environmental Programme, United Nations Children’s Fund, United Nations Security Council, European Commission, and the European Union); government reports (e.g. Puntland government, the British Parliament, and the CIA), news articles and stories (e.g. British Broadcasting Corporation, US National Public Radio, the Guardian, the New York Times, the Economist, Reuters, Wardheer News, Somali News, and the East African Magazine), and academic research as well as interviews with professionals in the maritime industry (including the IMB, IMO, International Chamber of Shipping, MRAG Ltd, INTERTANK and the International Transport Federation). In addition to print material, visual materials were found, such as videos, documentaries, photographs, and photo diaries. These were used particularly to identify pirate and resident Somali narratives. The aim of the data collection is to find multiple sources of evidence of a phenomenon, thereby developing a convergent line of inquiry. The analytic strategy is based on cataloguing the themes identified by the theory but allowing for additional themes to be discovered which were not elaborated by global anomie theory.

The research began with a general reading of Somali history, current affairs in Somalia, and information of piracy in Somalia, in addition various keyword searches were conducted, such as ‘conflict in Somalia’, ‘globalization and Somalia’, ‘structural adjustment programs in Somalia’, and ‘economy in Somalia’. This snowballed by studying reference pages and citations of key articles. Moreover, questions that were generated in the reading of the information created new keyword searches which led to more information and so on. Another tool used to gain more information was to search for other publications by authors that were focusing on Somalia, these
included Jeffrey Gettleman (journalist), Stig Jarle Hansen (academic analyst), Peter Little (historian), and Ken Menkhaus (political scientist).

To understand the changes that took place in Somalia the analysis for components one, two, and five provide a historical/policy analysis, examining the history and current affairs of Somalia (see Appendix F for a timeline of key events). For components three and four, in order to gain an insight of the impact of the macro factors on individuals in Somalia, the research focused on finding interviews with pirates gleaned by journalists and academics that had travelled to Somalia. These interviews came in a variety of forms, some were transcripts, others were video clips of interviews, some were part of a documentary or ethnography, and some were from court testimony of the only piracy case prosecuted in the US that had made the testimony open to public. In total interviews with 25 distinct pirates were sourced, in addition some of these 25 pirates conducted interviews with several different researchers, such as Abdullahi Abshir Boyah (six separate interviews were found) and Farah Ismael Idle (three separate interviews were found). In order to get an idea of the normative effect of the piracy subcultures, a search was conducted of perceptions of actors associated with piracy, i.e. those who live in close proximity to piracy hubs or who have interacted with pirates, such as crew which were captured by pirates.

The global anomie theory analytic framework is be used to match the observed events in the case study countries to the theoretically predicted events (Yin, 2003, p.127). Therefore the themes discovered in the case studies are organized chronologically; providing both time trend information and some causal inferences (Yin, 2003, p.127). The benefit of establishing a chronology over a time-series analysis is that the research is not limited to single independent or dependent variables (Yin, 2003, p.126). This is crucial when examining a complex theory such
as global anomie. Evidence was sought that points to a temporal cause and effect sequence between structural and cultural changed described in components one and two and the subsequent emergence and development of piracy. Here critically (although not solely) the embedded analysis of the pirate narratives provides the information that either corroborates or dismisses the ideas suggested in this dissertation.

Although contemporary piracy in Somalia begun in 1991, due to the linear process suggested by the theory, the study needed to look further back. Somalia gained independence in 1960, a critical point in time when the country was self-governing and embarked on its autonomous economic and political journey. Therefore the case study begins by looking at the history of Somali since it became a sovereign state whilst providing a very brief overview of its earlier history to provide some context.

Each component contains themes which were markers for the research. For example economic restructuring and egalitarian discourse represented two such themes for component one; deprivation and perceptions of injustice were examples of themes for component two; rationalizations and pressures towards deviance for component three, and so on. A theme such as economic restructuring involved looking for information on changes in the economic framework of the country, sources included economic analyses, official statements, policies, etc. Egalitarian discourse involved research into changes in policies that included new freedoms, such as rights for women, rights to free speech, multiparty political system, equal representation, etc. It also included seeing if society had an increased access to media, i.e. to a broader set of referents that may have exposed people to new ideas. Sources for this included official statements, sociological analysis, journalist reports, and policy changes. This process was conducted for the entire series of themes listed for each component (see Appendix B for a chart.
of the various themes and sources consulted within the components) and each document was coded for multiple themes across all components. It is important to note that the themes were not independent from each other, and particularly within components, they were highly interrelated. The research involves matching the themes, making note of any mismatches and additional themes not identified by the theory. The information collected was organized into the various themes, however particular attention was paid to keeping their chronological ordering. Conclusions about the research were made based on whether the themes within components and the series of components matched the theoretically predicted sequence of events.
Chapter 4

The Changing Nature of Contemporary Maritime Piracy

Piracy research over the past 20 years has tended to focus on select types of piracy (such as petty thefts and seizures for ransom) and on particular geographical regions where piracy occurs (such as South East Asia or Somalia and the Gulf of Aden). Research has also been somewhat limited, by being either wholly anecdotal or relying on single sources of data, usually from the International Maritime Bureau (IMB). Finally, aside from IMB publications, little research has been produced that examines global trends in piracy over the first decade of the 21st century. That is between 2001 and 2010, a time period which exhibits a major shift in the location of piracy. This dissertation is designed to develop a more comprehensive collection of piracy data for the 21st century by combing IMB piracy reports and the ONI reported piracy incidents data. By combing these two collections, a new dataset has been developed here, the Contemporary Maritime Piracy Database (CMPD), which provides the basis for a more comprehensive assessment of the nature and trends of contemporary piracy. The analysis in this chapter examines global and regional trends in piracy and is not restricted to a particular geographical location. Finally, this study examines the nature of piracy across a broad set of piracy incident characteristics, including time and place, the nature of the assault, type of vessel, the pirate motivations and the response to the attack.

Location and Trends in Contemporary Piracy

Piracy has increased in scale since 1991 and in the last decade generally (Ong-Webb, 2007, p.49; Lehr, 2007, p. ix). However, the analysis of the most recent data available for the 21st century using CMPD data, shows that the level of piracy has varied over the last decade with...
incidents peaking twice over this period in 2003 (i.e., 475 incidents) and in 2010 with 522 incidents and reaching a low point in piracy incidents in 2006 with 294 incidents (see Chart 2A).

![Chart 2A: Distribution of Piracy Incidents 2001-2010](chart2a.png)

When these figures are disaggregated one can see which regions and countries are responsible for the highs and lows in piracy incidence. Chart 2B looks at the distribution over time by regions and Chart 2C shows the trends for the two countries with the highest number of incidents.

Chart 2B\(^{34}\) shows, the decade of the 21\(^{st}\) century has seen a dramatic shift in location and responsibility of piracy. The first part of the 21st century was dominated by Asian piracy activity, which was attributable principally to piracy originating from Indonesia (see Chart 2C). This continued a trend in piracy from the 1990’s when Indonesia particularly was associated with the greatest number of piracy attacks (Ong-Webb, 2007, p.54). From 2003 to 2009, however, trends in Asian piracy experienced a sharp decline (i.e., dropping from 290 to 99 incidents), and then showing a modest reversal in 2010 with 152 incidents. In contrast, piracy in Africa, started the decade initially fairly steady, modest number of incidents (averaging about 90 incidents per

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\(^{34}\) Chart 2B shows the 2.3 percent of total cases for which the country of responsibility is unknown, this could be because the attack did not include boarding, even if it did include boarding it may have been perpetrated at night where none of the crew had any interaction with the attackers, or the crew were uncertain of the pirates’ origins.
year between 2001 and 2006), and grew dramatically from 2006 to a peak of 322 incidents in 2010. As Chart 2C shows, this dramatic increase in African piracy was driven by incidents originating from Somalia. The two regional trends observed are driven by two countries, Somalia and Indonesia. Taken together they account for nearly 50 percent of all piracy in this decade (see Table 2).
Table 2 lists the countries that account for nearly 85 percent of piracy worldwide in the study period. Although these fifteen countries are divided among three continents, South America (shaded green) accounts for less than 8 percent of piracies in the 10 year period, compared to Asia (shaded red) and Africa (shaded blue) which account for around 46 percent and 41 percent of all incidents respectively.

Subsequent analyses will focus on highest piracy incidents countries (HPIC), which are the five countries with the highest number of piratical incidents and the remaining countries are grouped in a sixth ‘other’ category. The benefit of using the HPIC for analysis is to highlight any differences in the nature of piracy between countries that exhibit the highest level of piratical activity.
Table 2: High Piracy Incidents Countries

<table>
<thead>
<tr>
<th></th>
<th>Incidents</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Indonesia</td>
<td>N 990</td>
<td>% 24.8</td>
</tr>
<tr>
<td>2. Somalia</td>
<td>N 968</td>
<td>% 24.2</td>
</tr>
<tr>
<td>3. Nigeria</td>
<td>N 330</td>
<td>% 8.3</td>
</tr>
<tr>
<td>4. Bangladesh</td>
<td>N 299</td>
<td>% 7.5</td>
</tr>
<tr>
<td>5. India</td>
<td>N 150</td>
<td>% 3.8</td>
</tr>
<tr>
<td>6. Malaysia</td>
<td>N 92</td>
<td>% 2.3</td>
</tr>
<tr>
<td>7. Viet Nam</td>
<td>N 92</td>
<td>% 2.3</td>
</tr>
<tr>
<td>8. Philippines</td>
<td>N 80</td>
<td>% 2.0</td>
</tr>
<tr>
<td>9. Peru</td>
<td>N 68</td>
<td>% 1.7</td>
</tr>
<tr>
<td>10. Venezuela</td>
<td>N 68</td>
<td>% 1.7</td>
</tr>
<tr>
<td>11. Tanzania</td>
<td>N 64</td>
<td>% 1.6</td>
</tr>
<tr>
<td>12. Brazil</td>
<td>N 57</td>
<td>% 1.4</td>
</tr>
<tr>
<td>13. Colombia</td>
<td>N 41</td>
<td>% 1.0</td>
</tr>
<tr>
<td>14. Ghana</td>
<td>N 37</td>
<td>% .9</td>
</tr>
<tr>
<td>15. Cameroon</td>
<td>N 36</td>
<td>% .9</td>
</tr>
<tr>
<td>16. Other</td>
<td>N 627</td>
<td>% 15.7</td>
</tr>
<tr>
<td>17. Total</td>
<td>N 3999</td>
<td>% 100.0</td>
</tr>
</tbody>
</table>

It is important to point out that the location of attack and responsibility for the attack do not have the same distributions. Piracy in Asian waters (using the widest definition, this includes the exclusive economic zone (EEZ) which extends up to 200nm from the coast) tends to occur closer to shore and accounts for just over 50 percent of all piracy incidents. Piracy in African waters on the other hand only accounts for about 20 percent of all incidents originating from the continent. This difference in the location of the incident and the responsibility for the incident is due to the distinct modus operandi of Somali piracy; much of their attacks occur in the high seas
(Murphy, 2007, p.30). Over 17 percent of all incidents in the dataset occurred in the high seas. This is a departure from what is known of piracy in Southeast Asia which tends to occur locally, pirates usually prey closer to shore because of their knowledge of the areas islands, inlets and waterways (Young, 2007, p. 94). In contrast, Somali pirates have conducted successful operations as far as 910nm from the Somali coast, including attacks in the local waters of the Seychelles (ONI, 2009, p.6).

**Chart 2B** showed that Asia and Africa are the continents associated with the highest number of piracies. Although, Indonesia and Somalia account for greatest proportion of piracy in their respective regions (see **Chart 2C** other Asian and African countries also have generated piracy incidents. **Charts 3A and 3B** graph the trends of the region’s high incidence countries based on the high piracy incidents countries listed in **Table 2**.

In Africa the intensification of piracy in Somalia from the middle of the decade was accompanied by a modest growth of piracy in Nigeria, and to an even lesser extent Tanzania. However, unlike Somalia, the number of Nigerian and Tanzanian piracy incidents dropped after 2008. Two other nations, Ghana and Cameroon, showed very low levels of episodic incidents of piracy over this period. In addition to Indonesia, countries in Asia that have displayed modest numbers of piracy incidents (but far lower than Indonesia) have been Bangladesh, India, Vietnam, the Philippines, and Malaysia.

There is an interesting difference between the two continents and the high incidence countries within them. In Africa, piracy in Nigeria and Tanzania has declined most recently, which is in sharp contrast to Somalia which experienced exponential growth in piracy at the end of the decade. In Asia, the trends of the individual high incidence countries are more
comparable, especially from 2009. Indonesia experienced a decrease while the other nations have shown little or no increase in piracy or have shown modest decreases as in the case of Bangladesh.

Chart 3A: Number of Piracies Distributed across African High Incidents Countries

Chart 3B: Number of Piracies Distributed across Asian High Incidents Countries
Location at Sea of Contemporary Piracy

The shift in the regional location of piracy incidents has been accompanied by a corresponding change in the geographic proximity of piracy attacks to the coast. The location at sea of the assault refers to the maritime territory where the act occurs. Local waters refer to the areas when a ship is at berth in a port or within the territorial waters (up to 12 nautical miles from the coast); at sea refers to acts that occur in the EEZ (from 12 to 200 nautical miles from the coast) and the high seas (beyond 200 nautical miles from the coast). Past research has found that pirates prefer to attack vessels at anchor than at berth because vessels do not benefit from dockside security; rapid-reaction policing, closed-circuit television surveillance and endemic lighting at night (see Herbert-Burns, 2007, p.102 for details). Analysis of data for the past decade using CMPD data shows that this relationship largely held up, at least for the first two thirds of the decade. Indeed for the entire decade (2001 to 2010) CMPD data finds that 10.1 percent of all piracy incidents occurred dockside; 50.8 percent occur while a ship is at anchor; 17.4 percent occur in the EEZ; and 5.6 percent took place on the high seas. However, over the past decade this geographic proximity of piracy incidents to land has undergone a dramatic change. At the start of the decade, as Chart 4 shows, over 71 percent of all piracy incidents occurred in local waters and fewer than 8 percent occurred at sea, but by the end of the decade only 37 percent of all piracy incidents occurred in local waters and the percent occurring at sea has risen to over 44.3 percent. The shift in the proximity of piracy incidents to shore occurred in 2006, the year Somalia began to play an increasing role in piracy.
Chart 5A documents the importance of the rise of Somalia-related piracy incidents to the changing geographic proximity of piracy in the latter part of the last decade. Chart 5A shows the geographic location distribution of piracy incidents across each of the highest piracy incidents countries (HPIC).
Charts 5B, 5C, 5D, 5E, 5F, and 5G show the location at sea of incidents for each of the HPICs over the study period. Nigeria (Chart 5B), Bangladesh (Chart 5C), India (Chart 5D), and other (Chart 5E) countries show that most pirate attacks tend to be in local waters. In Nigeria, the number of incidents has dropped towards the latter part of the decade, but they are increasingly occurring further from shore. In Indonesia (Chart 5F) the percentage of incidents occurring in local waters has been declining. Simultaneously there has been a modest increase in incidents at sea as well as cases where the location is unknown. It is probable that the unknown are cases that are at sea and therefore their location is uncertain (Author Interview with IMB Director Capt. Pottengal Mukundan, February 2010).

Somali cases show a different pattern in that most (54.3 percent) of the piracy cases associated with Somalia occurred at sea, that is beyond the 12 nautical mile territorial water limit. Although there is some fluctuation, piracy originating from Somalia has generally been further from shore, and certainly the recent upsurge in attacks has occurred out at sea (Chart 5G). In addition, Somali cases have a high percentage of cases that did not report their location at sea; it is likely that most of these cases occurred in the high seas (Author Interview with IMB Director Capt. Pottengal Mukundan, February 2010).

Chart 5H shows the pattern is we assume that the unknown are incidents that took place at sea, here it is clear that not only is Somali piracy a form of piracy that takes place at sea but more recently it almost exclusively takes place beyond territorial waters. This is likely a factor of the increased international forces naval presence as well as the warnings to stay far away from the Somali coast line.
The shift of piracy increasingly to Somalia has resulted in a corresponding shift in the geographic location of piracy incidents. Somali piracy is on the increase and it operates differently from other forms of piracy seen in the recent past; it does not remain close to shore. Another facet of piracy that changed over the study period is the time of the attack.

![Chart 5B: Location at Sea of Incidents 2001 to 2010 - Nigeria](image)

35 Interestingly this means that unlike the majority of piracy, Somali piracy falls within the legal definition of piracy. See the definition of piracy according to Art.101 of the United Nations Convention on the Law of the Seas (earlier in Chapter 1).
Chart 5C: Location at Sea of Incidents 2001 to 2010 - Bangladesh

- Local Waters (%)
  - 2001: 100%
  - 2002: 96.9%
  - 2003: 100%
  - 2004: 90%
  - 2005: 93.5%
  - 2006: 100%
  - 2007: 100%
  - 2008: 100%
  - 2009: 100%
  - 2010: 96%

- At Sea (%)
  - 2001: 0%
  - 2002: 3.1%
  - 2003: 0%
  - 2004: 10%
  - 2005: 6.5%
  - 2006: 0%
  - 2007: 0%
  - 2008: 0%
  - 2009: 4%

- Unknown (%)
  - 2001: 0%
  - 2002: 0%
  - 2003: 0%
  - 2004: 0%
  - 2005: 0%
  - 2006: 0%
  - 2007: 0%
  - 2008: 0%
  - 2009: 0%
  - 2010: 0%

- Total (N)
  - 2001: 24
  - 2002: 32
  - 2003: 59
  - 2004: 30
  - 2005: 31
  - 2006: 50
  - 2007: 15
  - 2008: 13
  - 2009: 20
  - 2010: 25

Chart 5D: Location at Sea of Incidents 2001 to 2010 - India

- Local Waters (%)
  - 2001: 96.3%
  - 2002: 94.7%
  - 2003: 96.2%
  - 2004: 71.4%
  - 2005: 80%
  - 2006: 100%
  - 2007: 83.3%
  - 2008: 92.3%
  - 2009: 100%
  - 2010: 100%

- At Sea (%)
  - 2001: 3.7%
  - 2002: 0%
  - 2003: 0%
  - 2004: 28.6%
  - 2005: 20%
  - 2006: 0%
  - 2007: 8.3%
  - 2008: 0%
  - 2009: 0%
  - 2010: 0%

- Unknown (%)
  - 2001: 0%
  - 2002: 5.3%
  - 2003: 3.8%
  - 2004: 0%
  - 2005: 0%
  - 2006: 0%
  - 2007: 8.3%
  - 2008: 7.7%
  - 2009: 0%
  - 2010: 0%

- Total (N)
  - 2001: 27
  - 2002: 19
  - 2003: 26
  - 2004: 14
  - 2005: 15
  - 2006: 7
  - 2007: 12
  - 2008: 13
  - 2009: 12
  - 2010: 5
Chart 5E: Location at Sea of Incidents 2001 to 2010 - Other countries

<table>
<thead>
<tr>
<th>Year</th>
<th>Local Waters (%)</th>
<th>At Sea (%)</th>
<th>Unknown (%)</th>
<th>Total (N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>75.7</td>
<td>6.3</td>
<td>18.1</td>
<td>144</td>
</tr>
<tr>
<td>2002</td>
<td>76.3</td>
<td>10.1</td>
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<td>2010</td>
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Chart 5F: Location at Sea of Incidents 2001 to 2010 - Indonesia

<table>
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<th>At Sea (%)</th>
<th>Unknown (%)</th>
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</table>
Chart 5G: Location at Sea of Incidents 2001 to 2010 - Somalia

<table>
<thead>
<tr>
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<th>At Sea (%)</th>
<th>Unknown (%)</th>
<th>Total (N)</th>
</tr>
</thead>
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<td>6.5</td>
<td>51.6</td>
<td>41.9</td>
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<td>2004</td>
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<td>77.8</td>
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<td>18</td>
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<td>2005</td>
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<td>53.9</td>
<td>191</td>
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<td>54.1</td>
<td>244</td>
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<tr>
<td>2010</td>
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<td>71.5</td>
<td>26</td>
<td>277</td>
</tr>
</tbody>
</table>

Chart 5H: Location at Sea of Incidents 2001 to 2010 - Somalia

(At Sea & Unknown combined)

<table>
<thead>
<tr>
<th>Year</th>
<th>Local Waters (%)</th>
<th>At Sea &amp; Unknown (%)</th>
<th>Total (N)</th>
</tr>
</thead>
<tbody>
<tr>
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<td>75</td>
<td>24</td>
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<td>2002</td>
<td>12.9</td>
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<tr>
<td>2010</td>
<td>2.5</td>
<td></td>
<td>277</td>
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</tbody>
</table>
Time of Attack and Trends in Contemporary Piracy

To examine trends of piracy by time of year and time of day, the date of incident data was disaggregated into month, season and time of day. The distribution of cases over four seasons did not show any noteworthy variance over the past decade. However, there has been change in the time of day when assaults occur over the 2001 to 2010 period.

Contemporary piracy has largely been predominantly a nocturnal activity which uses the cover of darkness to conceal assaults (Interview with IMB Deputy Director Jayant Abhyankar in Herbert-Burns, 2007, p.107). Analysis of CMPD data finds this time-of-day pattern in the first two thirds of the past decade. Chart 6\(^{36}\) shows, that the hours of 10pm to 5am is the busiest time for pirate activity, and the quietest time of day for piracy was the evening (6pm – 9pm) for most of the decade up to 2007. After 2007 however, this pattern abruptly changed. Whereas piracy at the beginning of the decade was clearly a night-time occupation, since 2008 more and more piracies occur during the day; from 2008 pirates have been as likely to strike during the day as at night.

\[^{36}\] The data on time of day has just under 12 percent of cases where the time was not reported, i.e. unknown.
To understand this shift in the time of day better, *Charts 7A, 7B, 7C, 7D, 7E & 7F* trace the patterns in piracy activity by the five HPICs and the remaining countries combined. It is here that the source of the temporal change in piracy activity can be seen more clearly. All five HPICs and the combined category ‘other’ show that piracy rarely occur in the evening, that is from 6pm to 9pm. In Nigeria (*Chart 7A*), Bangladesh (*Chart 7B*), other countries (*Chart 7D*), and Indonesia (*Chart 7E*) it is clear that incidents occur predominantly at night. Although there is some fluctuation over the ten year period, the majority of cases occur with the cover of darkness. Indian piracy (*Chart 7C*) also shows a similar pattern, but there are more incidents occurring during the day and there is a greater amount of fluctuation.
Chart 7A: Piracy Incidents Distributed over Time of Day - Nigeria

Chart 7B: Piracy Incidents Distributed over Time of Day - Bangladesh
### Chart 7C: Piracy Incidents Distributed over Time of Day - India

<table>
<thead>
<tr>
<th>Year</th>
<th>Day (%)</th>
<th>Evening (%)</th>
<th>Night (%)</th>
<th>Total (N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>16</td>
<td>20</td>
<td>64</td>
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<td>2002</td>
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<td>0</td>
<td>63.6</td>
<td>11</td>
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<td>2008</td>
<td>16.7</td>
<td>0</td>
<td>83.3</td>
<td>12</td>
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<tr>
<td>2009</td>
<td>0</td>
<td>0</td>
<td>100</td>
<td>10</td>
</tr>
<tr>
<td>2010</td>
<td>60</td>
<td>0</td>
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</table>

### Chart 7D: Piracy Incidents Distributed over Time of Day - Other Countries

<table>
<thead>
<tr>
<th>Year</th>
<th>Day (%)</th>
<th>Evening (%)</th>
<th>Night (%)</th>
<th>Total (N)</th>
</tr>
</thead>
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<td>2001</td>
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<td>73.2</td>
<td>138</td>
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<tr>
<td>2004</td>
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<td>11.4</td>
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<td>114</td>
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<tr>
<td>2009</td>
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<td>19.6</td>
<td>65.7</td>
<td>102</td>
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<tr>
<td>2010</td>
<td>10.2</td>
<td>15.3</td>
<td>74.5</td>
<td>98</td>
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</tbody>
</table>
Focusing on Somali cases (Chart 7F), the trend in the time of day of the attack is quite different. Somali piracy is distinct from other piracies around the world, here piracy is a day time activity. With the exception of 2003 where assaults were nearly as likely to occur at night as they were during the day, Somali pirates predominantly operate during the day. This is consistent for the entire study period, where over 50 percent of cases have occurred in the day each year between 2001 and 2010. Despite a strong counter-piracy presence off the Horn of Africa, Somali pirates have continued to attack during the day, defying expectations that they would increase night time attacks to reduce the risk of interdiction or capture (ONI, 2009, p. 5).
What is clear from the analysis of CMPD piracy incidents is that a new form of piracy which emerged in the 1990s has developed and become the dominant type of piracy in the study period. Although this newer form of piracy has become more prevalent, other forms of piracy still remain which display a different set of characteristics.

**Target Vessel Characteristics**

Contemporary piracy has not shown any consistent type of target selection, according to existing literature, vessels that are victimized are those which are vulnerable because they are slower, restricted in their ability to maneuver, and unprotected by local patrol or ship watch (Herbert-Burns, 2007, p.98). The target vessel characteristics that are were identified from the CMPD incident data are type of ship, the type of cargo hauled, and the vessel movement status.

Over the entire 2001 to 2010 period the majority of the victims in CMPD comprise of merchant cargo vessels (57.5 percent) and tankers or other oil related ships (26.1 percent).
Reports from victimized fishing vessels (5.7 percent), tugs/barges (4.4 percent), private ships (3.6 percent) and passenger vessels (.9 percent) are fewer in number. The lack of any consistent type of target selection appears to be supported in an analysis of CMPD incidents. Whereas there were dramatic shifts in region, geographic proximity and time-of-day of piracy incidents, there has been very little change and no consistent trend over the years in the type of vessels assaulted (see Chart 8). This is also true for the type of cargo that is carried by the victim vessel (as vessels are tailored to the type of cargo they haul).

![Chart 8: Distribution of Victim Vessel Type 2001-2010](image)

The type of cargo targeted by pirates appears to be dependent on the distribution of different types of vessels that navigating the globe's waterways. For example, considering that the world merchant fleet is made up of over 50,000 ships carrying over 90 percent of all global freight (ICS, 2010) and that piracy occurs in high traffic areas it is not surprising that merchant
ships (see Chart 9 and the higher percentage of incidents victimizing energy and bulk carriers) carrying cargo are the prime targets of piracy; non-cargo ships such as passenger vessels, private yachts or research ships are rarely the victims of piracy. Even in Somalia, only around 5 percent of cases relate to non-cargo ships, contrary to popular perception and the extent of media coverage of incidents involving private yachts.

The most common types of victimized vessels are tankers or other oil related ships. This is not surprising as product tankers, very large crude carriers (VLCCs), and ultra large crude carriers (ULCC) are slower and harder to maneuver because they are constrained by their draft

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37 This includes vessels carrying energy, bulk, containers, roll-on roll-offs, and reefers.
(Herbert-Burns, 2007, p.98). Nigeria however stands out as having a particularly high number of assaults targeting tankers or other oil related ships, nearly 50 percent of all their piracies are concentrated on the oil industry. This is not surprising, because this region produces very high volumes of energy related cargo traffic and is not proximate to the larger global shipping routes. Other regions closer to major maritime shipping routes (e.g., Indian Ocean, Straits of Malacca) have a more even distribution of cargo vessels (e.g., energy, bulk, and container) and a corresponding distribution of types of cargo targeted by pirates. Thus we find that, bulk carriers and container carriers/roll on-roll off vessels, which are the next most popular targets of pirates, show lower levels of targeting (as a combined percent of bulk and container cargos) in Nigeria then other regions, most of which are proximate to major maritime routes.

Fishing vessels are not as common, but this may be a reflection of the data collection agencies’ focus on merchant shipping coupled with the tendency of fishing vessel not to report attacks discussed earlier (Young, 2007, p.123).

Usually vessels fall victim to piracy when they are stationary (Murphy, 2007, p.34). Stationary vessels are easier to board and require less skill and level of organization. Chart 10 illustrates that the majority of vessels attacked are stationary. Consistently over 50 percent of ships were stationary when attacked, until 2008 when it became more likely for a vessel to be attacked when it was motoring. Looking at this in more detail, Chart 11 examines the trends in the HPIC.
Of the high piracy incidents counties, Nigeria, Bangladesh, India, and also all non HPIC related piracies around the globe show a preponderance of attacks on stationary vessels (Chart 11). In contrast, Indonesian piracy is nearly equally divided between vessels that are motoring and those that are stationary, and Somali piracy shows an even more dramatic divergence from the pattern of other countries in that Somali pirates almost solely target vessels that are in motion. This is probably attributable to the fact that fewer vessels anchor in or near Somali waters. Nonetheless, this is an interesting finding, that the two highest incidence countries show a pattern of piracy that is quite dissimilar from the piracies in the remaining countries.
Charts 12A, 12B, 12C, 12D, 12E, and 12F examine trends of vessel movement status in piracy attacks for the divergent patterns seen off the coast of the HPICs, including Indonesia, Somalia, Nigeria, Bangladesh, India, and all other countries combined. Importantly, these charts show that the pattern for vessel movement status (in motion versus stationary) has predominantly been for vessels to be stationary when attacked, this has remained fairly steady over the 10 year period: Nigerian pirates have attacked vessels mainly when stationary, although towards the latter part of the decade they have increasingly attacked vessels in motion (Chart 12A); except for incidents from 2003 to 2005 Bangladeshi pirates almost exclusively attack vessels that are stationary (Chart 12B); similarly in India, except for 2006, vessels are predominantly attacked when they are motionless (Chart 12C); the data for the combined non-HPIC countries also show the predominance of attacks on stationary ships (Chart 12D).
Indonesian pirates have attacked ships that are stationary and in motion relatively equally over this period (Chart 12E) and Somali pirates have consistently targeted vessels that are in motion (Chart 12F).
### Chart 12B: Victim Vessel Movement Status - Bangladesh

<table>
<thead>
<tr>
<th>Year</th>
<th>Stationary (%)</th>
<th>Motoring (%)</th>
<th>Total (N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>87.5</td>
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<td>2002</td>
<td>96.9</td>
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<td>32</td>
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<td>2003</td>
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<tr>
<td>2009</td>
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<td>0.0</td>
<td>20</td>
</tr>
<tr>
<td>2010</td>
<td>96.0</td>
<td>4.0</td>
<td>25</td>
</tr>
</tbody>
</table>

### Chart 12C: Victim Vessel Movement Status - India

<table>
<thead>
<tr>
<th>Year</th>
<th>Stationary (%)</th>
<th>Motoring (%)</th>
<th>Total (N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>81.5</td>
<td>18.5</td>
<td>27</td>
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<tr>
<td>2002</td>
<td>84.2</td>
<td>15.8</td>
<td>19</td>
</tr>
<tr>
<td>2003</td>
<td>84.6</td>
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<td>26</td>
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<td>2004</td>
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<td>2005</td>
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<td>20.0</td>
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<td>2006</td>
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<td>71.4</td>
<td>7</td>
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<td>2007</td>
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<td>25.0</td>
<td>12</td>
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<td>2008</td>
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<td>13</td>
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<td>12</td>
</tr>
<tr>
<td>2010</td>
<td>100.0</td>
<td>0.0</td>
<td>5</td>
</tr>
</tbody>
</table>
Chart 12D: Victim Vessel Movement Status - Other Countries

Stationary (%)
- 2001: 59.7
- 2002: 69.2
- 2003: 71.4
- 2004: 64.1
- 2005: 73.7
- 2006: 70.8
- 2007: 66.3
- 2008: 77.3
- 2009: 77.6
- 2010: 81.7

Motoring (%)
- 2001: 40.3
- 2002: 30.8
- 2003: 28.6
- 2004: 35.9
- 2005: 26.3
- 2006: 29.2
- 2007: 33.7
- 2008: 22.7
- 2009: 22.4
- 2010: 18.3

Total (N)
- 2001: 144
- 2002: 169
- 2003: 154
- 2004: 131
- 2005: 95
- 2006: 106
- 2007: 104
- 2008: 128
- 2009: 116
- 2010: 115

Chart 12E: Victim Vessel Movement Status - Indonesia

Stationary (%)
- 2001: 50.0
- 2002: 67.2
- 2003: 27.4
- 2004: 43.6
- 2005: 54.1
- 2006: 45.8
- 2007: 60.3
- 2008: 44.9
- 2009: 45.7
- 2010: 38.8

Motoring (%)
- 2001: 50.0
- 2002: 32.8
- 2003: 72.6
- 2004: 56.4
- 2005: 45.9
- 2006: 54.2
- 2007: 39.7
- 2008: 55.1
- 2009: 54.3
- 2010: 61.3

Total (N)
- 2001: 124
- 2002: 137
- 2003: 164
- 2004: 163
- 2005: 109
- 2006: 72
- 2007: 58
- 2008: 49
- 2009: 35
- 2010: 80
These differences are reflections of both organization and geography (Murphy, 2007, p.32). The most common form of piracy, what the IMO terms low level armed robberies (IMO, 1993) take place close to land and target vessels that are stationary or moving slowly when coming into port or having just disembarked (Herbert-Burns, 2007, p.107). This is seen across the ‘other’ countries category, which exhibit less and simpler forms of piracy (Chart 13C). These low level piracies occur where vessels are forced to sail closer to land, such as estuaries, straits, archipelagos, and bays (Murphy, 2007, p. 14; Lehr & Lehmann, 2007, p.10).

Indonesian piracy is a mix of these low level forms of piracy and more sophisticated types, therefore the even distribution between stationary and motoring victims in Chart 13A. Geographically Indonesian piracy occurs in crowded, narrow seas with a plethora of islands (50,000 miles of coastline) and heavy vessel traffic.

Somali piracy is different, not only do piracies occur further out to sea and during the daytime, but data shows that stationary vessels are less likely to be victimized. Unlike
Indonesian pirates Somali pirates operate from an open, clear coastline that borders an exposed ocean. Although together the Red Sea and the Gulf of Aden bottleneck vessel traffic, increased surveillance of these areas by joint naval operations which encourage ships not to slow or stop while transiting off the coast of Somalia and operate convoys through this congested area (BMP, 2012). This has impelled Somali pirates further into the Indian Ocean and to target ships that are in motion (Chart 13B).

Overall, however, the patterns identified, in this section suggest that, at least in terms of the movement status of vessels, pirates are not changing their tactics overtime but have stayed with the tactics employed in their own region.

**Pirate Characteristics**

The key characteristics of pirates enumerated in the CMPD include the number of individuals involved in the attack and the type of arms that the pirates possessed during the assault. The CMPD contains information obtained from the victims of piracies and relies on what crews were able to observe during the attack. Both dimensions exhibit some interesting changes.

Much of transnational crime is considered organized, that is “groups of two or more… form some kind of rational, ongoing conspiracy to plan these crimes, and the objective is usually profit-making” (Albanese, 2011, p.4). Contemporary piracy is no exception, although it is important to remember that piratical activities range in organizational capacity (Murphy, 2007; Young, 2007). In the simplest sense organization requires two or more individuals collaborating. CMPD reports confirm that piracy is rarely carried out independently. Of the 3948 number of incidents for which we have information on whether the number of pirates involved more than one person over the 10 year period, only 49 incidents (1.2 percent) were carried out
The majority of the cases were carried out by 1-5 individuals (30.1 percent incidents). However there is a caveat, generally reports on the number of individuals involved in a piracy attack are estimates based on observation under trying circumstances (since they reflect only those attackers that are seen by the crew) it is possible that not all assailants are within view of the crew.

Another and perhaps more reliable measure of the scale of a piracy attack is the number of boats involved in the attack. Boats are easier to spot both before and after the assault. In the CMPD the number of boats is reported more often than the number of assailants (about 55.7 percent of incidents report the number of individuals, 75.8 percent report the number of boats), moreover there is a positive relationship between the number of boats and the number of assailants, that is the more assailants, the more boats. Chart 13 shows that most piracy assaults are carried out with one to two boats (M=1.5, SD=1.7).

![Chart 13: Number of Boats involved in a Piracy Incident 2001-2010](chart13.png)

A correlation analysis was used to determine whether number of assailants and number of boats were related. The alpha level for the test was set at .01. As expected the results suggest that there is a significant correlation between the two variables (r=.455, p<.01). The two variables share approximately 20 percent of their variance in common.

Very few incidents are reported to have been perpetrated without a boat, i.e. from the dock (just over 2%).
There is regional variation in the number of boats used\textsuperscript{40}. Table 3 shows that in Africa there are more boats involved in piracies compared to Asia and South America. Africa also has a larger degree of variance in the number of attacking boats than Asia\textsuperscript{41}.

\begin{table}[h]
\centering
\caption{Regional Variation in the Number of Pirate Boats}
\begin{tabular}{|l|c|c|c|}
\hline
         & Mean & Standard Deviation & N  \\
\hline
Africa   & 1.8  & 2.1            & 1252 \\
Asia     & 1.3  & 1.4            & 1374 \\
South America & 1.0 & .5             & 233  \\
\hline
\end{tabular}
\end{table}

Focusing on HPIC countries, Table 4 shows that overall pirates launch one boat attacks, whereas Somalia shows a somewhat discrepant pattern again. One attacking boat is used in over 75 percent of incidents in all countries except Somalia. The number of boats used by attackers from Somalia is divided fairly evenly between one boat attacks (44 percent of all attacks) and 2 to 6 or more boat attacks (55.5 percent of all attacks).

\begin{table}[h]
\centering
\caption{Variation in the Number of Pirate Boats across HPIC}
\begin{tabular}{|l|c|c|c|c|c|c|c|}
\hline
Number of Boats in Incident & Indonesia & Somalia & Nigeria & Bangladesh & India & Other \\
(\%)                       & (%)       & (%)     & (%)     & (%)       & (%)   & (%)    \\
\hline
0                          & 1.8       & .5      & 3.4     & 1.9       & .9    & 5.8    \\
1                          & 83.7      & 44.0    & 75.2    & 75.2      & 82.1  & 82.0   \\
2                          & 8.1       & 31.7    & 12.2    & 12.6      & 8.5   & 8.1    \\
3                          & 3.4       & 12.9    & 3.8     & 4.9       & 2.6   & 2.0    \\
4                          & .9        & 5.3     & .8      & 3.9       & .0    & .6     \\
5                          & .3        & 2.9     & .4      & 1.0       & .0    & .5     \\
6 or more                  & 1.8       & 2.7     & 4.2     & .5        & 6.0   & .9     \\
Total (%)                  & 100.0     & 100.0   & 100.0   & 100.0     & 100.0 & 100.0  \\
Total (N)                  & 774       & 769     & 238     & 206       & 117   & 930    \\
\hline
\end{tabular}
\end{table}

\textsuperscript{40} The number of boats in unknown 23.2 percent, 24.4 percent, and 24.4 percent for Africa, Asia, and South America respectively.

\textsuperscript{41} Very few incidents are reported to have been perpetrated without a boat, i.e. from the dock (just over 2%).
Another characteristic of pirates is whether they attempt to hide their identity. CMPD reports for last decade show that pirates rarely hide their identity. Over the period 2001 to 2010, only a few cases report that they were masked or uniformed (3.4 percent of all incidents, N=135).

In contrast to other characteristics of pirates, the type of arms pirates employed in attacks has increased in power and potential deadliness. Armaments are particularly important in cases where coercion and subjugation of a moving vessel is required (Herbert-Burns, 2007, p.108).

Literature on piracy from 1997 to 2004 suggests that there has been a general rise in the use of small arms and automatic weapons in Asia (Ong-Webb, 2007, p.51). Chart 14 shows that over the ten year study period and particularly since the middle of the decade, pirates have increased their level of armament. Crucially there has been a large increase in pirates armed with automatic weapons and explosives; simultaneously pirates bearing less lethal weapons and those wholly unarmed have decreased.

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42 The variable on armament classifies the arms based on the most lethal weapon that was seen on the attackers. Therefore when pirates are said to carry automatic weapons and/or explosives, it means that other lesser weapons may have been in possession as well. Furthermore it is important to note that just over 20 percent of cases did not have information on the type of armament that pirates carried. These unknown cases could be due to an attack that did not involve boarding, even if it did include boarding it may have been perpetrated at night where none of the crew had any interaction with the attackers and therefore do not know if they were carrying arms, or the crew simply failed to report whether they were armed or not.
When this trend is examined across HPIC nations (Chart 15) Somalia emerges as the country driving the trend. Somali pirates are predominantly armed with automatic weapons and explosives such as rocket propelled grenades (98 percent). Nigerian pirates also tend to be armed; with only 16.3 percent Nigerian incidents reported no arms. Moreover the arms are more diversified among Nigerian pirates.
In contrast, Indian pirates are mostly reported unarmed (75.2 percent). Bangladeshi pirates tend to be armed, but only with more basic forms of weapons such as knives, clubs and tools (55.3 percent). Indonesian pirates are also at the lower end of the scale, with 73.2 percent reported as unarmed or armed with knives, clubs and tools. The category for all other countries has a similar trend where pirates still tend to be unarmed or armed only with makeshift weapons or knives.

Analysis of the type of weapons used by HPIC nations reveals that it may be unwise to conclude that piracy in the last decade is increasingly armed in all or most nations. In fact the changing global trend is attributed to a combination of the increasing number of piracies in Somalia and the particular manifestation of Somali piracy.

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43 Unarmed piracy tends to be carried out when crew are not alert, the idea is to board covertly, steal some items and leave without anyone noticing. When crew are alerted to the intruders, they disembark quickly and try to escape without any infractions.
Characteristics of Pirate Actions

This section looks at actions taken by pirates during an attack (was the ship boarded & were weapons fired,) and the treatment of the crew (whether there was a kidnap, whether crew were held hostage, and the level of violence involved in the incident) recorded in CMPD data. There are some interesting changes over time and place in the nature of piracy.

As mentioned earlier (see Chapter 3, Part 1) according to the IMB a successful piratical attack is one where boarding occurs, and indeed most piracies require boarding in order to take control of the vessel to complete a criminal act such as theft of ship equipment or seizure for ransom. Of the 3999 incidents in the CMPD 63.2 percent reported boarding. However it is argued here that piracy can occur also when boarding does not take place. For instance, in Bangladesh where some thefts are of zinc anodes are stolen from the hull of a vessel. Moreover harm and the threat of harm can occur without boarding, particularly when pirates are armed with high velocity weapons.

As Chart 16A shows, until 2007 percentage of ships boarded fluctuated between 67 percent and 70.2 percent. After 2007 the rate of boarding began to drop to 58.5 percent (in 2008) and then to around 50 percent in 2009 and 2010. Like previous trends this is driven by differences in piracies of the HPIC, and the changing relative contribution HIPC countries to piracy incidents over the last decade.
Chart 16B shows that Somali pirates are able to board the target vessel far less often than pirates from other countries. Whereas pirates from other countries board ships in most instances (consistently over 65 to 70 percent throughout most of the decade), pirates in Somalia only board ships in 10-30 percent of the time over the 2001 to 2010 period. This large difference is a reflection of the modus operandi of Somali pirates who predominantly attack vessels that are out at sea and in motion. Vessels that are steaming in the open ocean are harder to board, compared to more common targets of piracy in the rest of the world which are closer to shore and tend to be stationary.
Pirates typically use some form of intimidation to subdue their targets. One of the methods that pirates use to intimidate their targets is to fire their weapons. Chart 17 shows that firing of weapons has generally been quite rare in piracy attacks however; there has been an increase in incidents that include the firing of weapons since about 2006. This change appears to be the result of the increase in piracy attacks on ships in motion in which case pirates may resort to such tactics in an effort to slow down moving targets.
Similar to the analysis of other variables in the CMPD we can see that this trend is also driven by the developments of Somali piracy. Of all the incidents that reported having fired weapons 59.3 percent are attributed to Somali pirates, whereas only around 10.6 percent are attributed to Indonesia, and 14 percent to Nigeria. In line with the earlier results showing that Indian and Bangladeshi pirates are less armed if at all, the firing of weapons is very rare in piracies originating in these countries, .5 percent and .7 percent respectively (considering that only certain weapons can be fired and the higher level of armament is particularly rare in these countries – see Chart 15 earlier).

Although the CMPD does not have information on the psychological effects of piracy on the crew, it documents that 32.8 percent of recorded piracy incidents include a direct threat,

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The psychological cost of piracy is difficult to quantify and is often beneath the radar of piracy studies: “Many seafarers who have been subjected to a pirate attack have suffered considerable mental trauma. Many of those who do not fully recover never go to sea gain. Despite this, the human cost involved in modern-day piracy is seldom recognized. Largely because assaults tend to be directed against “less than visible” targets... NUMAST
assaults are rarer at 7.4 percent, and 106 cases included seafarers who lost their lives to piracy in the ten year period (2.7 percent). In addition 112 incidents (2.8 percent) were cases where seafarers went missing/jumped overboard.

Looking over the ten year period Chart 18 plots the level of violence in the piracy incidents captured in the CMPD\textsuperscript{45}. Over the study period, there has been a decrease in cases which do not report any threat but there hasn’t been an increase in the number of reported killings or assaults. Parallel to the decrease in non-threatening incidents, there has been an increase in the number of threatening cases from around 25 percent at the start of the decade to over 45 percent by 2009 and 2010.

\textsuperscript{45} The information available on this variable was very high, with only .48 percent of cases not providing information on the level of violence.
The distribution of the level of violence across the HPIC nations and piracy orienting in other nations (‘other’) is shown in Charts 19A through F. Generally piracy incidents do not involve threat. This is a reflection of the fact that the majority of piracy cases tend to occur covertly and without interaction with crew. This is especially true for piracies off the coast of India\(^46\) (Chart 19C) and Bangladesh (Chart 19B) but also Indonesian and ‘other nation’ piracies which tend to be unarmed (Charts 19E and Chart 19D respectively) – usually around 60 percent of cases do not involved any threat.

The two countries that show higher levels of threat are Somalia (Chart 19F) and Nigeria (Chart 19A). The high level of threatening behavior by Somali pirates reflects earlier findings

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\(^{46}\) The exception is in 2006, where three of the seven incidents that year included threat, assault, and death each.
showing that Somali pirates in the northwestern Indian Ocean carry more sophisticated arms and fire them more frequently when endeavoring to slow down moving ships.\textsuperscript{47}

Nigeria stands out for highest level of violence compared to the other HPIC nations. The CMPD data shows that Nigeria has the highest numbers of cases that include assaults and killings, and that threatening attacks are more common than non-threatening ones. These results conform to IMB’s description of piracy of the Nigerian coast, which states, “the attacks, the aim of which is usually to rob vessels and crew of money and stores, are notable for the attackers’ willingness to use violence against crew members.” (IMB, 2009).

\textsuperscript{47} An important fact to remember regarding the human impact of Somali piracy, is that in 2010 about 700 seamen per 100,000 seafarers victimized in armed Somalia attacks on vessels which is more than the rate of 576 individuals per 100,000 victimized in major assaults in South Africa – the country with the highest national crime rate recorded in the same year (Hurlburt, 2011, p.22).
Chart 19D: Level of Violence - Other Countries

No Threat Reported (%) 62.9 65.9 76.6 61.4 62.1 50.9 59.2 57.8 62.7 60
Threat (%) 25.9 21.6 15.6 28 28.4 34.9 26.2 25 27.1 33.9
Assault (%) 7.7 9.6 5.2 5.3 9.5 6.6 11.7 11.7 5.9 6.1
Kill (%) 3.5 3 2.6 5.3 0 7.5 2.9 5.5 4.2 0
Total (N) 143 167 154 132 95 106 103 128 118 115

Chart 19E: Level of Violence - Indonesia

No Threat Reported (%) 65 58.1 55.8 52.8 66.7 68.1 65.5 77.1 60 59.7
Threat (%) 24.8 30.9 31.9 35.6 25.9 27.8 27.6 16.7 31.4 39
Assault (%) 8.5 8.1 9.8 10.4 7.4 4.2 5.2 6.3 8.6 1.3
Kill (%) 1.7 2.9 2.5 1.2 0 0 1.7 0 0 0
Total (N) 117 136 163 163 108 72 58 48 35 77
It is clear from the analysis of pirate actions that piracy varies in its nature across originating nations. What we see here is a variation not only between the Somali type of piracy and the more common forms of piracy, but also that Nigeria exhibits a more violent form of piracy. Interestingly even though Somalia has more cases in which weapons are fired, therefore exhibiting a high level of threat and more violent than other nations, they do not exhibit the most violent form of piracy. In contrast piracy in Asia tends to avoid contact with the crew – opting for more covert forms of attack. Critical to the different types of piracies is the motivation for the attack.

**Motivation for Contemporary Piracy**

CMPD data also contained information on motivations for piracy. For the most part as Ong-Webb (2006) notes the primary motivation for piracy is financial gain (Ong-Webb, 2006, p.
This is confirmed by the CMPD data. Although a small proportion of the incidents in the CMPD also show some political motive by far the greatest motivation appears to be some form of financial gain. Focusing on the bulk of piracy which is instrumentally motivated, it is important to consider that financial gain can be achieved by different means. Examination of CMPD reports shows that some incidents pirates steal crew belongings or ship’s equipment, others focus on cargo or the ship itself, whereas yet other cases involve no theft but instead involve ransom demands for the ship and crew or for kidnapped hostages.

Chart 20 plots the different instrumental motivations for pirate attacks. Cases which are not included are those which involved a suspicious approach where it could not be determined what the individuals were seeking. The most common form of piracy is that motivated by theft of items on the ship, either cargo, ship equipment, or crew belongings. Over the study period there has been a decline in this type of piracy, from just over 50 percent of cases to around 30 percent of cases. During this time period there has been a gradual increase in the number of seizures for ransom. Incidents involving the theft of the vessel itself have remained low throughout the study period, usually around 2 percent of cases. Kidnappings showed a small amount of growth between 2003 and 2008, but have since declined.

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48 Around 2 percent (79 cases) of the incidents are committed by identified terrorist or activist organizations, or display some form of unidentified activism. This does not include the Sri Lankan civil war cases which involved the separatist militant organization, Liberation Tigers of Tamil Eelam.

49 There is a difference in the number of seizures for ransoms found in the CMPD data compared to those found in IMB reports because we examine CMPD data in terms of incidents whereas IMB reports statistics in terms of attacks, and as Chart 1, Chapter 3 shows attacks and incidents statistics vary somewhat. The difference in incident based versus attack based statistics largely account for the difference between CMPD and IMB reported seizures for ransom numbers.
Charts 21A to 21D examine pirate motivations for the HIPC nations. It is clear that across the HPIC the majority of piracy is motivated by thefts, the one country that diverges is Somalia (Chart 21A). Somali pirates rarely steal items from a ship, only 15 (less than 1 percent) out of the 1692 cases that involved thefts are attributed to this country.

In contrast Chart 21B illustrates the primary motivation of Somali pirates – seizure for ransom. Seizure for ransom is most common in Somalia, which is responsible for just over 72 percent of all seizures for ransom. This is “one of the most complex and dangerous parts of a pirate attack both for the assailants and especially the crew.” (Herbert-Burns, 2007, p.108) It is important to remember that, as shown earlier, although most Somali incidents do not involve boarding vessels (only around 22 percent of all Somali incidents successfully board the victim vessel) once a ship is boarded the likelihood that a ship is seized for ransom is much higher, over
82 percent are hijacked. Of those that are hijacked over 95 percent result in a demand for payment (ransom). Somalia accounts for just over 66 percent of all hostage takings in the ten year period. Indonesia has the second highest number of hostage taking, but only around 10 percent.

Indonesia is responsible for just over 9 percent of all vessel seizures, of these only 50 percent result in a demand for payment. These data indicate that although Indonesia exhibits higher level piracies involving hijackings than other nations (with the exception of Somalia) these appear to be much more motivated by theft than by ransom.
Thefts of the ship itself are more broadly distributed (Chart 21C). Indonesia has the highest percentage of ship thefts, but these are low when compared to other forms of piracies (only 36 out of 979 cases). Although it is interesting to note that of the 78 cases which involved theft of the vessel, 36 (46.2 percent) occurred in Indonesia. Kidnappings, although rare, are most common in Nigeria (Chart 21D). Of the 88 kidnapping cases in the CMPD 40 (45.4 percent) took place in Nigeria. Indonesia was responsible for another 26 cases (29.5 percent).

Notably only very few cases report kidnapping by Somali pirates, this may seem contrary to media reports. This stems from two important points. First, when Somali’s seize a vessel and keep it off the coast of Somalia, media reports may call this kidnapping. In this research this is termed seizure for ransom and is therefore absent from the kidnapping data. The other form of kidnapping that occurs in Somalia tends to focus on foreigners who are abducted while in Somalia, they are not taken from ships at sea. These kidnappings would not fall within the ambit of this research as for maritime piracy the crime would have had to be initiated at sea.

<table>
<thead>
<tr>
<th>Highest Piracy Incidents Countries</th>
<th>Percentage of Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesia</td>
<td>3.7</td>
</tr>
<tr>
<td>Somalia</td>
<td>0.4</td>
</tr>
<tr>
<td>Nigeria</td>
<td>1.8</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>1.0</td>
</tr>
<tr>
<td>India</td>
<td>0.0</td>
</tr>
<tr>
<td>Other</td>
<td>2.3</td>
</tr>
<tr>
<td>Total (N)</td>
<td>979</td>
</tr>
<tr>
<td></td>
<td>968</td>
</tr>
<tr>
<td></td>
<td>326</td>
</tr>
<tr>
<td></td>
<td>296</td>
</tr>
<tr>
<td></td>
<td>148</td>
</tr>
<tr>
<td></td>
<td>1236</td>
</tr>
</tbody>
</table>
The most common form of piracy is theft (Young, 2007, p.13; Dillon, 2005, p. 159) and Chart 20 shows this holds true for the 2001 to 2010 decade. Looking at thefts in more detail Chart 22 shows categories of items that are stolen by pirates once a vessel was boarded. Most of the goods stolen across the fifteen high incidence countries (which account for nearly 85 percent of all piracy in the study period) represent what appears to be a form of opportunistic petty theft that targets vessel equipment and crew valuables (blue and red bars). Somalia is an exception in that a very small proportion of Somali incidents result in theft, in fact the motivation for Somali pirates is the ransom received in return for the safe release of the vessel.

Chart 22 shows that there is a great deal of variation in the type items stolen by pirates. Although cargo related vessels are by far the most common types of vessels targeted by pirates (see Chart 8 earlier) the cargo vessels carry represents a small proportion of actual thefts. Of all piracy incidents, where items stolen are reported, pirates targeted the cargo in only around 4 percent of cases. It is also important to note that there is also a difference in stealing some cargo off a ship as opposed to discharging the entire cargo (each occurred in around 2 percent of the cases in the entire dataset). The latter activity requires a higher level of organization including:
access to port equipment for discharging the cargo; a network to transport and dispose of the cargo; and corruptible officials.

Where the entire cargo is stolen it is usually fish. Fish is easier to transfer without the need for port equipment. Stealing some cargo is a more opportunistic endeavor, which tends to occur with containerized cargo. An interesting difference illustrated in Chart 23 is between the percentages of times when an entire load of containerized cargo is stolen compared to a partial load. This information is derived from a subset of data where cargo was stolen. It is clear from the charts that partial loads of containerized cargo are easier to steal. This is because they can be accessed and transported relatively easily as it often consists of portable high value goods. In contrast stealing entire containers involves access to port infrastructure such as docks, cranes, and mass transportation, in order to off load the containers and remove them from the scene of the crime.
The cost of piracy is estimated to be between $7-$12 billion per year according to the Oceans Beyond Piracy project, which includes supply side costs to both industry and government in the calculation (Bowden, 2010). Although this seems like a high figure, the overall impact on the maritime trade itself is fairly modest (i.e., about 0.1 to 0.15 percent of maritime commerce) when piracy related financial losses are compared to the annual value of maritime commerce (i.e., $7.8 trillion, Murphy, 2007, P.20). The victims here really are the crew who suffer the financial loss of piracy, although negligible in comparison to the value of annual maritime commerce, is salient to merchant crews who are paid very low wages and work long months at sea. Piracy is a crime which is made “more fearsome by the knowledge on the part of the victims that they are on their own and defenseless and that no help is waiting just round the corner” (Abhyankar, 2006, p.1).
The Response to Contemporary Piracy

There are two major types of actions to consider in responding to piracy – the response of potential targets to the assault and the response of authorities when alerted to a piracy.

Victims of piracy regularly make attempts to defend themselves. With this in mind naval/military forces in the Gulf of Aden in collaboration with various international shipping organizations have drafted Industry Best Management Practices (BMP4) for ships transiting the Gulf of Aden (BMP4, 2011). Although the BMP4 apply to the oceans off Somalia, similar advice has been given to aid vessels in avoiding piracy in other locations (Author Interview with IMB Director Capt. Pottengal Mukundan, February 2010).

The BMP4’s ship protection measures are a list of actions which describe how to avoid being a victimized in the case of an attack at sea. In addition to registration and reporting procedures which are particular to the Gulf of Aden, the BMP4 proposes that vessels should enhance watch keeping by providing additional lookouts, shorter rotations of the watch period, and even placing dummies at strategic locations to give an impression of a higher number of crew onboard. According to the BMP4 a vessel watch is the single most effective method of ship protection. (BMP4, 2011, p.24)

Some additional precautions suggested are: fortifying the bridge using razor wire; locking all access doors and hatches; using of water spray; sounding alarms; using evasive maneuvering; switching on deck and navigation lights; designating mustering points and citadels; and installing closed circuit television (BMP4, 2011, p.25-40).

50 In February 2009 the industry BMP2 were issued to complement the IMO MSC Circular 623 on how ships should avoid piracy attacks.
The CMPD enumerates the various evasion tactics used by crews when attacked. CMPD reports show that over the last decade, warnings using alarms, lights, flares, crew mustering, or other ways of making noise were used in 39.8 percent of cases of piracy incidents. Crew protected themselves by escaping into a citadel or locking all doors and hatches in done in 2.1 percent of cases (onboard protection). Counter attacks, such water spray, switching lights off to use the cover of darkness, using makeshift weapons or firearms, or ramming the pirate boat was used less frequently, in 7 percent of cases. Maneuvering tactics were used in 17.9 percent of the incidents. Hired guards were employed in 5.5 percent of cases. Crew confronted, chased and captured pirates in 3.3 percent of cases. Assistance was requested by the crew from coast guards, naval forces or other harbor authorities in 11.9 percent of cases.

CMPD data also documents that protective actions taken by maritime vessels have changed somewhat over the last decade. Chart 24 shows that over the 2001 to 2010 decade, vessels have increasingly been using methods to avoid piracies. Although the use of warnings has decreased, maneuvering the vessel to prevent boarding, requesting assistance, and using counter attacks has risen overall. More recently these evasion methods have dropped in the number of times used; instead vessels are increasingly hiring guards and have resumed using warnings. However despite the recommendations of the BMP4, the percentage of vessels using ship protection measures is modest.
Note: The categories are not mutually exclusive. Multiple evasion measures may have been used in a single incident.

Over the ten year period the number of measures has modestly increased. Chart 25 shows that the number of incidents where no evasion measures were used has been slowly declining since 2004. This drops from 71.6 percent in 2001 to 52.8 percent in 2010. In parallel the number of cases where ships using at least one evasion measures increases from only 26.5 percent in 2001 to 34.3 percent in 2010. Interestingly, in 2004 there were a record number of ships not using evasion measures - close to 80 percent.
Looking at the number of evasion measures used in the HPICs, *Charts 26A through F* show that even in countries which have the highest incidence of piracy, few vessels use evasion tactics. This is true for all HPICs where the majority of cases do not report using any evasion measures, including Indonesia (*Chart 26E*) which has a longer history of piracy. This may be explained by the nature of piracy in Southeast Asia, which tends to occur at night on stationary vessels. *Chart 26F* shows that in Somalia, over the study period, vessels report using at least one evasion measure more consistently. Again this may be a reflection of the nature of piracy in Somalia which occurs during the day and further out to sea.
Chart 26A: Number of Evasion Measures Used - Nigeria

Chart 26B: Number of Evasion Measures Used - Bangladesh
Chart 26C: Number of Evasion Measures Used - India

<table>
<thead>
<tr>
<th>Year</th>
<th>0 (%)</th>
<th>1 (%)</th>
<th>2 (%)</th>
<th>3 (%)</th>
<th>4 (%)</th>
<th>Total (N)</th>
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<tbody>
<tr>
<td>2001</td>
<td>66.7</td>
<td>29.6</td>
<td>3.7</td>
<td>0</td>
<td>0</td>
<td>27</td>
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<tr>
<td>2002</td>
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<td>42.1</td>
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<td>2003</td>
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<td>15.4</td>
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<td>2004</td>
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<td>14.3</td>
<td>0</td>
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<td>14</td>
</tr>
<tr>
<td>2005</td>
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<td>6.7</td>
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<td>0</td>
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<td>15</td>
</tr>
<tr>
<td>2006</td>
<td>85.7</td>
<td>14.3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>2007</td>
<td>75</td>
<td>25</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>2008</td>
<td>69.2</td>
<td>30.8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>2009</td>
<td>83.3</td>
<td>16.7</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>2010</td>
<td>80</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
</tbody>
</table>

Percentage of Incidents

Chart 26D: Number of Evasion Measures Used - Other Countries

<table>
<thead>
<tr>
<th>Year</th>
<th>0 (%)</th>
<th>1 (%)</th>
<th>2 (%)</th>
<th>3 (%)</th>
<th>4 (%)</th>
<th>Total (N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>71</td>
<td>26.9</td>
<td>2.1</td>
<td>0</td>
<td>0</td>
<td>145</td>
</tr>
<tr>
<td>2002</td>
<td>74</td>
<td>24.9</td>
<td>1.2</td>
<td>0</td>
<td>0</td>
<td>169</td>
</tr>
<tr>
<td>2003</td>
<td>74.7</td>
<td>24.7</td>
<td>0.6</td>
<td>0</td>
<td>0</td>
<td>154</td>
</tr>
<tr>
<td>2004</td>
<td>84.7</td>
<td>10.7</td>
<td>4.6</td>
<td>0</td>
<td>0</td>
<td>131</td>
</tr>
<tr>
<td>2005</td>
<td>82.3</td>
<td>15.6</td>
<td>2.1</td>
<td>0</td>
<td>0</td>
<td>96</td>
</tr>
<tr>
<td>2006</td>
<td>79.2</td>
<td>16</td>
<td>4.7</td>
<td>0</td>
<td>0</td>
<td>106</td>
</tr>
<tr>
<td>2007</td>
<td>75</td>
<td>23.1</td>
<td>1.9</td>
<td>0</td>
<td>0</td>
<td>104</td>
</tr>
<tr>
<td>2008</td>
<td>85.9</td>
<td>12.5</td>
<td>1.6</td>
<td>0</td>
<td>0</td>
<td>128</td>
</tr>
<tr>
<td>2009</td>
<td>87.1</td>
<td>9.5</td>
<td>3.4</td>
<td>0</td>
<td>0</td>
<td>116</td>
</tr>
<tr>
<td>2010</td>
<td>79.1</td>
<td>19.1</td>
<td>1.7</td>
<td>0</td>
<td>0</td>
<td>115</td>
</tr>
</tbody>
</table>
The importance of using evasion measures such as those suggested in the BMP4 is significant. Chart 27 plots the number of evasion measures employed against whether the vessel was boarded. Because vessels use multiple evasion measures it is impossible to pinpoint which
evasion measures are more effective, therefore an analysis of the number of evasion tactics used, irrespective of what types of tactics were employed, allows some insight into the effectiveness of evasion measures overall. Critically, the data suggests that ships which used at least four evasion measures reported no boardings by pirates, regardless of location.

In addition to the evasion/protective measures used by the victim vessel, the CMPD also contains information on the reporting practices of vessels targeted by pirates and to some degree on the response of authorities to the incident. As Chart 28 shows, over the first part of the decade there was an increase in the piracy incidents reported to local authorities and since the implementation of a joint naval force in the Gulf of Aden in 2008 (EUNAVFOR, 2012) there has been an increase number of ships report any suspicious activity to Coalition Forces.

![Chart 27: Percentage of Vessels Boarded when using Evasion Measures](chart27.png)
The increase in reporting to coalition forces is mirrored by a decrease since 2008 in reporting to local authorities. This change is likely to reflect practices off the coast of Somalia where merchant shipping is more likely to report to coalition forces than to local authorities. Perhaps a troubling development is the decrease in reporting since 2009.

*Chart 29* examines the response of official authorities when a vessel requests assistance. It is important to make a note here that this information was not available in most cases. Only 16.4 percent cases reported the response of authorities (that is for 657 incidents). Although this is a low percentage of actual incidents, there are sufficient incidents reporting this information to enable some initial insights.

Data from the CMPD indicate (see *Chart 29*) that the first nine years of the last decade saw a steady increase in the response from authorities to a distress calls from vessels. However, there was a sharp drop in responses by authorities in 2010. It is possible that the drop in responses by authorities is due to the increase in the number of piracy cases in the Gulf of Aden.
That is, the naval forces are unable to respond to the increased number of distress calls. However, Chart 29 also shows that there have been fewer non-responses and refusals to respond over the decade. That means authorities are now more responsive but seem not to be able to come to the scene of the crime when asked for assistance. This reflects the general consensus that piracy needs to be controlled from onshore and not at sea (Shortland, 2012; Murphy, 2009; Bahadur, 2011). Adam Young explains that “the multilateral and international efforts that are trying to address piracy are focusing on short-term solutions such as cooperative patrols, which are important and useful, but ultimately are like trimming the leaves of a particularly invasive weed rather than pulling it out by its roots” (2007, p.3). In order to create a better approach for counter-piracy, more research is needed into the context within which piracy thrives. What is required at this time is an understanding of the circumstances that surround the crime, the social causes that enable this behavior in Somalia – the country which has the highest number of incidents.

![Chart 29: Response of Authorities to Request for Assistance 2001-2010](image-url)
Summary

A key finding from the *Contemporary Maritime Piracy Dataset* is that piracy in the 21st century has changed. This chapter documents and assesses the change in piracy, identifying that a new form of piracy which emerged in the 1990s has increased and become the dominant type of piracy in the study period. The escalation of piracy in this region has affected the profile of piracy overall. Although this newer form of piracy has become more prevalent, other forms of piracy which display a different set of characteristics still remain.

Analyzing the aggregate piracy data we have seen that over the last decade piracy is now: carried out further at sea; targets vessels that are in motion; is as likely to be carried out during the day as at night; is more highly armed; and more threatening. However the data shows that overall the number of successful boardings has declined in the past few years.

During the ten year study period piracy incidents have occurred in 90 countries across the globe (*Appendix G*). The two continents that suffer the highest number of incidents are Asia and Africa, together accounting for 87 percent of piracy from 2001 to 2010. Within these two continents two countries contribute the highest number of piracy incidents; together Indonesia and Somalia account 49 percent of all incidents worldwide.

When the trends are analyzed across different regions of the world and even more specifically across the highest piracy incidents countries (HPIC) some notable differences become apparent. Contemporary forms of piracy in most of the world are carried out close to shore, on stationary vessels, during the night, avoiding any interaction with the crew, with low level or no armaments, and have a high probability of boarding. In Indonesia piracy is carried out predominantly in local waters; attacks are equally likely for vessels that are stationary as those in
motion; attacks usually occur at night; they are more likely to include threats; pirates tend to be armed with low level armaments; and usually successfully board the target vessel. In contrast piracy in Somalia occurs in the high seas, on vessels in motion, during the day, is predominantly threatening, utilizes sophisticated weapons which are frequently used, but result in a much lower likelihood of boarding (although boarding success of Somalia pirates modestly increased in the last two years of the decade).

Somali piracy is also more threatening than piracy originated from other nations, but according to the CMPD it is not the most violent. Nigeria exhibits the most violent form of piracy in the study period. In contrast Indian pirates tend to avoid contact with the crew, rarely carry any type of armament and are motivated by theft from moored ships.

Another aspect that is particular to Somali piracy is the motivation for the attack. Whereas the majority of piracy is motivated by theft of ship equipment, crew belongings and to a lesser extent cargo, piracy in Somalia is motivated by ransoms in exchange for releasing a seized vessel. Although incidents such as these have occurred in other parts of the world, the scale of the problem in Somalia is unprecedented. Furthermore countries such as Indonesia and Nigeria where vessel seizures occur, also exhibit other forms of piracy that are theft motivated. In Somalia piracy consists primarily of seizures for ransom.

Finally the chapter concludes with an analysis of the use of evasion measures such as those provided in the Best Management Practices (BMP4), finding that boarding decreases with the number of evasion measure a vessel’s employs during an attack, and that when four evasion measures were used no vessels were boarded.
The global analysis of piracy over the last decade shows fairly major changes in the dominant forms of piracy over this period. However, more granular analyses of regional and national trends indicate that major characteristics of piracy have remained fairly consistent across nations, but what has changed over time is the relative frequency of attacks originating from a particular country, which in turn has altered the overall global level of different forms piracy over the last decade. Therefore we have seen a new form of piracy which emerged in the 1990s become the dominant form of piracy globally, this form of seizure for ransom has not become more widespread across the globe but has increased in the location where it emerged.

The changing origin and character of piracy over the last decade highlights the need for maintaining a comprehensive global database on piracy incidents. It is clear from the CMPD that there are different types of piracy and that in the last decade piracies originating from Somalia have become the dominant form of piracy in the world. Moreover the Somali type of piracy is different from other maritime piracies we have seen in the contemporary world. It is also clear that with the rapid escalation of the problem since 2008, the efforts of international naval forces in the Gulf of Aden are insufficient to curb the rise of piracy and a better understanding is required of the conditions that underlie the emergence and continuance of piracy in Somalia. A number of questions are raised by the analysis of the CMPD: Why does Somali piracy display different characteristics than other forms of piracy? Why is piracy off the coast of Somalia increasingly threatening and armed but not the most violent? Why is the focus of Somali pirates on ransoms and not theft? Are the efforts of the international naval forces able

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51 This point received additional support when piracy from the previous decade (1991-2000) is examined. The previous decade saw overt forms of state piracy (Abhyankar, 2006) and phantom ship piracy (Abhyankar, 1997); the last decade shows no incidents of either of these types of piracy.
to combat the rise of piracy? What was the context for piracy in Somalia, a nation with no history for piracy? And, why has Somali piracy increased at such an alarming rate since 2008?

Theories such as global anomie theory (Passas, 2000) provide a processual and contextual approach which can help understand the development of the problems that lead to a crime such as piracy and identify areas for land-based policy responses, which is the only long term means for controlling piracy (Shortland, 2012). The case study presented in Chapter 5, provides a qualitative, systematic analysis of the context for piracy in Somalia. Looking at the situation chronologically provides an examination of the determinant and processes that underlie the emergence and the growth of piracy in Somalia since its beginning in 1991. It is also able to shed some light on the questions raised by the analysis of the CMPD in this chapter.
Chapter 5

Maritime Piracy in Somalia: Global Anomie Theory and Governance

Piracy is a type of transnational crime that has elicited dramatic international responses, particularly in the case of Somalia. Since the mid-2000s\(^\text{52}\) a fleet of coalition naval warships has patrolled the ocean off the coast of Somalia gaining unprecedented powers\(^\text{53}\). Most recently, in an extension of Operation Atalanta’s mandate, European Union helicopters carried out an aerial offensive on the village of Handulle about 11 miles from Xwarkhureere to destroy speed boats, fuel depots, and arms stores allegedly belonging to pirate gangs (Guled & Lekic, 2012; Bridger, 2012). These unprecedented coalition efforts are a reaction to the exceptional escalation of piracy emanating from Somalia in the past few years. As documented in Chapter 4 Somali piracy has developed a unique character which differentiates it from other contemporary forms of piracies. This exploratory case study focuses on understanding Somali piracy, its context, and its recent

\(^{52}\) Initially Combined Task Force 150 (CTF-150), a multinational naval task force which was established in 2002 to patrol the seas as part of the ‘War on Terrorism’, took the role of fighting piracy when it established the Maritime Security Patrol Area in 2008. Combined Task Force 151 (CTF-151) was established in January 2009 in response to the increasing number of piracy attacks as a dedicated counter-piracy multinational operation. Simultaneously, in December 2008 the European Union Naval Force launched Operation Atalanta in support of the United Nations Resolutions 1814, 1816, and 1838, to protect the delivery of food aid to Somalia and to protect vulnerable ships from piracy.

\(^{53}\) In December 2008, after passing four other resolutions on Somali piracy that year, the UN Security Council took the unprecedented step of unanimously adopting a resolution authorizing international land operations against Somali pirates, which includes armed action on sovereign territory. Previously international law has restricted military responses solely to the high seas (United Nations Convention on the Law of the Sea, Dec 10, 1982, 1833 U.N.T.S. 3, Art. 101(a)(1) and Art.105). Resolution 1851 (2008) states that coalition forces that are operating in the fight against piracy may “bring to justice those who are using Somali territory to plan, facilitate or undertake criminal acts of piracy and armed robbery at sea, and stresses that any measures undertaken pursuant to this paragraph shall be consistent with applicable international human rights law” (Paragraph 7, UN Security Council Resolution 1851 (2008) S/RES/1851. Official Documents System of the United Nations. http://daccessdds.un.org/doc/UNDOC/GEN/N08/655/01/PDF/N0865501.pdf?OpenElement). The resolution suggests that this decision was made in response to a request of the Transitional Federal Government (TFG) of Somalia, based on a letter from the President of Somalia requesting international community to assist the TFG in “all necessary measures to interdict those who use Somali territory and airspace to plan, facilitate or undertake acts of piracy and armed robbery at sea”. Also the Resolution is limited to the territory of Somalia and was expressly stated not to establish a precedent of customary international law. This mandate was due to expire one year from the date the resolution was passed, but has been extended since that date.
escalation. There has been little systematic research on the determinants, structure, and factors associated with the emergence and growth of piracy in Somalia or the process that has led to the dramatic increases in the last few years of the study decade. Understanding these remains crucial for any long term policy response to the problem of piracy in the Gulf of Aden.

This chapter examines the conditions that underlie the emergence and growth of piracy in Somalia. The analytic framework for the case study is guided primarily by the theoretical perspectives of global anomie theory combined with ideas of civic governance. A case study method combined with a historical/policy analysis is used to test whether the components suggested by global anomie theory, augmented with ideas of civic governance, can help explain the emergence of Somali piracy. The five temporally linked components in the analytic framework are used as a guide to trace events and social processes over time that have lead to the emergence of piracy and more recently, its dramatic escalation in the past decade (the detail of each component are described below).

The benefit of using a case study model is the ability to collect a variety of empirical materials on the subject and trace events over time (Yin, 2003). Components one, two, and five examine historical/policy information and literature on the development of Somalia from various sources such as non-governmental organization and supra governmental organization reports, academic research and interviews with maritime industry professional. Components three and four analyze the impact of macro factors on individuals in Somalia, the research focused on finding interviews with relevant parties in Somalia gleaned by journalists and academics, who have access to pirates and piracy related individuals. These interviews include transcripts, video clips of interviews, or parts of documentaries or ethnographies, and court testimonies. Together
this diverse collection of materials provides a unique insight into the environment of pirates and helps identify the various themes identified by global anomie theory.

Case studies can provide a unique perspective in that they “permit an understanding of the empirical foundations of a theory” (Hamel, Dufour and Fortin, 1993, p. 33) and provide for theory generalization. Within the case study, the aim will be to look for the presence of predicted themes, but it is important to remember that the case study approach will only provide exploratory findings on the relationships among the factors and of the effect of these factors on piracy (Hamel, Dufour and Fortin, 1993). Moreover it is possible that other factors will be identified that are not predicted by the theory.

In his 2000 paper Passas (p.39) provides a schematic representation of the social process leading to anomie and deviance which outlines the complex sequence of events that over time can link in a progressive manner to deviant subcultures (normative referents) and ultimately deviance without strain. What is unique about this theory is that it emphasizes not only the dynamics within society but also the impact of the broader politico-economic context.

The analytic framework developed here, explores the social processes that lead to anomie and deviance. This is achieved by examining the temporal development and changes within a country, whilst also paying attention to outside influences on a nation- specifically the impact of globalization and neo-liberal reforms. In addition, this framework provides for a feedback process which can explain the continuance of piracy and changes in its manifestation. The core components of the framework are outlined in Figure 3.
The first component of the framework looks at the circumstances of change in country, specifically focusing on the impact of globalization and neo-liberalization. This component centers on political and economic globalization; that is the consequences of regulatory restructuring and neo-liberal policy realignments (Brenner, Peck, & Theodore, 2010) on the country as whole. This includes a look at the shifts in policies and regulations as the country reorients itself towards free market individualism, deregulation and privatization.

Globalization occurs on both an objective material level but also involves the subjective plane of human consciousness (Steger, 2009, p.15), and therefore influences the broader cultural-ideological landscape. To understand the broader impact of globalization, the case study looks at whether socially distant comparative referents have disembedded culture from location,
providing new desires which are institutionally sustained by the shifts in policy. Much of the analysis here does not pertain to piracy directly, instead component one is a study of the properties of a system that provides the background conditions for the erosion of law and the dislocation of institutional order (Dahrendorf, 1985, p.13 & p.19). The focus in component one is on political and economic globalization (Steger, 2009, p.37) by providing a historical/policy analysis.

Component two looks how the introduction of consumerism, competition, and monetary goals create means-ends discrepancies. Means-ends discrepancies occur when newly espoused desires cannot be achieved lawfully due to unequal opportunities. Increasing awareness of asymmetries fuel feelings of deprivation and injustice, therefore component two explores the continued development of economic globalization, but also studies cultural-ideological and ecological domains of globalization (Steger, 2009, p.37). When these influences are coupled with decreased social spending (as prescribed by neo-liberal alignments) and increased poverty the theory predicts the activation of criminogenic potential. This potential is galvanized when motives (economic and political), opportunities, and weak controls (legal and regulatory asymmetries) come together. The component also looks for evidence of ontological insecurity, a concept borrowed from Giddens (1990) which helps identify whether new trends replace traditional social orders and have had an impact on social relations and cultural identities. Similar to component one, component two focuses on broader societal factors.

Component three focuses on the impact of macro social changes generated in component one and two on the micro level activities of individuals. The analysis involves studying how

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54 Giddens defines ontological insecurity as “a lack of confidence that most human beings have in their self-identity and the constancy of the surrounding social and material environments of action” (1990, p.92). Passas also includes ideas of ontological insecurity when explaining the impact of globalization and criminogenic asymmetries in his 1999 paper (see page 405).
individuals have reacted to the asymmetries described; their search for solutions to means-end discrepancies. For some the solution is deviant or criminal, these behaviors are rationalized under the extant conditions. Deviant behaviors are ones that no longer *conform*\textsuperscript{55} to societal standards by maintaining both the ascribed cultural goals and the institutional means to achieving these. It is here that the case study considers maritime piracy as a deviant behavior that emerged in Somalia as a solution to the pressures of a neo-liberal, globalized environment.

Component four addresses the development of piracy; from a solution to a perceived problem to a deviant subculture. The success of piracy over time and the effect of social controls in curbing the crime are examined. Success is characterized by attainment of the material and social status goals. The analysis aims to identify whether piracy is normative – whether others emulate the behavior in pursuit of material gains. Critically, where society or authority does not or is unable to curb these behaviors, they result in impunity. The weakening of social control has its origins in the disintegration of social institutions, inabilities of law enforcement and unsystematic law reforms – the deterioration of government. The normative effect of uninhibited piracy fuels anomie, the “withdrawal of allegiance from conventional norms and a weakening of these norms’ guiding power on behavior” (Passas, 2000, p.20), making piracy more attractive to others in society.

The weakening of government is examined as part of the global anomie process particularly through the spread of neo-liberal economic ideology; in addition the last component studies governability in more detail. Three interrelated elements are examined: (1) Passas’ concept of dysnomie or ‘difficulty to govern’, (2) the impact of normative subcultures on control mechanisms, and (3) failure in civic governance.

\textsuperscript{55} This refers back to Merton’s five adaptations to strain (1938).
Passas suggests that dysnomie is caused by a lack of global norm-making mechanisms, inconsistent enforcement of international rules, a regulatory patchwork of diverse and conflicting legal traditions and practices (Passas, 2000, p. 37). In Somalia dysnomie is caused by the lack of a central governing authority which provides a uniform, recognized set of norms, the growth of unrecognized smaller state formations which have a diverse set of legal traditions and practices, which is aggravated by inconsistent enforcement of international rules.

In addition, Passas’ argument is augmented in this dissertation with the concept of failure in civic governance as an additional cause for dysnomie. Whereas the legal asymmetries discussed by Passas are exogenous, failure in civic governance impacts dysnomie from within. It is proposed that when the central state fails to reflect society, i.e. it is not civic governance; deviance is more likely because control mechanisms are impaired by a lack of legitimacy. Governance fails to reflect society when there is a lack of mechanisms and processes that restore normative order and activate self-regulation in the population (Dunsire, 1993). When failure in civic governance is coupled with a successful crime such as piracy, which has achieved a degree of social tolerance and has become a normative subculture, dysnomie is increased.

Global anomie theory provides an analytic framework that is used to align the observed events to the processes and outcomes predicted by the theory (Yin, 2003, p.127). Theoretical outcomes and processes that are identified in each of the components of the case study are examined to determine if they align with the temporal and causal predictions of global anomie theory augmented with ideas of civic governance. This analytic approach explores if the case study supports the predicted sequence of events based on global anomie theory.

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This dissertation defines civic governance as central authority that is dispersed across multiple parallel spaces in society, so that citizens and groups can articulate their interests, mediate their differences and exercise their legal rights and obligations; consisting of the rules, institutions, and practices that set limits and provide incentives by including civil society in the social control mechanism.
The case study methods employed in this study draw on several different data including available historical and policy analyses of Somalia, public documents, official reports, published narratives, news reports, documentaries, and interviews with Somali pirates and other associated parties. Components one, two, and five draw primarily on available historical and policy analyses of Somalia, information is sourced from public documents, official reports by non-governmental organizations (NGO), and historical accounts. For components three and four the data comes mainly from pirate and associated actors narratives and interviews. These originate from various sources including academic papers; NGO reports; publications from news agencies such as the British Broadcasting Corporation, National Public Radio, and The Guardian; documentaries; and journalists’ accounts. Summary assessments are provided at the end of each component, with a broader conclusion of the findings of the case study at the end of the chapter.

If the data are supportive of the theoretically predicted sequence of events, then it is possible to conclude that global anomie theory holds promise of explaining the social context for piracy. Even if the case study does not support the predicted sequence of events based on theory, the case study will provide an understanding of the emergence and continuance of piracy in Somalia, identifying temporal sequences and making potential causal inferences (Yin, 2003, p.127). This will be a potentially effective tool in understanding piracy and constructing long term policy responses.

Component One: Neo-liberal globalization in Somalia – economic, social and political impacts

Global anomie theory maintains that deviant behavior; such as piracy has its roots in the context of neo-liberal globalization. Globalization causes dramatic changes in society, which disembed individuals from their locality and ruptures social cohesion. Neo-liberal ideology
promotes consumerism, competition and monetary/material goals, which supplies individuals with new desires and aspirations. This component of the analytic framework examines whether neo-liberal globalization is the root of economic restructuring, social change, and increased poverty in Somalia.

“Anomie refers to a property of a social system, not to the state of mind of this or that individual within the system. It refers to a breakdown of social standards governing behavior and also signifies little social cohesion. When a high degree of anomie has set in, the rules governing conduct have lost their savor and their force. Above all else they are deprived of legitimacy.” (Merton, 1964, p.226-7) Component one looks at the social system in Somalia. The analysis traces the changes that occurred in the country’s recent history, focusing on economic and political transformations that affected social structure and culture as well as the legitimacy of the governing authority within this country. (For a quick overview of key political and piracy related events, see Appendix F for a Somalia & Puntland timeline).

Usually discussions of Somalia begin in 1991, with the collapse of the Siad Barre government. However to fully understand the current situation in Somalia we need to go back further to understand Somali society and the country’s recent history. Somalis are a nearly homogenous group in terms of ethnicity, religion, and language (Osman Farah et al., 2007, p. xiv; Ihonvbere, 1994). However there are two fundamental divisions amongst the Somalis, first they are separated by colonial borders imposed by European nation states, and second they are divided by a segmentary lineage system (Samatar, 2010, p.320)\textsuperscript{57}.

\textsuperscript{57} Note this is also true for Nigeria.
Before gaining independence on July 1, 1960, the people were divided by arbitrary international colonial boundaries between the colonies of British East African Protectorate (also known as British Somaliland, current day Somaliland); Africa Orientale Italiana (also known as Italian Somaliland, current day Puntland, Galmudug, and southern Somalia); current day eastern Ethiopia (at one time part of Italian Somaliland); Djibouti (French Somaliland), and northern Kenya (British). As a result, the traditional foundations of Somali life were transformed by global political developments before Somalia gained independence (Toggia & Lauderdale, 1993).

In addition to separations imposed by colonial boundaries, Somalis are divided along five major clan lines, which play a major role in the organization of Somali life and society. The Somali segmentary lineage follows universal clan law known as heer (Bahadur, 2011, p. 35). It has been suggested that clan loyalties supersede even the dominant religion, Islam (Samatar, 2010, p.321). During colonial rule, under the ruling elites after independence, as well as during the authoritarian regime of Siad Barre clan groups were played off against each other under a divide-and-rule policy (Ihonvbere, 1994) which ignited tensions and territorial claims that

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58The British had granted the large Somali inhabited Ogaden territory to Ethiopian Emperor Menelik in a 1897 treaty, in exchange for support against unruly Somali clans. Although Britain attempted to buy back the land in 1956, the Ogaden area remains part of Ethiopia. Further south, the Northern Frontier District (NFD) was granted by the British to Kenya, despite a referendum commissioned by the British government in all six administrative units of the NFD of which only 2 wished to remain part of Kenya and the majority chose to join the newly formed Somali Republic.

59Traditionally Somalis were organized on exchanges between the agriculturalists in the river valleys of the south and the pastoralists (which account for about 50 percent of the population) in the drier regions in the north (Chossudovsky, 2003).

60The five major clans are: Darod (35 percent of the population); Hawiye (23 percent); Isaaq (23 percent); Rahanwayan (11 percent) and Dir (7 percent), which are then divided into sub clans and sub-sub clans (Ihonvbere, 1994; Bahadur, 2011). Beyond these major clans are sub-clans and sub-sub-clans.

61This is similar to the tactic used by the British to nurture local tensions, such as in the Indian sub-continent between Muslims and Hindus. The idea being that if there is conflict between local groups, they will be undermined and will not be able to consolidate their authority. Similarly see the German and Belgian strategy in Rwanda to differentiate between Tutsi (anyone with more than ten cows and a long nose) and Hutu (anyone with less than ten cows and a broad nose), and the Sykes-Picot Agreement between United Kingdom, France and Russia in the Middle East.
continue to dominate conflicts in Somalia to this day (UNEP, 2005a, p. 41; Toggia & Lauderdale, 1993).

The period following Somalia’s independence was relatively peaceful and democratic, focusing on ambitious development goals. Grants and loans were used to fund better roads, transport facilities, improve farming techniques, provide veterinary services for the pastoral sector, and further education. However despite early successes the newly minted state lacked the capacity to collect taxes and remained dependent on foreign aid. This was aggravated by the fact that the new government slipped into old colonial forms of exploitation, where politicians and power elites took advantage of the nation’s economic resources for private benefit (Abdulkadir, 2007, p.250).

Corruption and political favoritism resulted in a bloodless coup d’état in 1969 by General Siad Barre. Initially, Barre was successful in mobilizing national sentiments across clan lines, although ultimately the Barre’s regime fell victim to the same maladies as previous leaders (Lewis, 2002, p.260). Himself of the Darod clan (Marehan sub-clan), Barre ultimately deepened divisions along clan lines not only through favored treatment of his fellow clansmen but through active persecution of other clans and opposition factions (Adam, 1992).

Siad Barre’s socialist state, the Somali Democratic Republic, began the year following his coup d'état. Barre was guided by a large scale program of nationalization and modernization, intended to unify all Somalis under one nation (UNEP, 2005a, p.30). Initially this included new rules that prohibited the use of pejorative labels to describe specific clans and groups, in an efforts to remove divisions between Somalis, as well creating rules which abolished the title of
‘elder’ and replaced it for ‘peacekeeper’. Moreover the traditional form of collective responsibility (called ‘diya’) was prohibited in an effort to remove power vested in the clan lineages systems. Barre also sought to change the status of women under Somali law, women were allowed to participate in government, committees, and sports. (Metz, 1992, Social Change section)

Barre’s efforts extended to changing the traditional Somali way of life, a modern tenure system was implemented under the Land Reform Act in 1973, which required that farmers acquire land title from the government. However registering titles was difficult and expensive. The land in the fertile regions was quickly acquired by civil servants and well-connected elites, effectively depriving the land from villages that had farmed it for generations62 (Marchal et al., 2000, p.20; De Waal, 1993, p.25; Menkhaus & Craven, 1996). In an effort to convert nomads into ranchers, cultivators, and fishermen, the Barre regime resettled around 210,000 nomads although within a few years around 45 percent has resumed nomadic herding (Metz, 1992, Social Change section). The one resettlement project that had a very high level of success was the creation of new fishing communities, most of whom remained at the coast (Metz, 1992, Social Change section).

Fishing has been a stable means of making a living for coastal communities but it was underexploited (Aiyer, Dombrowski, & Marcus, 2010, 6). The Barre regime wanted to create a national fishing fleet and in 1974 the regime relocated over 15,000 nomadic pastoralists into fishing cooperatives in an effort to stimulate the fishing industry (Metz, 1992; Nur, 1998; IUCN, 2006). For example, 43 families inhabiting the village of Hufey in the upper Juba valley were dispossessed of about 150 acres of land by a group of armed Marehan in July 1983, and forced to cultivate a mere nine hectare nearby. The new Marehan owners established a cooperative farm, registered in their name as Nasibwant which translates as lucky break” (De Waal, 1993, p.26). Important to note is that Siad Barre was of the same Marehan clan (a sub clan of the Darod).

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62 “For example, 43 families inhabiting the village of Hufey in the upper Juba valley were dispossessed of about 150 acres of land by a group of armed Marehan in July 1983, and forced to cultivate a mere nine hectare nearby. The new Marehan owners established a cooperative farm, registered in their name as Nasibwant which translates as lucky break” (De Waal, 1993, p.26). Important to note is that Siad Barre was of the same Marehan clan (a sub clan of the Darod).
Despite the total tonnage of fish caught and processed rising from 16,900 in 1986 to 18,200 in 1988, fishing contributed to less than one percent of the country’s gross domestic product (Metz, 1992; Nur, 1998). Nevertheless by 1984 an estimated one million people lived on the coast, of which around ten percent depended on fishing for a living (Bihi, 1984). Over time, the importance of fishing increased especially with the recurrence of droughts, famines, and conflicts. This process disembedded a large number of people from their traditional means of living and moved them to the coast to live off the sea, as we will see later; the sea became a contested area when exploited by foreign ships adding to social insecurity.

In 1974 Somalia joined the Arab League which became a source of new trade routes, aid, as well as a means of solidifying cultural, Islamic ties (Lewis, 2002, p.258). Barre’s socialist movement was intended to merge with Islam, he explains:

Our Islamic faith teaches us that its inherent values are perennial and continually evolving as people progress…To help our brethren and our fellows, we must go beyond the concept of charity and reach the higher and more altruistic concept of cooperation on a national scale. We must strive with enthusiasm and patriotism to attain the highest possible rate of general welfare for all…We have chosen social justice instead of exploitation of man by man and this is how we can practically help the individual Muslim and direct him to a virtuous life” (1972 speech by Siad Barre, quoted in Lewis, 2002, p.219-220).

Here Barre explains his vision of combining modernity with Islamic faith, choosing socialism as a means to provide social justice. Meanwhile, in neighboring Ethiopia and Kenya, momentum began to build for liberation of Somalis that had been left outside the borders of
independent Somalia. The Barre regime openly encouraged these movements. By 1977 Barre went to war with Ethiopia in support of the Somalis in the Ogaden region (eastern Ethiopia). The war was lost when Somalia’s ally, the Soviet Union launched a large scale intervention in the support of the Ethiopian Mengistu regime, effectively quashing the Somali attack.

In response to this betrayal, Somalia expelled all Soviet personnel from its territory and formed a new allegiance with the United States. This was a dramatic shift in the politics of Somalia, transforming previous priorities from socialism towards neo-liberal policies.\textsuperscript{63} In addition, after the defeat in the war with Ethiopia, Barre was resolute on increasing his military capabilities not only because he still had ambitions to return the Ogaden region to Somalia but also to suppress any opposition movements from within the country.

Another possible motivation for Barre’s ambitions for the Ogaden region may have been oil. The new allegiance with the United States included agreements signed with Conoco, Amco, Chevron, and Philips for oil exploration in Somalia (Fineman, 1993).\textsuperscript{64} However the main motivation for the United States was access to strategic military bases. In exchange for access the United States provided the arms Barre needed, in spite of warnings of the Barre regime’s human rights violations (Zunes, 2002). “Aid was seen as a vehicle to build up support in nations as a bulwark against Soviet expansion” (Stein, 2004, p.4). Military aid only declined when Somalia’s strategic importance waned and accusations were launched against Barre of committing genocide (Marchal et al., 2000).

\textsuperscript{63} A similar shift occurred in Russia, see Passas, 2000.
\textsuperscript{64} The oil motivation seems to have been substantiated, recently northeast Ogaden (an area bordering Somalia) has been confirmed as being capable of yielding considerable quantities of oil (South West Energy, 2012) whilst natural gas extraction began there in 2011 (Davison, 2011). Also, the Somali prime minister (TFG) in hopes of getting help for reconstruction, has promised to share the oil riches of Somalia with the west (Townsand & McVeigh, 2012).
The pressures of the Cold War resulted in the extensive militarization of Somalia, first by the Soviet Union and then by the United States. Barre’s military ambitions resulted in Somalia developing one of the largest armies in Africa (Ramsbotham & Woodhouse, 1999, p.222); estimates suggest that between 40 and 90 percent of the state budget was allocated to defense and security purposes (Marchal et al., 2000, p.2; Mubarak, 1997, p. 2028-2029). This included not only a large arsenal of weapons but also extensive military training of Somali men.

By the early 1980s the economy was suffering, in addition to Barre’s focus on militarization there was an overreliance on regional trade with a small number of countries (particularly Saudi Arabia and Kenya); general misadministration of public funds; and wide-scale corruption (Mubarak, 1997, p.2028). Over 700,000 Somali refugees fleeing from the Ogaden region after the Ethiopian-Somali war, made Somalia even more reliant on regular humanitarian aid, which exacerbated the situation. The effect of the resettlement was increased hostility between the clans in the north.

The extreme levels of corruption, repression of opposition, marginalization of civilians along clan lines, arbitrary arrests, and summary killings (Lewis, 2002, p.248-254; Africa Watch Committee, 1990) under Barre’s regime are well documented. Less well known is the restructuring of the Somali economy that took place in the 1980s. During Barre’s 21 year reign the nation moved from a multiparty system to an authoritarian regime, but perhaps more crucially, the country’s ideological orientation shifted from ‘scientific socialism’ to a neoliberal, open economic policy. These dramatic changes in a short period of time actually affected

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65 The Ogaden Somalis (a sub clan of the Darod) fled from Ethiopia and were resettled by the Barre regime in northern Somalia. Siad Barre was also of the Darod clan. The intention was to weaken the local Isaq clan who were threatening Barre’s authority (Lewis, 2002, p.246; Schraeder, 1986, p.647; Powell, 2008, p.659).

66 Scientific Socialism was defined as ‘wealth sharing based on wisdom’. (Lewis, 2002, p.209)
the physical ability of civilians to sustain themselves as an entire economy was repeatedly restructured.

Somalia was among the many African, developing nations that received aid in the 1980s, when new neo-liberal lending policies were first implemented. The IMF analysis of the Somali situation was that excessive government expenditure and control, inflation due to increasing supply of money, and imbalance in trade had hindered development (De Waal, 1993, p.26). From the first round of structural adjustments that were applied (February 1980) transformations occurred in various sectors of the Somali economy which had an impact on the lives of all Somalis (Chossudovsky, 2003; Mubarak, 1996). Somali life had been radically restructured, from providing a socialist style safety network to reducing public spending to a minimum, people were suddenly thrust into a new economic system without any consideration for the effect it has on stability and security.

The IMF and World Bank waded in the 1980s only to deepen contradictions, destroy the foundations of stability, erode legitimacy of the state, intensify poverty and alienation.

In the 1970s a new approach to capitalism was promoted, the theory was that markets are self-regulating and that resources will be allocated most efficiently in the absence of constraints (Steger, 2009, p.36). The global economic order under the Bretton Woods agreement (July 1944) which had been established after the Second World War was guided by the principle of state sovereignty and supported what Steger calls controlled capitalism (2009, p.39). That is where governments were encouraged to manage market imperfections, control flows of money, tax the wealthy, expand welfare systems and increase social services. However with the escalation of militarism during the Cold War and the decline of power of the United States which affected the economies of the West, a new approach to capitalism gained momentum – neo-liberal economics. These neo-liberal ideas where encouraged vigorously, particularly in developing economies. It is important to note that the development of established democracies was not achieved under conditions of uncompromising economic liberalism (Leftwich, 1993, p.613); nevertheless the idea that development would be best served if government interference was minimized took traction. Aid became conditional; the IMF and World Bank required structural adjustments in exchange for development loans; these were aimed at liberalizing the economy in order to open it up to the global market and to better serve international trade. Generally structural adjustment programs (SAP) included austerity programs such as reduction is public expenditures and tax reforms; financial and trade liberalization; promotion of foreign direct investment; privatization and protection of property rights; and deregulation. In the case of sub-Saharan Africa this included cutting government subsidies, eliminating tariffs and price controls, selling off food and grain reserves, increasing cash crop exports and allowing foreign imports (Klein, 2007). The impact of SAPs was particularly acute in Africa, “More than any other region, Africa has been forced to feel the full effect of neo-liberalism due to its increasing dependence on bilateral and multilateral aid and paucity of alternative sources of capital” (Stein, 2004, p.25).
and lay the foundation for the popularly known version of the Somali experience as was seen very recently. (Ihonvbere, 1994, p.1)

Government expenditure on health and education was cut\textsuperscript{68}, the public sector was reduced, and those civil servants that remained had their pay reduced to $3 per month (Chossudovsky, 2003, p.101; Lewis, 2002, p.259;). In addition, over this period many of the mechanisms that had been cultivated to cope with droughts had been removed (UNEP, 2005a; Marchal et al., 2000). In sum, the “remedy was harmful” (De Waal, 1993, p. 26).

The impact was particularly grave for the traditional subsistence strategies of both pastoralists and agriculturalists (Chossudovsky, 2003, p.95; Lewis, 2002, p.258). Considering that 80 percent of Somalia’s export earnings until 1983 originated from livestock, repercussions were felt across the country. As purchasing power declined due to currency depreciation\textsuperscript{69}, prices for livestock drugs became unaffordable. At the same time publicly provided veterinary services and water supplies were privatized which priced out many nomadic herdsmen; emergency drought animal feed was sold off to service the national debt; and rangeland conservation efforts were cut in order to curb public spending (Chossudovsky, 2003; Lewis, 2002). In 1983 Saudi Arabia, Somalia’s biggest importer of livestock banned imports of Somali beef because of alleged\textsuperscript{70} cases of rinderpest (De Waal, 1993, p.25; Chossudovsky, 2003, p.95). The herds were slowly destroyed and many pastoralists were left without income. Towards the end of the Barre regime, from 1988 and 1991, in an effort to fight the opposition movement in the north, all water

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\textsuperscript{68} Health expenditure was reduced by 78 percent from 1975 to 1989; education expenditure fell from $82 per pupil in 1982 to $4 per pupil in 1989. School enrollment declined, school buildings deteriorated, a quarter of all schools were closed and teacher salaries declined dramatically (Chossudovsky, 2003, p.100).

\textsuperscript{69} The Somali schilling was devalued, prices rose by a factor if 35 between 1970 and 1986 (De Waal, 1993, p.26).

\textsuperscript{70} There have been suggestions that this was a mere excuse in order to stimulate imports from other countries, particularly Australia and the European Community, particularly as the ban was not lifted for an extended period of time (Chossudovsky, 2003, p.95).
Pumping systems were destroyed and wells were poisoned using animal carcasses, engine blocks, or car batteries (UNEP, 2005a, p.40).

The decline in livestock affected the agriculture sector in the south, which relied on trade with the pastoralists of the north. Privatization of water; reduction in maintaining water sources; discontinuation of state support for irrigated areas; and the devaluation of the currency which increased the costs of farm inputs, fertilizer, and oil, aggravated the situation for small farms in the south (Chossudovsky, 2003). This further strained relations between authorities and farmers, who also had to register land (which was previously owned by clans for the common good) with the central government to prove ownership under the 1973 Land Reform Act (UNEP, 2005a, p.29; Marchal et al., 2000, p. 20; De Waal, 1993, p.25).71

Another factor that put strain on the agricultural sector was food aid coming into Somalia at an increased rate of 31 percent per annum (Chossudovsky, 2003, p.96). From the mid-1970s to the mid-1980s, U.S. grain, such as cheap surplus wheat and rice were commonly sold in local markets. Revenues from the sales were then used to boost government revenues72 (Lewis, 2002, p.257). The effect was dramatic, economic restructuring had cultural repercussions when wheat and rice displaced local grains such as maize and sorghum in local food consumption habits (UNEP, 2005a, p.30; Chossudovsky, 2003, p.101; Marchal et al., 2000, p.13). Today, pasta and rice is available throughout the country and forms part of the staple diet of Somalis. Restaurants in rural areas serve pasta with sugar for breakfast and pasta with meat for lunch (Marchal, 2000, p.13; Bahadur, 2011).

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71 Local crops that were successfully cultivated, such as sugar and bananas were ultimately for the benefit of foreign investors who took the majority of the earnings outside of the country and often came at the expense of child labor (Samatar, 1993).

72 Some investigations suggest that US food aid, through the World Food Program has been sold in markets rather than being distributed to the needy (Sturdee, 2009).
The political maneuverings and policy changes of the Barre regime were deeply unsettling to Somali society. Some of Barre’s early policies were aimed at modernizing and advancing Somalia. For instance: Siad Barre provided new opportunities for women through progressive legislative changes (Marchal et al., 2000, p.13; Metz, 1992, Social Change section); he nationalized the Somali language to counteract linguistic divisions created by Italian and British colonialists; outlawed tribalism to mobilize national solidarity; and implemented large scale literacy campaigns (Lewis, 2002, p.216). Other policies were less beneficial: Barre imposed strict censorship; constrained freedoms; eradicated opposition groups; devastated the traditional agro-pastoralist economy; and in fact deepened divisions between the clans in an effort to remain in power (Lewis, 2002, p.251; Africa Watch Committee, 1990, p.9).

In summary of component one, the Barre regime brought about ideological and economic restructuring in Somalia not once but twice, first towards Soviet influenced socialism, and then towards U.S. influenced neo-liberal capitalism. This was done in the context of a new nation that had recently gained independence and was divided by arbitrary borders stemming from its colonialist past. However, he also advanced new and sometimes contradictory cultural messages. For example, his regime introduced egalitarian discourse in the form of nationhood, equality of Somalis, and increased rights for women. Simultaneously however, ties instituted by Barre with the Arab League meant that cultural influences from more conservative Arab states were permeating society (Lewis, 2002, p.220).

The historical overview provided in component one shows examples of disembedding of social relations and cultural identities from their traditional context. In the Somali case, we see that radical economic and social restructuring during the Barre regime, on the foundations of becoming a newly independent state, had a direct impact on the people in the society. Barre laid
foundations for ontological insecurity, as the “discontinuity of personal and social narrative” (Young, 2003a, p.390) by repeated restructuring. The changes which were meant to create a stable economy had the reverse effect, by removing job security; social differences were laid bare (Kinnvall, 2004, p.743). Individuals were witness to waves of transformations; new aspirations were promoted and then changed to different ones. Studying narratives of migrant Somalis in Ethiopia from 1994 to 1996, Christina Zarowsky identifies that identity and political legitimacy are important themes in the expression of anger and demoralization amongst the refugees surveyed. She explains:

My Somali interlocutors in Ethiopia in the mid-1990s clearly wanted me to hear and tell a master narrative, one which revolved around dispossession, anger, injustice, and politics. Dissenting or subaltern internal voices – notably those of poor women and unhappy lovers who are forced to ensure personal and collective survival – also tell stories of dispossession, anger, and injustice. (Zarowsky, 2004, p. 205)

Somali experience of radical ideological shifts has had a direct impact on the people. The necessary institutions and legal infrastructure to support the transformations was not only lagging but completely inadequate and often corrupt, unable to support the population in times of such massive social upheaval. This structure provided a fertile environment for anomie. A Somali tea seller in Hurso, Ethiopia explains, “When your life is blocked from every direction and you can’t advance that is niyed jab (demoralization/hopelessness/broken will)” (Interview with Hurso tea seller, in Zarkowsky, 2004, p.189).

In a departure from the predicted sequence of events, in Somalia there is little evidence of direct socially distant reference group impact during the time in power of Siad Barre. Indeed his
Authoritarian control over the population, through censorship and curbing individual and group freedoms, delayed the full impact predicted by the theory. However normative conflicts were illustrated through implicit referents, particularly in the introduction of rules which contained new values which were then reassessed with the shift in political ideology to neo-liberalism. The neo-liberal policy reforms included mandates to curb government spending and encourage the free market. Examples of initial rules under Barre’s scientific socialism phase include a reduction in clan divisions amongst Somalis, the abolishing of the title of elder, efforts to settle pastoralists, and change women’s legal and political status in Somalia. Later with the shift to ‘IMF-ism’ (Metz, 1992) reforms included privatization, reduction in government aided projects, opening the market to foreign imports, reduction in civil service staff, increased taxes, and tax collection mechanisms (Metz, 1992, From Scientific Socialism to ‘IMF-ism’, 1981-90 section).

Component two traces the historical developments in Somalia after the removal of Siad Barre, which provides detail on the introduction of distant referent groups as suggested by the theory. The process illustrated in component one produced factors conducive to a normative breakdown together with extensive structural problems, which set the stage for the emergence of demagogic or deviant individuals and groups. Kinnvall notes:

Because of the state’s decreasing involvement in the economic sector, the image of the government as a welfare provider has also been undermined in many societies, creating an authority vacuum in which groups and leaders have emerged as a response to individuals’ desire for security and welfare. (2004, p.743).

Deviance is a response to such major upheaval, it is “an attempt to achieve a semblance of control within ontologically insecure worlds” (Hayward, 2002, p.225). There is a direct link
between, “on the one hand, deregulation and the primacy of the market and, on the other, the rise of violence and the creation of private military, paramilitary, or juridical organizations” (Mbembe, 2001, p. 78-9). Together the social changes and processes from colonial setting through independence, scientific socialism, and neo-liberalism are examples of rapid social change where new norms do not have a chance to take root, the guiding power of norms becomes weak and rules are seen as non-binding, which is anomie.

By January 1991, the impact of the arbitrary divisions created by former colonialist; corrupt leadership by local elites; interventionist policies of the IMF and the World Bank; and the ideological shifts during the Barre administration had brought the young Somali nation to a near collapse. Ultimately the Barre regime was deposed, however deep fissures, economic dislocation, and social chaos combined and pushed the country into clan warfare. Not only did militarization and politicization of clan groupings divide the country (Adam, 1992), but what was witnessed can be explained as “an attempt to recreate a lost sense of security…going back to an imagined past by using reconstructed symbols and cultural reference points is … a response to the destabilizing effects of changing patterns of global mobility and migration.” (Kinnvall, 2004, p.744).

Component Two: Effect of neo-liberal globalization on Somali society - enhanced globalization in stateless Somalia and the emergence of means ends discrepancies

Component one analyzed the impact of political and economic globalization under a central authority. As discussed in component one, the collapse of the central government in Somalia was precipitated by repeated, major structural transformations within a short period of time. Although culturally and structurally the society had been affected by influences from the colonialists, the Arab nations, the Soviets and the Americans, it was the absence of state that
produced the complete liberation of the economy and intensified the process of globalization of Somali society.

To understand the effect of globalization on Somalia after 1991, the focus shifts from Somalia’s political restructuring and the collapse of central authority to potential next order of effects; the amplification of means-ends discrepancies, growing relative and absolute deprivation and increased levels of ontological insecurity. This section will review some of the key indications and effects of rapid globalization of Somalia after 1991, including comprehensive economic liberalization, cultural ideological impacts, and ecological effects. The discussion will also focus on interactions beyond the borders of Somalia; describing the problems Somalis have faced in the absence a recognized central authority, which has served to highlight injustices and deprivations.

In Somalia’s case, we can identify several, distinct waves of globalization: initially in the form of colonialism; later in regional ties with the Arab League; and through socialist influences under Barre’s initial ‘scientific socialism’ phase. The effect of globalization and neo-liberalism was also staggered because initial neo-liberal structural adjustments were coupled with an authoritarian regime which limited communication and rights of association. Transformation and subsequent deregulation caused increased poverty and generated ontological insecurity. The foundation for means-ends discrepancies were created when newly espoused goals were unattainable under the structural conditions imposed under the Barre regime. However with the 1991 civil war and the statelessness that followed, the processes described by global anomie theory were continued by a complete liberalization of the economy and the introduction of powerful reference groups. The lack of any central authority meant that negative consequences of unfettered capitalism went unchecked. The domestic Somali economy became “…literally
free of regulations, price controls, and other interventionist policies that prevailed in the past” (Mubarak, 1996, p.159).

When in 1991 Somalia became a completely unregulated economy, with no central government to control any form of activity, the economy did not cease, on the contrary – it grew rapidly (Marchal et al., 2000). This process of economic dislocation did not affect all segments of Somali society uniformly. The rich continued to prosper, while the weak starved (De Waal, 1993, p.26). In addition to a significant growth in means ends discrepancies in Somalia, there was also a growing sense of injustice among the most deprived segments of society with the development of new distant reference groups.

Somalia since the removal of Siad Barre is often referred to as a failed state, however since the collapse of the central state two significant developments occurred which qualifies such a label. First, since 1991 the impact of economic transformation and globalization has varied by regions within Somalia. Different patterns of development are observable in the north and south of Somalia, which stem from different legacies of colonial rule (Reno, 2003, p.12). These differences were exacerbated by the Barre regime and were magnified after statelessness. Within some regions of Somalia, smaller quasi-state formations emerged with alternative mechanisms of governance which over time produced a modicum of peace and security. In 1991, while in the capital, Muqdisho warlords were fighting for control of the central state; in the north, the former British colony formed the self-declared sovereign state of Somaliland (internationally it is only recognized as an autonomous region of Somalia). By 1998 the northern part of the former Italian colony declared the establishment of the autonomous Puntland State of Somalia (which includes the coastal town of Eyl which is widely publicized as a piracy hub). South of Puntland, in central Somalia, Galmudug State (which includes the coastal towns of Hobyo and Xarardheere, two
other reported piracy hotspots) declared itself an autonomous state in 2006 after the rise of the Islamic Courts Union.\textsuperscript{73}

Second, after the removal of Siad Barre, globalization intensified and the growth of the commercial economy surpassed pre-1991 figures (Powell et al., 2008). Although, Somalia is listed as one of United Nation’s Least Developed Countries (LDC)\textsuperscript{74}, living conditions in Somalia have generally improved since becoming stateless (Powell et al., 2008, p.669; Marchal et al., 2000; Mubarak, 1997, p.2028; Osman Farah et al., 2007, p. xv; Mubarak, 1997, p.2027). In fact the economist, Peter Leeson argues that his analysis of pre- and post-1991 shows that out of eighteen development indicators, fourteen show unambiguous improvement under anarchy (2007, p.700-702). “The traveler to present-day Somalia cannot avoid being impressed by the ‘booming’ businesses such a trade of goods, telecommunications, airlines, money remittance systems, transport and real estate construction. Somali business entrepreneurs have direct global commercial links.” (Osman Farah et al., 2004, p. xi). Hamburgers, cappuccinos and sodas are common throughout the country (Marchal, 2000, p.13; Bahadur, 2011).\textsuperscript{75}

So although general perceptions are that after 1991 Somalia was left outside of the vigor of globalization – it seems that quite the contrary occurred, “the process of globalization in Somalia was enhanced by the collapse of the State” (Marchal et al., 2000, p.1). The availability of foods from different parts of the world is just one indicator of this. Once relative peace was

\begin{footnotesize}
\textsuperscript{73} The Islamic Courts Union was one of the few efforts that were successful at uniting the country under a federal system.
\textsuperscript{74} LDCs are countries that exhibit the lowest indicators of socioeconomic development. The current list of LDC is available online http://www.unohrfls.org/en/ldc/25/
\textsuperscript{75} A graduate, who taught in Somaliland for a year, explains: “Nothing I eat here in Somaliland comes from Africa. To be fair, most of our fruits, vegetables, and fresh meat are bought in the local market and may be relatively local. But overall, I am amazed at how far the different things I eat seem to have traveled. The ‘long-life’ powdered milk we drink comes from Saudi Arabia. Honey comes from the UAE. Soy sauce is a product of the Philippines, our ramen comes from Indonesia, and our ketchup comes from Kuwait. Even our eggs travel across the Gulf of Aden from Yemen to get to our plates. That blows my mind, because there are chickens everywhere in Somaliland – someone needs to start collecting their eggs!” (John in Somaliland, 2012)
\end{footnotesize}
established after the civil war, statelessness actually facilitated the growth of the economy (Powell et al., 2008, p. 660). Amongst other areas, it has included increased trade in livestock, improvements in transportation, a staggering growth in the communications and remittance sectors, as well as an influx of multinationals in the country.

Livestock is fundamental to Somali economy. According to data from the Kenyan Ministry of Livestock Development, export of cattle from Somalia to Kenya more than doubled between 1991 and 2000 (Peter Little, 2003). Even greater successes have been seen in the north of the country, where the ports of Berbera (Somaliland) and Boosaaso (Puntland) have surpassed not only pre-1991 levels of livestock trade (Peter Little, 2003, p.37) but also account for one of the largest percentages of all goat and sheep exports from entire east Africa (Peter Little, 2001, p.194).

Road transportation was a source of income to many Somali males, who were employed as drivers, guards, and mechanics. Generally local authorities, Shari’a courts, and militia taxed road traffic as a source of revenue. In the north, roads were relatively well maintained, where more formal taxation systems were instituted. In the south, the road conditions were deteriorating and there were few investments in new trucks and buses. (UNDP, 2001, p.110)

Perhaps the most impressive success in stateless Somalia is the growth of its communications sector. Together local and international providers have reestablished services since 1994 (UNDP, 2001, p.107), Somalia’s telecommunications are known to be the cheapest and having the most extensive coverage in the continent (UNDP, 2001, p.107; The Economist,

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76 In 1999, goat exports through these northern Somali ports accounted for 95 percent and sheep exports for 52 percent of the entire exports from east Africa (Peter Little, 2001, p.194).
77 Local calls are free when a monthly charge of US$10 is paid, international calls cost US$.50 per minute and surfing the web costs US$.50 per hour.
By 2007, internet connectivity was at 53% of the country (Southwood, 2007) with dial up internet services in Somalia is the fastest growing internet service in Africa (Southwood, 2007). According to the manager of the Global Internet Company (of Somalia), Abdulkadir Hassan Ahmed, “…even small, remote villages are connected to the internet, as long as they have a phone line.” (Interview with Abdulkadir Hassan Ahmed, in Winter, 2004).

The development of the communications sector helped promote a growing exposure of Somalis to the external, international media. Before the collapse of the Barre regime censorship and a general lack of freedom of expression meant that beyond oral sources of information, the only non-state source was the BBC Somali service (Lewis, 2002, p.251). After an initial blackout period during the civil war, access to media in Somalia has been growing steadily. Despite stumbling blocks, press freedom in Somalia has improved. By 2005 Somalia had 20 private newspapers, 12 radio and television stations, and several internet sites (Freedom House, 2002 & 2005). By 2010 in addition to new stations in Muqdisho, both Puntland and Somaliland are reported to have visibly improved the level of press freedom (Freedom House, 2010). Although there are interferences and restrictions imposed by local factions, militias, and regional authorities (particularly in the south of Somalia) who attempt to censor information, it is focused on local print media, whereas electronic media remains uncensored and unregulated (Marchal et al., 2000, p.10).

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78 In addition landlines are efficiently installed, taking three days in Somalia, compared a wait list of several years in neighboring Kenya (Winter, 2004). Based on the World Development Indicators, the ranking of Somalia compared to 42 other sub-Saharan African nations for the number of telephone landlines per 1,000 people, improved from 29th place in 1990 to eighth in 2005 (Powell, 2008, p.663).

79 In 2002 the United States shut down Al Barakaat, the country’s main a money transfer agent and largest telecommunications provider for alleged ties to terrorism, even though these allegations were never substantiated (see Passas’ 2006 paper ‘Fighting terror with error: the counter-productive regulation of informal value transfers’). At the same time they also shut down Somalian Internet Company, the country’s only Internet provider following allegation of providing material support to terrorism.
Much of the growth in the communication sector was spurred on by the huge remittance business in Somalia (UNDP, 2001, p.107; Marchal et al., 2000). Informal money transfers, known as *hawilaad* (similar to hawala) have been part of Somali tradition. During the Barre regime formal financial institutions were weak therefore Somalis continued to rely on the informal sector (Little, 2003, p.9). After the collapse in 1991, this informal system became the only functioning source of funds. Larger companies such as Al Barakaat extended their network globally to service the growing Somali Diaspora across remittances, telecommunications, and security.

The *hawilaad* system provided very significant economic support to many segments of Somali society. The system enables money to be transferred instantaneously for a commission of 3 to 7 percent. It is estimated that between US$1 to US$1.6 billion yearly is moved through the informal remittance sector (Sheikh & Healy, 2009, p.4) making Somalia one the world’s largest recipients of remittances (Hassan & Chalmers, 2008, p.7). At least 23 percent of household incomes are made up of foreign remittances and up to 40 percent of homes receive some form of assistance from the extensive Diaspora (Sheikh & Healy, 2009). In addition 80 percent of startup capital for businesses, including payment for salaries in schools and hospitals are believed to come from emigrants (Sheikh & Healy, 2009; De Waal, 1993). The importance of remittances is also revealed by the high proportion of income sent home by emigrants – often close to half their earnings (Hammond, 2007, p.136).

In addition to substantial economic benefits for Somalia, remittances have an added social function, of negotiating and reinterpreting social relationships, especially given the very large number of Somalis who have emigrated. Menkhaus has described Somalia as a truly globalized nation on account of its large Diaspora (2009). This is not only because of refugee
flows into neighboring countries, but also due to migration of Somalis further afield (Osman Farah et al., 2007, p.xi). Estimates of the number of Somalis living abroad range between one and three million (Sheikh & Healy, 2009; Winter, 2004; Hassan & Chalmers, 2008). It has been suggested that “migration is at the heart of Somali nomadic culture” (Gundel, 2002, p.262), and although Somalis began leaving the country during the Barre regime, the largest exodus occurred after the 1991 civil war.

The Somali Diaspora is dispersed globally and is one of largest per capita Diaspora networks in the world (Hammond, 2007). There are four areas of concentration of the migrants, the largest population is in the neighboring countries of Ethiopia, Kenya, and Yemen; beyond this a sizable portion lives in the Gulf States, Europe and North America (Lewis, 2008, p. 129). Ties between the Diaspora and those left at home in Somalia are close:

Remittances are the glue that holds many families together. They are a means by which individuals living in exile, away from their extended families, actively fulfill their social obligations and play a meaningful role in their communities despite the physical distance that separates them…The result is the strengthening of this transnational community that exists in multiple localities simultaneously. (Hammond, 2007, p.126)

The number of Somali living abroad, combined with their continuing strong relationships have meant that the Diasporas are powerful points of reference and comparison for the Somali population. Usually reference groups on a global level include local membership groups (family and members of the local community), local non-membership groups (for instance expatriates and wealthy fellow citizens), and distant non-membership groups (individuals observed on the television, seen in the news, etc.). In the Somali context, the Diaspora represents another
powerful category of referents - distant, membership groups. These are people who are emotionally close and trusted, who are located in distant and diverse environments. Through the maintenance of tight bonds migrant groups provide not only a critical source of income for many Somali families, but also provide information, awareness, and exert influence on the local population.

Awareness and understanding of unequal opportunities is crucial to the process described by global anomie theory. Progress in education, social and health services in Somali has been slower and unevenly distributed. According to a 2003-2004 survey carried out by UNICEF (which excluded the river regions in the south), there were 1,172 schools operating in the country (the figure does not include Koranic schools and informal education initiatives), with an enrollment of only 20 percent of children. Although this is one of the lowest enrollment rates in the world; it is an improvement on enrollment levels in the 1980s under the Barre government (UNDP, 2001, p.84; UNICEF, 2005a; UNICEF, 2005b).

Higher education institutions have shown a modest increase. Under the authoritarian regime Somalia had one university, Somali National University; since 1998 new Universities have been established in Boorama, Hargeysa, Boosaaso, and Muqdisho. In addition, there are numerous technical and vocational schools across the country, although these are unevenly distributed throughout the nation, with significantly more educational establishments found in the northern and central parts of the country than in the south (UNDP, 2001, p.86). Learning opportunities in Somalia are limited and the majority of Somali children are not able to go to school. Those that are able to attend school are usually from wealthier families and in urban locations (UNDP, 2001, p.87).
Other social services such as health, water, and transportation have also been provided by private entities, mostly funded through migrants. Although water and transport has been provided by the private sector relatively effectively, providing health service has been less successful. Medical services cost around US$.50 per consultation and although there are more facilities now then during the Barre regime, they tend to be concentrated in urban areas and are less accessible to the poorest in society. In sum:

The private sector’s increased role in social service provision and the management of public goods is unlikely to improve equity, wealth distribution, and welfare….By definition, private services are provided for a fee, and hence tend to be accessible only to those who can afford them. (UNDP, 2001, p.108)

The complete economic restructuring of Somalia along with new social referents have contributed to one of the greatest social transformation of Somali society over the last 25 years; the dramatic alteration of the role of women in Somali society – both within Somalia and in the Diaspora.

Amongst emigrants women have generally been more successful than men in finding jobs in host nations. This has largely been due to skills which women possess that are more transferable (Marchal et al., 2000, p. 9). Within Somalia, the role of women had already begun to change under the Barre regime where women were given more opportunities and were permitted to occupy leadership positions. However with the collapse of a centralized government these newly acquired rights became unenforceable. Nevertheless over the course of statelessness, women have increasingly become the breadwinners of the household (Hammond, 2007. p.140; Gardner, 2007, p.2). Factors such as internal displacement, loss of male providers, or destruction
of the home has necessitated an increasing number of women to take control (Gardner, 2007, p.3). Shariff Osman, dean of the computer science department at Muqdisho University explains:

> Everybody had to start from scratch, and that meant selling onions and tomatoes from small tables in the market. Men were too proud to do that. From the mid-1990s, people felt that women were the backbone of the family because they paid the bills. (Interview with Shariff Osman, in Dixon, 2006).

In an interview with Faduma Aden Mohamud, a samosa and cold drinks (sodas) vendor in Muqdisho, she explains:

> At the moment I am caring for ten children, eight of them are mine and also two orphan babies. The babies belong to my brothers – three of them, my beloved relatives, have been killed in the fighting since 2009 when Ethiopian troops withdrew from the city…My husband has no work at all. He often stays at home without anything to do. At times he helps out at the shop when I go to the market, but mostly I am who works and my eldest daughter, who is 13, helps me by looking after the children while I’m away. (Interview with Faduma Aden Mohamud, in BBC, 2012, February 22).

One lucrative source of income for women is khat, a mild stimulant widely used in Somalia (it is similar to chewing coca leaves in the Andes, it is a popular pastime in lieu of alcohol consumption which is banned under Islamic law). It is imported daily from Kenya\(^80\), where it is grown in the mountains. “The men are mainly unemployed and the women have been forced to earn money to pay the bills, school fees, and things like that. They have to work to

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\(^80\) Although there are also imports from Ethiopia, Kenyan khat is considered higher quality (Bahadur, 2011, p.103).
survive. Khat is a very reliable source of income.” (Interview with Maryan in Puntland’s capital Garoowe, in Bahadur, 2011, p.104).

In the north, pirates reportedly spend much of their ransoms on khat (Bhadur, 2011). In Garoowe, where women are also increasingly the breadwinners of the family, some women have tapped into this reliable source of income. Two women explain, “Most pirates spend money on three things: khat, alcohol, and women” (Interview with Fadumo, in Bahadur, 2011, p.102), and “The pirates pay in cash, nothing less” (Interview with Maryan, in Bahadur, 2011, p.103).

Men generally, have not welcomed this as a role reversal; men have not taken over the traditionally female roles of housekeeping and childcare while women work in the markets (Gardner, 2007, p.5). Men are aware of this role reversal and change in power relationships. This process also appears to be happening among Somali migrants. Fahad Mohammad interviewed by Colin Freeman in London reported that “It is all very well for the equality-minded British to argue that a woman should not have to be dependent on her partner for upkeep. But in a traditional Somali culture, that robbed a man of his breadwinner identity…Our menfolk feel emasculated” (Interview with Fahad Mohammed, in Freeman, 2011, p.273).

Although the process is different within Somalia, the results on men appear to be similar, extenuating feelings of ontological insecurity. Despite the rapid change in women’s roles, the status of women remains secondary to men especially in the political domain (Gardner, 2007). This is particularly true with the resurgence of Islamist politics which has actively promotes retrogressive gender policies. This type of resistance is not surprising because, rapid transformations in Somali culture have added to feelings of alienation particularly amongst men

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81 This also needs to be considered in light of Somali family organization, which is traditionally polygynous (Lewis, 2008, p.11).
(Marchal et al., 2000, p.9). Although this is seen in other traditional patriarchic society, in Somalia the extent and speed of these changes has magnified their social impact.

Change in gender roles has been identified as an aspect of globalization which has a dramatic impact on a “person’s fundamental sense of safety in the world” (Giddens, 1991, p.38; Giddens, 2003). Not only have men lost their traditional sources of income under the broad societal reforms that were instituted since independence (as discussed in Component One), ontological insecurity has been further fueled as the traditional role of men within the family has been challenged and become uncertain. Looking at these types of changes, Kinnvall explains:

Old patterns of behavior have become undermined as traditional power relations have become democratized. There are two basic consequences of this: (1) Old ways of getting things done are eliminated, which tends to leave behind only uncertainty; and (2) the structures that identified the community and bound it together are also being eliminated, which has a disintegrative effect. Both consequences are dislocating and indicate how globalization is intimately connected to security. (2004, p.743).

The insecurity of gender roles also supports the theoretical framework suggested by global anomie theory, as the status of men in society is undermined and women are increasingly important in the family, men feel more pressure to do something about it. Due to the structural changes explored in the first two components, it is clear that legitimate avenues to deal with this perceived imbalance are obstructed. Therefore a search for an alternative solution may be initiated, something which allows men to assert their masculine position in society, such as warfare, organized crime, and piracy. Such dangerous and physical activities reinforce the strong, dominant role of men. Moreover the type of activities which are deemed feasible are
shaped by culture, piracy which victimizes foreign ships is more acceptable locally and translates well for individuals who have maritime skills.

In addition to the increasing ontological insecurity and strain in society, this process has fueled growing perception of injustice among Somalis. After the civil war, the ensuing humanitarian disaster in 1992 spurred the international community to send aid and military personnel. The number of aid agencies working in Somalia mushroomed over the last two decades, organizations working on the ground in Somalia include the World Food Program, United Nations Children’s Fund, Oxfam International, Oxfam Novib, International Committee of the Red Cross, International Medical Corps, CARE, Africare, United Nations Refugee Agency, World Concern, Medicins Sans Frontiers, just to name a few.

In addition, international military presence began shortly after the start of the civil war in 1991, initially in the form of a deployment of 50 troops of United Nations personnel. In 1992, when the United Nations brokered the first ceasefire, the first United Nations Operation in Somalia (UNOSOM1) arrived to uphold the ceasefire, expanding their force to 500 troops. The effort proved futile and by November 1992, the United States offered to set up a United Task Force (UNITAF) under its own leadership, to take over from UNOSOM1. By March 1993 UNITAF handed over operation back to the United Nations despite continuing insecurity. UNOSOM2, a 19,000-soldier international force, was given broader powers. In addition to peacekeeping and humanitarian efforts, it was to establish a secure environment and help establish an effective government. Under increasingly difficult conditions and a general failure in its mission, the mandate of UNOSOM2 came to an end in March 1995.
Some reports suggested that the intervention in Somalia by the United States has been attributed to a pursuit by the Bush administration of the oil concessions given to US companies during the Barre regime. According to the Los Angeles Times, two thirds of Somalia had been allocated to American oil giants, amongst them Houston-based Conoco.

Conoco, who had exploration rights in the north-central parts of the country, maintained its Muqdisho offices through the civil war and beyond. During the deployment of United Task Force, Conoco’s corporate compound was used by American troops and the US envoy, Robert B. Oakley.

“They sent all the wrong signals when Oakley moved into the Conoco compound,” said one expert on Somalia who worked with one of the four major companies as they intensified their exploration efforts in the country in the late 1980s. "It's left everyone thinking the big question here isn't famine relief but oil--whether the oil concessions granted under Siad Barre will be transferred if and when peace is restored," the expert said. "It's potentially worth billions of dollars, and believe me, that's what the whole game is starting to look like.” (Fineman, 1993).

A large number of multinational corporations have developed a presence in Somalia (Powell, 2008, p.661). The success of the telecommunication sector has been in part been due to partnerships with corporations such as Sprint, ITT, and Telenor (Leeson, 2007), and the popularity of soda meant that in 2004, a US$ 8.3 million Coca-Cola bottling plant opened in Muqdisho (Lacey, 2006). Some other multinationals which have established a presence in Somalia since statelessness are Dole, De Nadai, DHL, General Motors, and British Airways.
The predatory practices of a number of international businesses has meant they have increasingly been viewed negatively. Perhaps not surprisingly, the foreign companies that have become most well-known in Somalia, with regular articles appearing in many Somali internet news outlets, are those that have operated illegally off the coast of Somalia. The number of foreign ships encroaching on Somali waters rose dramatically after the collapse of the central state. Somali news outlets have noted two particular types of foreign maritime encroachments; those that came to dump toxic waste and those that came to fish illegally.

The free trade of toxic waste has been a consequence of global liberalization of trade, in fact Lawrence Summers, chief economist of the World Bank suggested in a leaked memo:

The measurement of the costs of health impairing pollution depends on the foregone earnings from increased morbidity and mortality. From this point of view a given amount of health impairing pollution should be done in the country with the lowest cost, which will be the country with the lowest wages. I think the economic logic behind dumping a load of toxic waste in the lowest wage country is impeccable and we should face up to that. (New York Times, 1992)

Allegations of toxic waste dumping off the coast of Somalia began in earnest soon after the removal of Siad Barre but the practice may have begun earlier (Greenpeace, 2010, p.22).

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82 This refers particularly to illegal fishing and toxic waste dumping off the coast of Somalia (which is discussed in more detail below), but also to evidence which suggests that multinational corporations have financed political factions, thereby contributing to the continuation of conflict in the country (see Webersik’s 2005 paper ‘Fighting for the plenty – the banana trade in southern Somalia’).

Since 1992 organizations such as the United Nations Environmental Programme (UNEP) and Greenpeace have investigated cases of illegal toxic waste dumping in Somalia. The economic reasoning for dumping off the coast of Somalia is clear, disposal costs in Somali waters is US$2.50 per ton compared to US$250 per ton in Europe (United Kingdom Parliament, 2011).

In February 2005, further evidence of toxic waste dumping was exposed after the 2004 Boxing Day Tsunami when sealed containers of waste were found on Somali beaches (UNEP, 2005b; UNEP, 2005c, p.11; UNEP, 2010 p.80; Hussein, 2010, p.8; BBC, 2005, March 2). The theoretical relevance is twofold: first, the devastation caused by the tsunami on the northeast coats had structural effects and affected opportunities; second, the dumping of toxic waste quickly had a normative effect for others, increasingly emulated by various foreign parties.

Dumping toxic waste has a symbolic value of disregard and unashamed exploitation by the globalized world, but it also has a direct impact on the health of Somalis living in coastal regions. Reports from doctors working in Somalia before the Tsunami suggest an excessive number of cancer cases, malformations in newborns, skin diseases, acute respiratory infections, mouth bleeds, skin conditions and other unexplained afflictions (Hussein, 2010, p.11-12; UNEP, 2005c, p.11-12; UNEP, 2010 p.80).

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84 In 1992 the United Nations Environmental Program (UNEP) investigated a contract to build a 10 million ton storage facility for hazardous waste in Somalia. The plan was to export 500,000 tons of toxic waste per year to Somalia over twenty years. The contract was eventually declared null and void, but UNEP Executive Director, Mostafa Tolba confirmed that the firms were fictitious entities that were specifically created for hazardous waste disposal (Greenpeace, 2010, p. 22; TED, 1998). Another case uncovered by Greenpeace was connected to an Italian company in 1995 which was comingling aid deliveries with shipments of toxic waste (Greenpeace, 2010, p.22). In 1998 evidence surfaced that radioactive waste was buried in the footings of a newly built road between Garowe and Boosaso (Puntland) and in the foundations of the Eel Ma’aan port, north of Muqdisho (Greenpeace, 2010, p.25-29). By 2000 a parliamentary commission in Italy reported that Somalia remains one of the preferred destinations for toxic waste from Europe and other industrialized nations (Hussein, 2010, p.8).

85 The impact of the Tsunami on northern Somalia included the total destruction of some towns such as Xaaful (Puntland), rendering thousands homeless, and destroying infrastructure and fishing gear. The Puntland government requested help from the UNEP to understand the extent of the damage in the country (UNEP, 2005c). It was the area hardest hit west of the Indian subcontinent (Fritz & Borrero, 2006, p.232). The coastal town of Eyl (one of the main pirate hotspots) had 95 fatalities, 80 injured, and 48 houses leveled (Fritz & Borrero, 2006, p.222). Of the 145 fishing boats in the town 40 were destroyed and 70 were damaged (Fritz & Borrero, 2006, p.224).
Despite repeated pleas by Somalis, the problem has not been dealt with (AFP, 2008) despite a general consensus that dumping occurs (Author Interview with IMO Senior Legal Officer, Christopher Young, February 2010); the scale and its sources are debated (IUCN, 2006, p.22). As will be seen in component three, this rampant exploitation and lack of response to the crime of toxic waste dumping has been noted amongst the coastal inhabitants.

The other form of foreign ship encroachment often publicized in Somali news outlets is illegal, unregulated, and unreported (IUU) fishing. Since the collapse of the central state in 1991, there has been no control over the country’s extensive territorial waters; Somalia has the longest coastline in continental Africa (3,300 km). The territorial waters off the northern parts of the country have a particularly high diversity of biological marine life due to seasonal upwelling (UNEP, 2005a, p.45). This was recognized by the former dictator, who relocated nomadic pastoralists into fishing cooperatives in the north in 1974 (Metz, 1992; Nur, 1998; IUCN, 2006, p.10).

Conservative estimates suggest that in 2005 some 700 foreign owned ships engaged in IUU fishing in Somali waters (EJF, 2005, p.7; FAO, 2005; High Sea Task Force, 2006, p.81). In fact, large numbers of foreign fishing boats can be seen in satellite pictures of the coast of Somalia (Fornari, 2009, p.13). According to the GEO-4 report the annual value of IUU fishing for just the tuna and shrimp industry is in the region of US$ 94 million86 (UNEP, 2007). These foreign trawlers come from as far as the Far East and Europe, but also from the Middle East, Asia, and other African countries.

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86 The catch is usually high value, including: tuna, shark, deep-water shrimp, and lobster (FAO, 2005; EJF, 2005, p.7; UNEP, 2007). The activity is not only illegal but it is also conducted in an unsustainable way (Agnew et al., 2009). In addition to over exploitation, the foreign ships use prohibited methods such as drift nets and dynamite which destroys entire habitats, therefore affecting not only current stocks but also future resources (UNEP, 2005a; Musse & Tako, 1999, p.4).
Much of this activity occurs on the northeast coast, off Puntland:

The invading ships, as they are locally known, are so crowded off some stretches of the Puntland (northeast) coast that the glow which emanates from their combined lights at night can be mistaken for a well-lit metropolitan city. During an UNCTAD-funded workshop for Somali businessmen held in Dubai in 1998, the participants were told that at any one time there are over 300 foreign-owned vessels – neither reported, regulated, nor paid for – conducting pirate fishing off the Puntland coast alone. (Kulmiye, 2001)

Here we see evidence of locals awareness of this form of foreign encroachment, aware particularly of the injustice of the activity. Crucially, the result of the IUU fishing has been a significant decrease in the catches of the main fish types (fish lobster, and shark) over the past ten years in Puntland (FAO, 2005; UNEP, 2005a, p.47). Some species have completely disappeared (like saw, hammerhead, white, and mako sharks), while other fish catches are greatly reduced (FAO, 2005; UNEP, 2005a, p.47). The mass of sharks per boat trip has fallen from over 600 kg in 1995 to just over 200 kg in 2005; similarly lobster has dropped from 450 kg to less than 100 kg; and other fish catch has dropped from 200kg to around 40 kg (FAO, 2005; UNEP, 2005a, p.48). This has had a direct impact on the legal opportunities available for fishermen who only a few of decades ago were relocated to the coast by the Barre regime to learn a new means of making a living.

In addition to the large scale theft of Somali natural resources and the environmental damage, foreign fishing fleet are often aggressive and dangerous\(^7\) (EJF, 2005, p.7; The Economist, 2006). Local fisherman Jeylani Shaykh Abdi states, “They are not only taking and

\(^7\) Allegedly, some of these fishing vessels are being used to smuggle arms into Somalia, in violation of the arms embargo (UN, 2003, p. 27).
robbing us of our fish, but they are also trying to stop us from fishing. They have rammed our boats and cut our nets.” (Interview with Jeylani Shaykh Abdi, in IRIN, 2006). Conflicts with local fishermen have resulted in destruction of local fishing equipment and have even involved loss of life (FAO, 2005).

“We want the international agencies to help us deal with this problem, if nothing is done about them, there soon won’t be much fish left in our coastal waters” explains Muhammad Hussein, a local fisherman (Interview with Muhammad Hussein, in IRIN, 2006). Puntland authorities have had a mixed response to IUU fishing. While some reports suggest that local authorities have been granting fishing licenses to foreign trawlers, other reports state that Puntland authorities have been active in arresting foreign vessels (Garowe Online, 2007, March; Garowe Online, 2007, May).

Together the aggressive tactics of the encroaching foreign fishermen and the lack of a coordinated response to the IUU fishing have a potentially normative effect on the local population, particularly in the willful disregard for the law. Although some of the reports from organizations and task forces consulted in this research have made recommendations that there is a need to police IUU fishing (EJF, 2005; High Seas task Force, 2006; UNEP, 2005a; IUCN, 2006), what has remained notably absent in most recommendations is for the multinational fleets that are mandated to combat piracy to also engage in capturing those involved in illegal fishing and those dumping toxic waste. Peter Hinchcliffe of the International Chamber of Shipping believes that warships protecting fisheries as well as international trade vessels would be an important message to the people of Somalia (Author Interview, February, 2010). Particularly

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because there is suggestion that the countries contributing assets to counter piracy efforts are the same countries from which the IUU fishing fleets originate from (Hughes, 2011, p.4).

Interviews conducted with professionals in the maritime industry have a mixed response to allegations of IUU fishing. Although some agree that there was IUU fishing off the coast of Somalia after the collapse of the central government, they do not see it as the cause for piracy (Author Interview with International Chamber of Shipping Secretary General Peter Hinchcliffe, February 2010), certainly not in the last decade (Author Interview with MRAG Ltd. Fisheries Director Dr. David Agnew, February 2010). Others do feel that IUU is fundamental to the piracy problem (Author Interview with INTERTANKO Security Officer Gunnar Knudsen, February 2010). The conflicting opinions probably stem from the uncertainty whether IUU fishing is indeed a problem (which stems from the lack of legal repercussions for the illegal activity) and perhaps more salient, is that the form of piracy seen in the last decade (2000s) does not target fishing vessels but merchant ships in exchange for ransom. More recent pirate behavior does not readily translate from the IUU and toxic waste dumping rationalization. This issue is explored in more detail in the next components.

The lack of central authority and the continued ignorance of the smaller state formations have disadvantaged Somalia on the global political stage, where its voice is simply not heard or if heard, it is disregarded. Whilst the economy has improved since the collapse of the central state and despite the trickledown effect of economic development described by Powell et al. (2008), there are negative consequences of the continued absence of centralized authority. The hardship of an unfettered market economy in Somalia is felt particularly by those less fortunate in society and those that are politically marginalized (De Waal, 1993, p. 26). The reforms are
partial and are based on capital, services, and goods which are not distributed equally, allowing some to prosper while others face hunger and malnutrition (De Waal, 1993, p.27).

After 1991, distinctions between formal and informal became irrelevant. The goals were set by the Barre regime; however the means were narrowed to those who had access. Discussing piracy generally, Sakhuja explains that:

While globalization may have acted as a catalyst for the growth of international commerce, it has also unleashed and aggravated disparity among regions, societies and people. In some cases, inequalities induced by globalization have created conditions for the rise of violent non-state actors that possess significant capabilities to challenge the emergent economic order. A careful examination of the impact of globalization reveals that the sea-based trading system is vulnerable to piracy, terrorism, illegal drug trafficking, gun-running, human smuggling, maritime theft, fraud, illegal fishing and pollution” (2010, p.3).

In summary, component two has shown that social structures which were already inequitable under the Barre regime were exacerbated; they facilitated corrupt practices that allowed some to prosper, whilst large segments of the population fell between the cracks. The dissolution of the state allowed those who had the means under the Barre government to continue their activities and prosper, and those that were marginalized to continue their race to the bottom, as means-ends discrepancies were increased. However unlike before, these asymmetries were made more palpable because of increasingly open access to information, making people more aware of injustices. Those who witnessed illegal fishing and the washing up of toxic waste after the tsunami, which occurred primarily in Puntland were particularly affected. In fact the location
where most pirated vessels are moored whilst waiting for ransoms is in Puntland – considered the heart of Somali piracy (Middleton, 2008; Thompkins, 2009; Hansen, 2009).

Another factor identified here was the rapid change in gender role both amongst emigrants and resident Somalis, where women have taken a more prominent role as family breadwinners. Somali men who have already experienced ontological insecurity from the loss of traditional sources of income have also been affected within the institution of family, where their traditional role as breadwinner and head of the household is perceived to be increasingly undermined. This increased strain on men has created pressured to find alternative solutions in light of the blockage of legitimate, traditional forms of income and patriarchic dominance.

In the Somali case, distant comparative and normative reference groups were introduced with vigor after the collapse of the Barre regime. This occurred in two distinct ways. First, through the communications sector which was able to grow successfully without any fetters of a central state; and second, through the large number of migrants who maintained tight connections to relations in Somalia.

Components one and two have provided an analysis of the impact of neo-liberal globalization on Somalia and the resulting disparities and asymmetries that were created which have created increasing pressures for individuals to resort to crimes such as piracy. This component converged on pressures that were particular to men, some of which became pirates. Next, component three looks at the emergence of piracy, as a solution to the discrepancies and asymmetries.
Component Three: Pressures towards deviance in Somalia – the emergence of piracy

Within the global anomie analytic framework, component three studies the effect of structural and cultural changes described in components one and two, on individuals. Although the first two components do not refer to piracy directly, they are essential in providing an overview of the background conditions that made piracy possible in a country without a piracy history. Global anomie theory suggests that means-ends discrepancies and structural asymmetries generate pressures on individuals in society to find solutions. Such adaptations can fall within socially accepted standards or they can represent solutions that deviate from accepted norms. According to Merton, individuals respond in different ways to the means-ends disjunctures, the majority conform by ascribing to the goals and using the prescribed means. The prescribed means are those that are considered socially acceptable and follow society’s norms. Indeed, the rise in commercial activity in the country is an indication of individuals responding to the pressures and dealing with them within socially accepted bounds.

Anomie theory also predicts that some individuals are pushed towards socially unaccepted adaptations. As Agnew and Passas note, “Anomie theory, in sum, focuses on a breakdown in the social regulation of individual conduct and argues that this breakdown creates pressures for individual deviance. This pressure stems from the inability of individuals to satisfy their desires through legitimate channels.” (Agnew & Passas, 1997, p.3) Deviant solutions are a result of an emphasis on goals rather than legal opportunities of obtaining those goals (innovation – anti-social – aberrant) or they may be a challenge to the extant structural conditions, a rejection of both the goals and means (rebellion – social – nonconforming). In both cases, a solution is initially explored to perceived problems, the solution may be a mere response (i.e. not instrumental). Once the response or solution is explored and performed, it may be
justified under the extant conditions by the individuals themselves or by observers who assign meaning to the action.

Examination of deviant adaptations requires access to qualitative informal data sources. Therefore to identify the linkage between piracy and the criminogenic effects of components one and two, component three draws on the narratives of pirates (embedded piracy cases). Based on 25 different pirates being interviewed by various researchers and journalists (some pirates are interviewed by several times by different researchers, providing 32 interviews in total), component three is able to examine subjective statements that justify or explain piratical behavior. In addition, component three explores the response of the international and local community to piracy and pirates, providing some insight into the changes in pirate narratives in light of the actions of international forces.

In Somalia piracy is a deviant solution that has been adopted from among a range of other responses, some deviant and others socially accepted. Some examples of deviant adaptations have been discussed briefly in component two, such as granting illegal fishing licenses to foreign trawlers (Bridger, 2012; Grosse-Kettler, 2004) and signing agreements with foreign corporations to dispose of toxic waste in Somali roads and piers (Greenpeace, 2010, p.25-29; TED, 1998). Although in a country without a central state laws are unenforceable; it is clear that these acts were deviant and harmful to others in Somalia. Certainly based on previous national standards and international norms, these behaviors are illegal.

Some other illicit activities observed in Somalia include: illegal deforestation for charcoal exports (Ismail, 2011; Grosse-Kettler, 2004), cattle raiding (IRIN, 2007), ivory trade particularly through poaching from neighboring Kenya (Marchal et al., 2000), extortion of money from aid
agencies (De Waal, 1993), World Food Programme aid diversion (Sturdee, 2009), arms smuggling (UN, 2003; Grosse-Kettler, 2004), and human trafficking (IRIN, 2010). All of these aberrant crimes aim to make a profit (Merton, 2000, p12), to obtain socially prescribed goals using means which are not legitimate. These behaviors harm Somali communities; they are harmful to the environment and the people.

The crime that has had most publicity, particularly outside of Somalia, is maritime piracy. Piracy is interesting because unlike many of the crimes mentioned above, which have some history before statelessness, maritime piracy began in Somalia only after the collapse of the central state (Maouche, 2011, p.6; Kulmiye, 2001; Alessi, 2012; Bahadur, 2011, p. 39). Furthermore, unlike the other crimes listed, piracy does not cause any direct harm to the local community; those that are victimized are outside of the community – foreign ships and their crew. Another distinctive feature of piracy is that although it is aberrant (financially motivated instrumental crime - innovative), it also exhibits characteristics that could be attributed to non-conforming behavior (expressive crime – rebellion). This is particularly discernible in the narratives of pirates used to justify or explain their behavior.

Rationalizations are “justifications for deviance that are seen as valid by the delinquent but not by the legal system or society at large” (Sykes & Matza, 1957, p.666). This can be in the form of “it is OK to steal from the state or a corporation”, “everyone is doing this nowadays”, or even the “growth of a privatization mentality” (Passas, 2000, p.35). Rationalizations are discourses, a way that behavior is contextualized by individuals and given meaning.  

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89 See an interesting paper by Ali & Murad (2009) which looks at the discourse from the other perspective, of how those outside Somalia have de-contextualized Somali piracy and focused on security and protection instead.
rationalizations are not necessarily a reflection of reality; instead the focus is on the perception and presentation of reality by pirates.

In April, 2010, the U.S. Navy Warship Nicholas which was deployed off the east coast of Africa to conduct anti-piracy operations was fired upon by three Somali pirates shortly after midnight. After returning fire, the crew of the warship was able to apprehend the pirates, sink the skiff, and then confiscate the nearby mother ship and capture another two pirates from the mother ship. The five Somali individuals were brought to the U.S. to face charges of piracy and were convicted by a federal jury in Virginia to 80 years in prison in addition to a mandatory life sentence. The testimonies of the five convicted pirates provide some insight into the backgrounds of individuals who resort to piracy.

Mohammed Modin Hasan, Gabul Abdullahi Ali, Abdi Wali Dire, Abdi Moammed Gurewardher, Abdi Mohamed Umar suggest in their testimony that they were fishermen forced into piracy by pirates on the day they were apprehended. As Ali notes,

Well, we were fishing; we had two lion fish [shark] in the boat. Then all of a sudden two boats came to us. They shot, they fired shots. They came into our boat and then they beat us…He said to me unless you say I am a pirate, I am a thief, they they’re going to throw you into the sea. (Testimony by Gabul Abdullahi Ali, in United States v. Mohammed Modin Hasan, Gabul Abdullahi Ali, Abdi Wali Dire, Abdi Moammed Gurewardher, Abdi Mohamed Umar, 2010, p.31 & 38)

Gabul Abdullahi Ali denies culpability because of coercion. In their testimony, the defendants describe their fishing activities in detail, recounting that their fishing gear was thrown
out by the pirates that commandeered their boat. They portray themselves as victims, defendant Dire notes,

They came aboard our ship, our boat, and then they took us with them. And then they threw away all the things that we had in our boat. We had our net, we had our metallic hooks out into the open, but inside the boat. We also had two sharks in the boat… They tied my eyes and then they tied me right on the one side of the boat and in the place which is the chamber. (Testimony by Abdi Wali Dire, in United States v. Mohammed Modin Hasan, Gabul Abdullahi Ali, Abdi Wali Dire, Abdi Moammed Gurewardher, Abdi Mohamed Umar, 2010, p.110)

Although they were convicted of piracy, it is clear from their testimony that they were fishermen at some point in their life. They were able to accurately describe local fishing methods, the various fish they caught, techniques used for preserving the fish, what they sold and for how much. The defendants also explained that they did not have formal education and that they had been unemployed in the recent past.

Abdi Wali Dire explains in court that before becoming a fisherman he worked in public transportation, “The bus business actually stopped in the country. There’s no place of work in the country…He [Ali] came to me, I had nothing to say. What do you doing? I say nothing, and he say, well, just let’s go” (Testimony by Abdi Wali Dire, in United States v. Mohammed Modin Hasan, Gabul Abdullahi Ali, Abdi Wali Dire, Abdi Moammed Gurewardher, Abdi Mohamed Umar, 2010, p.152). Abdi Wali Dire submits in court that he had to change occupation because of a lack of opportunities on land; a blockage of his original source of income forced him to look elsewhere for earnings. Although the defendants did not admit to piracy in court, the testimony
illustrates the problems faced by men in Puntland in finding gainful employment and the pressures they experience.

Other pirate narratives that were sourced also demonstrate how pirates rationalized their behavior. These rationalizations have similarities with the testimony of the U.S. Navy Warship Nicholas pirates, but are more brazen. Here pirates do not deny piracy but explain that the impetus for the act is in the relative deprivation perceived by seeing foreign ship exploiting Somali waters and excluding fishermen from taking advantage of what is rightfully theirs.

In the interview consulted, pirates not only portray themselves as wronged fishermen who are in need of sustenance, but also as defenders of the national coast, stating that they had to protect the coastline from illegal fishing and toxic waste dumping. This is demonstrated in the narratives of pirates captured in different interviews conducted by journalists and researchers. Often the pirates discuss their rationalizations in relation to their piratical activities overall.

Abdullahi Abshir Boyah, one of the most interviewed pirates (six separate interviews were found with Boyah in this case study), suggests in one of his interviews that the impetus for piracy was quite simple. “We went to sea simply because we were hungry. You want to survive, you have to do something. You start looking for money and that means: Foreigners with a white skin.” (Interview with Abdullahi Abshir Boyah, in KRO, 2011)

However the story of Boyah, a pioneer pirate provides additional insight into the circumstances for onset in a piracy career. He was born in Eyl in the late 1960s. His family was one of the pastoralists that were relocated by the Barre regime to the coast (Gettleman, 2010). At age eight he dropped out of school and became a cook on a fishing boat, and then a fisherman (Gettleman, 2010) and a lobster diver (Bahadur, 2011, p.24). By 1995 Boyah had already begun
pirating foreign vessels. Initially Boyah and his associates focused on fishing vessels which were encroaching on Somalia waters, they would keep their catch and ransom the crew (Bahadur, 2011, p.24). After 1997 he says their modus operandi changed because fishing vessels begun to arm themselves, so Boyah and his accomplices begun targeting commercial ships. According to Boyah, it was him and his colleagues that first took on the foreign trawlers (Bahadur, 2011, p.37).

In one of his earlier interviews, Boyah provides more detail to his embarking on a piracy career. Although similar to some of the other interviews consulted, it is noticeable that rather than discussing personal circumstances Boyah generalizes the situation. Beyond hunger and need, he suggests that piracy was a response to illegal fishing off the Somali coast.

We used to be regular fishermen. Since the collapse of the Somali regime, foreign trawlers have plundered our marine livelihood and have destroyed our boats. When we tried to approach them, they opened fire on us. These problems drove us to take this action. It was the Puntland authorities that allowed the foreign trawlers to rob us of our marine livelihood. As long as no solution is found to this problem, the number of pirates will rise, month by month. (Interview with Abdullahi Abshir Boyah, in Al-Arabiya TV, 2009)

Boyah’s identifies the role of Puntland authorities in the rise of illegal fishing off the coast of Somalia. The perception of authorities as either allowing the harmful activities of foreigners to occur unhampered or to actively support the illegal fishing activities and profit of them, suggests that governance has a role in the initial onset of this crime in Somalia. This is
echoed by other interviews who mention the lack of action by the authorities as providing impetus for their own action. Three pirate narratives reflect this sentiment:

The seas was full of fish, we would get back to shore with the boat overflowing with tuna, sharks, lobsters, and large prawns. Then came the foreign fishing boats; they would fish illegally and they didn’t hesitate to ram our ships if we got too close. We couldn’t fish anything anymore, so we organized ourselves to confront this threat since the government wasn’t doing anything to protect us. Now they call us pirates, but we were just protecting our sea. (Interview with Nur, in Fornari, 2009)

I was forced to hijack foreign ships after the central government collapsed. No one was monitoring the sea, and we couldn’t fish properly, because the ships which trawl the Somali coasts illegally would destroy our small boats and equipment. That is what forced us to become pirates. (Interview with Yassin Dheere, in Reuters, 2009)

We are not pirates, but we are patriots who stood up to defend our sea resources from those taking advantage of the country’s lack of central government and coastal guards. (Interview with Abdi Garad Daahir, in Lim, 2006)

Consistent with their narratives, the names used by pirates to describe their groups reflect their rationalizations: Somali Marines, Central Somali Coast Guard, Defenders of Somali Territorial waters, Ocean Salvation Corps (Gettleman, 2010) and Central Region Coast Guard (Gettleman, 2008). It does seem that many fishing vessels that were attacked by pirates systematically withheld their position from the IMO and the IMB, moreover the MaRisk system has found based on coalition sensors and satellites that these fishing ships were in fact in the
exclusive economic zone of Somalia (Hansen, 2009, p.10). A pirate, who was imprisoned at the time of the interview, explains:

When we were arrested we were Somalia’s Coast Guard. We took the responsibility to guard our coast from the foreigners who fish and dump waste in our waters. We had taken the responsibility to protect our sea since we have no central government. I had been forcibly detained. I have been here for one and a half years. (Interview with Abdirashid Musse, in Adow, 2009)

However there are also noticeable discrepancies between the rationalizations presented by pirates and the reality that many of the captured ships are not dumping toxic waste of fishing illegally are explained away or that most ships captured in the late 2000s were not in Somali waters. In the case of the MV Amiya Scan, the ship was accused of illegal fishing even though it seemed to have an entirely different purpose.

In 2008 the freighter MV Amiya Scan was hijacked. Onboard, the crew of four Russians officers and five Filipino seamen were held for nearly two weeks, while the ship owners negotiated the exchange for a ransom demand of over US$1 million. Notable is the fact that the captured Dutch ship was not a fishing vessel but a freighter transporting a drilling rig. Nonetheless the pirate group which captured the ship insisted that the ship was involved in illegal fishing activities. In an interview with a local online news group, one of the pirates explains that:

The Dutch ship enters Somali territorial waters illegally for illegal fishing purposes. We have complained to the Puntland administration about boats and ships illegally fishing in
our waters, the administration has done nothing to address this issue. (Interview with Hame Mohamed Ali, in Garowe Online, 2008)

Another way of dealing with the discrepancy between reality and rationalization is illustrated in the statement by Januana Ali Jamat, “The Somali coastline has been destroyed, and we believe this money is nothing compared to the devastation we have seen on the seas.” (Interview with Januna Ali Jama, in Abdullahi, 2008). That is, the ship and location are irrelevant; the capture of vessels which are released in exchange for ransom is a form of taxation for misdeeds carried out by the international community generally. Sugule Ali, an unrepentant pirate who was interviewed in a Puntland prison, “If you hold hostage innocent people, that’s a crime. If you hold hostage people who are doing illegal activities, like waste dumping or fishing, that is not a crime.” (Interview with Sugule Ali, in Gettleman, 2008)

Sugule Ali glosses over the discrepancy between the capturing of ships which are not the ones committing the maritime crimes. It is important to reiterate that even if narratives are not full reflections of the truth, they are an insight into the reasoning that pirates offer in justification of acts that they know are illegal. It is also an important illustration of how rationalizations which were accurate for piracy in the 1990s have been transferred to explain continued deviance in the 2000s.

Similarly to the rationalizations for piracy, the interviews collected together suggest that pirates follow a code of conduct (Freeman, 2011, p.261). “We’re not murders. We’ve never killed anyone, we just attack ships” (Interview with Boyah, in Bahadur, 2011, p.27). The pirates interviewed are adamant that they only attack ships in order to collect ransoms. This rationalization relates to the explanation provided for committing piracy, in that the aim is to
extract monies from international shipping which has wronged the Somali people. The portrayal of a code supports the notion that pirates are a private form of coast guard which abides by certain rules. Ali Isman lists these, “We have three major rules. First we hijack boats without harming anybody. Second, don’t go into a situation where you can harm yourself. Third, a hijacked boat can’t be hijacked again”. (Interview with Ali Isman, in McNiff, 2009). It is worth noting that this may not be true for all groups. According to IMB Director Capt. Pottengal Mukundan one of the greatest challenges upon release of a ship is to ensure that another group does not recapture the vessel (Author Interview, February 2010). Nevertheless in the interviews sourced, the assertion that there is a code does appear again and again.

There have been beautiful white women on these ships, we don’t even look at them. They are wearing jewelry, we don’t touch them. We bring no harm to hostages and take nothing out of their pockets or luggage. We leave people at peace, both them and their belongings\(^{90}\). We take only from the companies, the owners of the ships, but no harm to the crew. (Interview with Abdirizak Aideed, in Adow, 2009)

We treat the hostages very well. The pirates are a mix of people. Some educated and some are not. But always there are educated people with them. We give them fresh camel milk on a daily basis and fresh meat. They might feel uncomfortable with the food at the beginning but they get used to it and ask for more. So the hostages are never mistreated, they are treated well and humanely. (Interview with Abdirashid Ahmed, in Adow, 2009)

The relatively respectful treatment of women is also confirmed by other sources (Bahadur, 2011, p.222), including an account of a female, Bangladeshi hostage, Rukhsana

\(^{90}\) This is not necessarily true, there have been reports of thefts from crew (Bahadur, 2011, p.229)
Gulzer, who was held for over three months on the MV Jahan Moni from December 2010 to January 2011 (BBC, 2011, March 21). Describing her ordeal to the BBC she talks of repeated threats to her husband but no assaults; of a pirate leader bringing her a pillow and a blanket as she initially was made to sleep on the floor; and that after a week she was given a cabin and allowed to occasionally talk to her family.

One of the interviewees expresses another related theme, outrage to the actions of the naval coalition forces. The belief in the code of the pirates has created a perception that the responses have not been proportional to the piracies. Abdirashid Ahmed explains:

The objective is not to kill people but to make money. The Americans killed three men and they captured 14 in the south. These are poor people and they knew that their goal was only money, so why kill them? They kill some and capture others, and return their dead bodies to Puntland. They are creating hostilities for themselves and if they are caught I think they will get what they deserve. (Interview with Abdirashid Ahmed, in Adow, 2009)

The rationalizations used by the pirates, even if not fully credible, are extended, even reinforced by the uneven tactics used by the coalition forces. Stories of the treatment of pirates, with headlines such as “Freed Somali pirates ‘probably died’ – Russian source” (BBC, 2010, May 11), “Dutch marines kill Somali pirates, Iranian boat freed” (BBC, 2011, April 4), “Eight Somali pirates killed as South Korea rescues freighter crew” (McCurry, 2011), and “Captain freed after snipers kill Somali pirates” (NBC, 2009) only create further hostility and feelings of injustice, extending the rationalizations for new recruits and escalating the level of violence.
Based on available pirate narratives, the effect of these random, often disproportional responses has had brutalizing rather than deterrent91 (Shepherd, 2003). Boyah is defiant, explaining how the international naval forces action will not curb piracy:

We are not afraid of the naval vessels. Even when they shoot we go aboard. We are afraid of only one thing. Something much worse than cannons and bullets: hunger. Bring on your planes, ships and submarines. We are not afraid of you. If we were afraid we would have stopped ages ago. All those ships won’t solve anything. (Interview with Abdullahi Abshir Boyah, in KRO, 2011)

Similarly, from Hargeysa prison, Farah Ismael Idle, says that his behavior will not be changed by the actions of the international community or his imprisonment. He states that after the invasion of foreign fishing vessels meant that he could no longer be a fisherman, he became a pirate. Having spent three years in prison he maintains that he will return to piracy, “I’m happy and I support the boys, particularly those who are going for the ships. The more the ships we get, the happier we are. I will go back myself.” (Interview with Farah Ismael Idle, in Langfitt, 2011, April 13).

Certainly the appeal in piracy does not just originate from a sense of injustice, it is also quite instrumental and about the ’loot’. In the early days the groups and ransoms were smaller, that is less money but also fewer to share it with. Although some pirates such as Boyah claim that a portion of the proceeds go to charity, others disputed this (Bahadur, 2011, p. 66 & p.197; Thompkins, 2009). Some groups invest in the local community (Hansen, 2009, p.34). However even among the groups where money does not go to charity, through the tight Somali kinship

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91 Shepherd explains with reference to capital punishment, that executions actually have a brutalization effect, that is they “contributes to creating a climate of brutal violence. The execution sets an example of killing to avenge grievances, an example that some private individuals then follow.” (Shepherd, 2003, p.206)
networks, money filters through to family, relatives, and other clan members (Bahadur, 2011, p.99; Hansen, 2009, p.40). Moreover the larger community gets involved in the business of hijacking indirectly, when they cater for the needs of kidnapped crews. These people are not active members of the pirate group, but food and other provisions are locally sourced (Shortland, 2012, p.4; Harper, 2008). Although there is a downside to infusion of money in pirate-towns which have high inflation, it is indisputable that piracy does generate business in these communities (Hansen, 2009, p.40; Shortland, 2012, p.7).

In addition to strong evidence found in the narratives that indicate piracy is a reaction to injustice, interviews with residents of towns identified with piracy, also indicate that piracy is somewhat of a social crime⁹². The reaction of the community is critical to the continued success and the normative effect of a deviant adaptation such as piracy. According to Lea (1999, p. 311), an effective way to identify if deviance is social is by studying the social support for the activity within the broader community; i.e. beyond individuals actively engaged in piracy.

Research done by journalists on the ground in Somalia, particularly in Eyl and Garoowe - the Puntland towns that are most associated with piracy, show a mixed response by locals interviewed. Some are highly supportive of the pirate acts, whereas others see it as haraam, i.e. legally forbidden by Islamic law. Others are concerned with the reputation of the country and are anxious about potential retribution for the outside world.

Among community members that are supportive, an Eyl resident explains, “I don’t call them pirates, they are our marine, they are protecting our resources from those looting them. They are not criminals. I am supporting of them.” (Interview with male, Eyl resident, in Adow,

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⁹² Social crime is defined as “a conscious, almost a political, challenge to the prevailing social and political order and its values” (Hobsbawm, 1972, p.5).
Similarly a woman in Garoowe\textsuperscript{93} says, “I very much support the pirates – nobody else gives us anything” (Interview with female, Garoowe resident, in Sturdee, 2008).

Although it may be overstating that the general Somali population is supportive of piracy (Project Censored, 2010; Hari, 2009, Hunter, 2008), the local response to pirates generally lacks a collective condemnation, because the rationalization that pirates use is based on a sentiment shared by many Somalis, that illegal fishing and toxic waste dumping is happening off their coast, that it is wrong, and deprives Somalis of food which they desperately need (BBC, 2008). It may also partially arise because pirates are seen as their own people, perhaps misguided but nevertheless the individuals are recognized as part of the same community. Narratives suggest however that pirates had more support in the early days and were even considered heroes, but more recently people in pirate towns worry that piracy has gotten out of control (Bahadur, 2011, p.196; Project Censored, 2010; Hari, 2009, Hunter, 2008). A shopkeeper in Eyl says:

There is no truth in stories that pirates build nice big house and marry beautiful girls. They just use Eyl as a launching pad and a hiding place. The rest of the people can’t stand the action of bandits but if the whole world can’t stop them how can we? (Interview with shopkeeper in Eyl, in Sturdee, 2008).

Another Eyl resident confirms this opinion, “This is not a pirate town. We have nothing to do with them. They take their business to Garoowe and elsewhere. We have nothing to do with them.” (Interview with a female, Eyl resident, in Adow, 2009).

\textsuperscript{93} Garoowe is the capital of Puntland, although pirates operate from Eyl which is on the coast, they tend to live in Garoowe which is a bigger city and provides more amenities.
Although the support may be waning, the local response is summarized by another Eyl resident as a gentle, almost parental reprimand rather than an open condemnation:

These pirates are sons of the country. We pray to God that they find their way from this wrongful path. We need to help them instead of labeling them as thieves. Piracy is wrong, they could either get killed or they could kill. We should pray for them. (Interview with woman in Eyl, in Adow, 2009).

Although it is unclear from these interviews how the population is split amongst these viewpoints, it is apparent that the attitudes towards the pirates are mixed. Perhaps because the justification that pirates use is based on a sentiment shared by all Somalis, that illegal fishing and toxic waste dumping is happening off their coast and is wrong and deprives them of food which they desperately need there is some hesitance in a collective condemnation of the actions (BBC, 2008).

A final note needs to be made on the acceptability of pirates in the community, pirates seem to want media attention, and they expect the media to report piracies in a favorable light (Interview with Omar Faruk, Secretary General of the National Union of Somali Journalists, in Filizola, 2009). Of the 21 pirate interviews sourced that were outside of prison or court, the majority gave their full name and some even allowed pictures or video to be taken of them. A small minority covered their faces and asked only their first name to be published or gave no name at all, perhaps in an effort to protect their identity. Most of them were cautious about where they were interviewed and did not feel comfortable to speak in the open, in fear of being caught by officials.
In summary of component three, it is evident that piracy unlike other crimes is a deviant solution that occurred only after the collapse of the central state. Further, unlike other deviant solutions, it is directed at those outside of the community and combines both instrumental and ideological motivations.

It is clear that piracy involves making money, and that much of the money is spent by pirates on themselves and their kin. There is a mixture of support and rebuke from the local communities, generally people do not support thieving but they do seem to appreciate the impetus for piracy. There is also active involvement of the local community in providing the infrastructure for pirate operations (Shortland, 2012, p.9), particularly in pirate launching sites like Eyl, meaning that much of the activity is not hidden. Piracy is therefore both exploitative of the weak structural conditions that allow it to continue (aberrant, innovative) but also challenging them (nonconforming, rebellious). Perhaps this distinction is less important\(^{94}\), what is clear from the narratives of pirates is that they are able to rationalize their behavior, and many in the community have empathized with these justifications. Indeed there seems to be evidence that pirates are respected (Hansen, 2009, p.40; Gettleman, 2010) by some in society. Indeed many pirates do not feel the need to hide their behavior and openly crave media attention. These factor combined have created a successful deviant subculture.

This component also identified that the recent, aggressive, often disproportional tactics of the coalition forces has fuelled rationalization for pirates which are showing indications of a brutalizing effect that may have contributed to the escalation in the number of piracy incidents as well as increased the level of violence in recent piracy attacks.

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\(^{94}\) Carolyn Nordstrom’s explains that such distinctions are of academic value, that “neat divisions make both research and policy straightforward. Except that such research and policy don’t match the realities of the economic world” (2007, p.23).
Component Four: The continuance, growth, and success of piracy in Somalia

Global anomie theory predicts that over time criminal behavior becomes normative for others if it is successful and is not curbed by society. In component three we saw that piracy was not controlled and enjoyed a certain level of social support. The lack of collective condemnation together with the success of the operations has provided an environment where piracy is normative, that is it creates standards which others ascribe to, this allows piracy to flourish.

Component four looks at the development of piracy over time. The analysis looks at how small-scale, sporadic attacks of the early 1990s mushroomed into large-scale enterprises by the late 2000s. Therefore beyond the initial impetus for piracy of protecting the local seas, piracy has evolved into a business (Hansen, 2009, p.9). This section focuses on how piracy, as it became successful has gained cultural acceptability despite a lack of any indigenous piracy traditions (Hansen, 2009, p.8). The normative effect is evidenced in the growing number of pirates and the increasing levels of organizations in pirate groups. New recruits have emulated pirate behavior because it is increasingly considered acceptable; indeed piracy is a career option which garners respect in the community. Over the last two decades piracy in Somalia has changed. Whereas in the 1990s attacks were infrequent and carried out close to shore, more recently the number of piracy attacks has escalated exponentially and attacks have been carried out further from the Somali coast. As described in Chapter 4, Somali piracy today is bolder; it tends to occur in the daytime; it is more armed; and it is more threatening.

The newer form of piracy that has been witnessed in the latter 2000s is a development of piracy from its initial impetus. Those fishermen who initially had gone out to protect their seas, such as Boyah (described earlier), have more recently become organizers, they are now recruiters
and financiers of pirate groups (Hansen, 2009, p.34). Hansen identifies three types of pirate groups observed from his research in Puntland: operations which are organized and funded by one man; cooperatives of a number of individuals who agree to commandeer a ship together, sharing the cost and the rewards of the operation; and the more complex business ventures where a fundraiser collects money to invest in a piracy and then pulls together a team and organizes the raid (2009, p.35).

Farah Ismael Idle, an unrepentant pirate in Hargeysa prison who maintains he will go back to pirating upon his release, explains how piracy evolved over time and his rationalization of piracy as a form of taxation:

The first decision was to defend our waters. After that a lot of money was made and more and more people got involved. Because of that it’s turned into a business. There is no problem taking a ship. It will only be taxed and released safely. There is no country in the world that does not take taxes. In a small country with no government, a small militia catches a ship and takes some taxes from them, and then releases them without harming or killing them, there is nothing wrong with that. (Interview with Farah Ismael Idle, in Reeve, 2012)

Another pirate, Yassin explains how his role in piracy changed from a recruit to an organizer of complex piracy ventures. He also highlights the change in the primary motivation for piracy, not just for himself but also amongst new recruits.

The first time I was involved in hijacking a ship was 2003… We were convinced to take US$ 50,000 as compensation. Gosh! This was a huge amount for us. That inspired us and gave us an appetite for hunting ships...I have employees doing the business for me now. I
am a financier. I get my money and I don’t have to leave Eyl. I have not gone to sea to hijack in recent months. My group goes to the sea and I manage their finances. I buy speedboats and weapons, whatever they need… At the moment we have a new, active young generation which want to take part in piracy. They mostly like money. (Interview with Yassin Dheere, in Reuters, 2009)

Another pirate interviewed, Absiyee, confirms that there are multiple motives for his behavior. This highlights that although illegal fishing and dumping may play a part in the onset of piracy and provide continued rationalizations in the face of those injustices, it is only part of the motivation of piracy in the 2000s.

First, there are the foreign ships that are illegally fishing in our sea and tearing up our nets. Second, there is the tremendous wealth gleaned from hijacked ships. The local people are coming back home with huge amounts of money also attracted me. (Interview with Absiyee, in Hansen 2009)

Absiyee’s comments illustrate a normative effect of a piracy subculture which has demonstrated that fellow citizens can successfully obtaining funds from their illegal activities and face little or no consequences. Similarly another pirate interviewed, Abdulkadir Musse Abdulle, explains how he was recruited by friends into piracy. Although he begins with an explanation of being a fisherman who was forced out of his usual employment into piracy, the vessel which his group targeted was not one which was conducting illegal fishing or toxic waste dumping. Instead they hijacked a French luxury cruise ship called Le Ponant. The ship was held for a week and was released for a ransom which was initially set at US$ 2 million.
I was a fisherman in Eyl in Puntland before I turned to piracy. Suddenly foreign trawlers and illegal fishing boats began approaching us and destroyed our fishing nets. They could sometimes confiscate all our fishing equipments and harassed us. Therefore I was forced to quit fishing and go back to the town. One day one of my friends joined the pirates, and came back with a lot of money from ransom they took from one of the vessels they hijacked. He encouraged me to join piracy and hijack trawlers which dump waste and collect our sea resources. I joined them and we kidnapped a French tourist vessel. (Interview with Abdulkadir Musse Abdulle, in Abdi, 2011)

The narratives collected mention a new younger generation of pirates involved in the operations in the 2000s; these individuals do not have a fishing background, instead these young men have experience with weapons. It is these young men who are plying the Indian Oceans sporting AK-47s (Baldauf, 2009). They are the ones who risk their lives, who are caught by the coalition forces, and they are the ones who are increasingly aggressive and sometimes deviate from the code of pirates not to harm crews (Ross, 2011).

These young men are often in their late teens, early twenties. They grew up and matured in the context of stateless Somalia. They were babies and toddlers when the country became a completely unregulated, liberated economy without any control or guidance of a central state. With the low level of education in the country, the lucrative profits made by pioneer pirates, and the respect which pirates have garnered in sectors of the community, piracy has become an attractive deviant subculture (Hughes, 2010, p. 3).

Evidence suggests that an increasing number of young men come to Garoowe, the capital of Puntland, looking for pirate employment (Hunter, 2008; Hughes, 2011). Bahadur suggests that
piracy allows young Somali males to gains status and respect (2011, p.246). A Garoowe (Puntland capital) resident explains:

They have money; they have power and they are getting stronger by the day. They wed the most beautiful girls; they are building big houses; they have new cars; new guns. Piracy in many ways is socially acceptable. They have become fashionable. (Interview with Abdi Farah Juha, in Hunter, 2008)

When asked about the social reaction to piracy, a young pirate called Muhammed explains that piracy affords individuals a certain status in society, with the public showing deference to pirates, in effect normalizing piracy behavior.

When you capture a ship people welcome you like you are a president. Piracy is something that is bad now and in hereafter and people know that and I know that, but some people just respect you and welcome you per se but they also pray for you. (Interview with Muhammed, in Hansen, 2009, p.40)

The new generation of pirates still generally uses the rationalization of illegal fishing and toxic waste dumping as reason for piracy, however they are not fishermen, nor have they considered fishing as a potential career (Hughes, 2011, p.3). Instead they are drawn to piracy as an alternative career and even dress to look the part. Hussein Hersi, a pirate wannabe, wears a crimson shawl over his right shoulder, which he explains is, “a kind of pirate gang sign, like with the Crips and the Bloods” (Interview with Hussein Hersi, in Bahadur, 2011, p.201). Together these are indications that piracy is an activity that is chosen rather than a response to strain. In Somalia, the existence of a generation of active, successful, respected pirates has provided young
men a standard to follow, in the country where a generation has grown up in an environment of transition and disorder.

Although some men still resort to piracy because they feel they have no other opportunities, others now aspire to piracy because it is seen as behavior worth emulating (Hughes, 2010, p.3), lured to it because of the respect earned and the profits to be made. Hassan Abdullahi says:

I was just doing fishing for the past eight years, and I was doing fine, but I [saw] friends doing piracy and getting rich, I thought I’d give it a try (Interview with Hassan Abdullahi, in Baldauf, 2009)

The number of pirates in Puntland and Gamudug is increasing, estimated to be around 1500 to 2000 individuals (Hansen, 2009, p.12). When asked why a US$ 20 million ransom was needed for the Ukrainian freighter carrying arms, tanks and artillery, Sugule Ali simply answered, “Because we have a lot of men” (Interview with Sugule Ali, in Gettleman, 2008). With the evolution of piracy, the operations have become much larger, often involving scores of men, anywhere from 12 to 35 can be involved (Hansen, 2009, p.36), although the attack on the Ukrainian freighter referred to by Sugule Ali involved 62 men (Hunter, 2009).

Another indication of the evolution of piracy in Somalia is that it has become increasingly well organized. Much like legitimate private business, pirates now have written contracts describing their duties and considerations (Langfitt, 2011, April 15). The contracts stipulate conditions to which pirates have to abide in order to get their share and specifies rewards for duties performed – for instance the attacker who boards first get a bonus (Hansen, 2009, p.39; Langfitt, 2011, April 15).
Pirates are often divided between attackers and holders (Bahadur, 2011, p.66). Attackers are those that engage in the actual assault, they are paid more and enjoy a higher status than holders (Bahadur, 2011, p.274). Holders are individuals who guard the crew on board the hijacked ship. The group tends to comprise of three types of people – those with experience in sailing and who know the sea (usually former fishermen); those with weapons experience (often militiamen and young recruits); and experts (who can operate equipment or speak English) (Binkley & Smith, 2010; Hunter, 2009; BBC, 2011, February 10).

It is important to note that at an operational level, Somali piracy may be sometimes much less organized it may appear to outsiders. The younger generation of pirates does not have the control over attacks like the fishermen had in the early day. Although there are media reports of pirates using hi-tech equipment such as global positioning systems, this is not very common and most cases rely on pirates patrolling an area looking for easy prey (Hansen, 2009, p.36). Mostly young pirates are set off in a boat, with rations and arms, and told to attack the first ship they see. This may happen quickly, or it may take them days. They are paid only upon success – no prey, no pay (Hansen, 2009, p.36). When their supplies run out they need to board a ship just to get food and water in order to get home (Ross, 2011). Therefore in addition to being young and impatient; they get lost, hungry, nervous, and desperate (Ross, 2011). However, despite an operational reality that is often not glamorous, outside appearances and social status still appear to a potential strong draw for young Somali men.

In summary, component four has highlighted that in Puntland and Galmudug, piracy has become more successful and is showing evidence of becoming increasingly normative for others in society. In addition to the lucrative payouts which make piracy attractive, young men who have grown up in the environment of a Somalia without a central state see piracy as a means of
making a living whilst gaining stature in society. Young Somali men who have been deprived of opportunities have seen the pirate pioneers take the law into their own hands and make it into a successful business. The normative effect of pirates such as Boyah, who crave media attention, are respected in their communities, and are successful, is patent.

The early justification for piracy, i.e. curbing illegal fishing and toxic waste dumping may no longer be the driver of piracy. Even though these rationalizations are sustained in narratives, the profitable business model is emulated without the need for the original impetus such as hunger and unemployment (i.e. fishing). The youth who have not known anything other than statelessness see pirates as brave, successful men. This is particularly important in light of the gender role transformations described in component two. It can be argued that pirates have successfully reasserted their breadwinner role in their families and more broadly in society. Narratives have shown that piracy has increasingly become an accepted career option among certain groups in Puntland and Galmudug.

To provide a more complete understanding of the recent explosion in piracy, the final component in the analytic framework focuses on the role of governance in the growth and decline of piracy which has been identified sporadically in previous components.

**Component Five: Somalia, dysnomie, civic governance, and piracy**

Research has suggested that governance affects levels of crime and piracy (Anyu & Moki, 2009; Onuoha, 2009; Murphy, 2007; Sakhuja, 2010; Peterson, 1989; Chalk, 2006; Hastings95, 2009; Agnew et al., 2009) however there has been little analysis of how governance affects crime. Global anomie theory has the benefit that it includes an examination of the

95 Hastings found that the type of ship hijackings varied depending on whether central state had failed or was weak (2009).
weakening of government within the process which leads to deviance. Component five examines the impact of the global anomie process on governability in more detail.

The concept of dysnomie, as introduced by Passas focuses on norm asymmetries (1999, 2000). Norms are patterns of behavior that are accepted in society, these are usually ingrained in society through laws, rules, traditions, religion, and practices. With the impact of globalization and neo-liberalization, societies have been exposed to various sources of norms in addition to traditional ones from within. In Somalia, as we have seen in components one and two, the process of repeated transformations resulted in acute discrepancies and asymmetries in the guiding norms. Moreover in Somalia the central state was not just weakened it was completely removed. Therefore the force of laws and regulations, which had already undergone a process of reduction due to neo-liberal strategies, was completely eroded. Initially in 1991, all that remained were the traditional Islamic and clan laws which regulated behavior of groups rather than the society as a whole.

According to Passas, dysnomie or ‘difficulty to govern’ is caused by three factors: a lack of global norm making mechanisms, inconsistent enforcement of international rules, and a regulatory patchwork of diverse and conflicting legal traditions and practices (2000, p. 37) which exacerbate the asymmetries in a society undergoing significant structural and cultural change. Passas was referring particularly to legal asymmetries and the “nationalist insistence on sovereignty and states’ unwillingness to allow the introduction of common principles and law enforcement mechanisms” (Passas, 2000, p.39). In the Somali case dysnomie is evidenced on a more fundamental level. In a nation where central authority has collapsed, the legal asymmetries are more pronounced. Where Passas highlights the lack of global norm making mechanisms, in Somalia there is an absence of a central governing authority which provides a mechanism for a
uniform set of norms within the country. What Passas labels the inconsistent enforcement of international rules is aggravated domestically in Somalia through the existence of smaller state formation which create a patchwork of legal traditions and practices, which are not mutually or internationally recognized. And finally conflicting legal traditions and practices are magnified because international rules are enforced inconsistently.

An additional source of dysnomie proposed here is a central state which fails to reflect civic governance\(^9\). It is suggested here that a failure or blockage of civic governance has the potential to increase anomie and exacerbate a problem such as piracy. When a country is exposed to the acute effects of neo-liberal globalization it becomes a society in transition, it is characterized by structural and cultural countercurrents. Control mechanisms which could curtail deviant activities such as piracy are restricted when the form of governance does not reflect society. The key to effective governance is in the ability of the population governed, “to articulate their interests, mediate their differences and exercise their legal rights and obligations” (June et al., 2008). Without this the society lacks cohesion and solidity which impairs social control.

Finally, dysnomie is aggravated by the development of deviant subcultures which are normative on society (as discussed in component four). The theory suggests that when deviant behaviors become normative for people in the community, it undermines conventional norms and the extant governance structure.

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\(^9\) Civic governance is defined as central authority that is dispersed across multiple parallel spaces in society, so that citizens and groups can articulate their interests, mediate their differences and exercise their legal rights and obligations; consisting of the rules, institutions, and practices that set limits and provide incentives by including civil society in the social control mechanism.
This section studies the impact of the global anomie process on governability, through the elements of dysnomie and the development of a normative subculture. The focus is first on the internal, domestic developments of smaller state formations and civic governance in the areas from which piracy originates. In the absence of a central governing authority, these smaller state formations have created a patchwork of norms which have been applied with various amount of success and created different social environments. In this context, the analysis looks particularly at how governance structures have affected piracy and have been affected by a successful, normative piratical subculture. Then the analysis shift to the external, international efforts of state-building and curbing piracy, identifying how these efforts have contributed to the rise or fall in piracy. Across the examination of the elements of dysnomie, this component identifies whether the governance structures reflect civic governance.

The growth in piracy, particularly in the 2000s has often been attributed to a continued lack of central government, chaos, and conflict in Somalia (Onuoha, 2009; Onuoha, 2010; Anyu & Moki, 2009; Murphy, 2007; Chalk, 2008; Hansen and Hoesslin, 2009)\(^\text{97}\). Passas suggests that one of the factors of dysnomie is when there is a lack of global-norm making mechanisms (2000, p.37), in the case of Somalia in addition to a global problem, there is a lacuna of state-wide norm making mechanisms due to the absence of a central state. Although we have seen in earlier components that this has not hindered the Somali economy, which has shown more growth now than under a central government led by Siad Barre, social development in Somalia has not been uniform, creating acute poverty for those at the bottom (as described in component one and two).

\(^{97}\) For an excellent article on the problems of classifying state as failing or failed see Amanuel, 2007.
The absence of a central state has meant that some regions have become increasingly self-governing in an effort to produce stability. These efforts were more successful in some areas of Somalia than in others. In the north two areas developed relatively stable, independent governance structures (Somaliland and Puntland), with a third area following suit (Galmudug). In these areas, Somalis have enjoyed relative peace and security. This is particularly interesting because the two areas of Somalia from which the majority of contemporary piracy emanates are Puntland and Galmudug. A comparative analysis of the three areas provides an important insight into the governance context for piracy; highlighting how the lack of a central governing authority has provided an environment for smaller state formations which have created their own norms. The analysis not only shows norm asymmetries within the country in the absence of uniform set of guiding principles but also the existence of a patchwork of standards that have often struggled with implementation and enforcement.

In 1991 right after the collapse of the central state, Somaliland declared independence; although internationally the former British colony is not recognized as an independent state, only as an autonomous state of Somalia. In Somaliland the foundations of democracy were laid in grassroots peace-making efforts; using a bottom-up approach, political consensus was achieved before a formal government was built (Lewis, 2008, p. x). Although Somaliland administration is still weak particularly in the areas of social services and faces challenges in developing its economy due to its unrecognized status (Reno, 2003, p.29), the area is considered comparatively rich by Somali standards (UN & World Bank, 2008, p.14). Critically, Somaliland has been able to react to incidents of piracy swiftly and efficiently. In fact, Somaliland ports have never been used to host hijacked ships (Hansen, 2009, p.30). This accomplishment is attributed to local law enforcement, local ownership, and local control over most areas in Somaliland.
Similarly to Somaliland, the government of Puntland was built from bottom-up. A series of local conferences including councils of elders culminated in Garoowe (capital of Puntland) in forming the Puntland state of Somalia on May 5th 1998 (Puntland Government Website, 2012). Unlike Somaliland the region is not seeking independence from Somalia, Puntland maintains the Somali national flag and anthem. It is however completely self-governing. Basic state structures exist, the economy is expanding, and people have relative stability (Maouche, 2011; Hansen, 2009; Baldauf, 2009). Although Puntland is weaker than Somaliland, it is a region that is more peaceful and secure than southern areas of Somalia. There are area disparities though; northern parts of Puntland (the Bari region) are considered relatively rich; the southern part of Puntland (the Nugaal region) is considered poorer than Bari but above average in the Somali setting (UN & World Bank, 2008, p.14; International Crisis Group, 2009); and the coastal regions of Puntland are generally neglected and less well off (International Crisis Group, 2009).

Unlike its neighbor, Somaliland, the regional government of Puntland struggles with controlling piracy. Over the last decade the location of piracy operations within Somalia has changed. Hansen notes, “Piracy is not a Somali problem, only some regions host pirate ports” (2009, p.13). Whereas initially piracies came from southern Somalia (Hunter, 2012), the piracy hub now is in Puntland (Middleton, 2008; Thompkins, 2009; Hansen, 2009.)98. Smaller operations such as the ‘Somali Marines’ who operate from Galmudug (central Somalia, north of Muqdisho); the Marka factions which operate south of Muqdisho; and the ‘Somali National Volunteer Coast Guard’ which operates south of Kismaayo (southern Somalia) have been overshadowed by the operations from Puntland (ECOP, 2009). The steep increase demonstrated in Chapter 4 from 2006/7 onwards, is attributed mainly to the groups operating from Puntland.

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98 Puntland is considered the hub of piracy because most hijacked ships are moored off Puntland (Thomkins, 2009).
Reports on the role of the Puntland government are conflicting, some suggest there is collusion between authorities and pirates (Garowe Online, 2007, May) whereas other reports highlight the successes of Puntland in capturing and detaining pirates (Garowe Online, 2007, March). A critical difference between the two regions is in the origin of Puntland’s counter-piracy efforts. In Puntland law enforcement in their territorial waters was delegated to foreign corporations – yet another illustration of neo-liberal globalism in Somalia.

Rather than creating a government controlled, homegrown coast guard like Somaliland, Puntland authorities hired a British security company (Hart Group) to provide coastguard duties. To finance them, Hart was allowed to issue fishing licenses to foreign ships. For two years Hart was active off the coast of Puntland, issuing licenses and training local men as coastguard independently of the Puntland authorities. Civil war erupted in Puntland between 2001 and 2002, when President Jama Ali Jama was ousted by Abdullahi Yusuf. Hart pulled out of Puntland due to security concerns and the trained, multi-clan coast guard became unemployed (Hansen, 2009, p.32). Soon after Hart was replaced by Canadian SomCan, using the same fishing license business model (Bahadur, 2011, p.73). From its inception, the lack of transparency in this scheme, which allowed a foreign corporation to issue fishing licenses to finance the protection of Puntland’s coastal waters, created mistrust in the local population, ultimately serving to frustrate local capacity building efforts (Hansen, 2009, p.31; Bahadur, 2011, p.70).

More recently, Puntland as a whole has oscillated between ambitious state-building projects and huge budget deficits. To deal with the deficit salaries of all civil servants were cut and by early 2008 salaries of local security forces remained entirely unpaid (Hansen, 2009, p.32). In sum, Puntland is what Bengali calls, a “comfortably chaotic haven” (2009), where markets are well stocked, the infrastructure exists, but the government is weak. Critically, the norms created
in Puntland not only differed from those in Somaliland, but they lacked the legitimacy needed to produce self-regulation in the population.

The other regional state which has some level of stability is Galmudug, located in central Somalia and comprising of the Galguduud and Mudug provinces. In 2006, after the rise of the Islamic Courts Union (ICU) who defeated Muqdisho warlords who had control of the area, Galmudug State declared itself an autonomous, secular state of Somalia. Galmudug is considered below average for income per family – i.e. poorer than Somaliland and Puntland (UN & World Bank, 2008, p.14). Following in the footsteps of Puntland, Galmudug considers itself part of a larger federal republic (Galmudug State Website, 2012). Although the control of the Galmudug government is fragile, during the leadership of the ICU pirates were expelled from Hobyo and Xarardheere (both in Galmudug).

It has been reported that in Galmudug piracy has been introduced as part of the formal economy. According to the pirate who founded the stock exchange, the creation of a piracy stock exchange has helped win support from the local community in Xarardheere (Galmudug):

Four months ago, during the monsoon rains, we decided to set up this stock exchange. We started with 15 ‘maritime companies’ and now we are hosting 72. Ten of them have so far been successful at hijacking. The shares are open to all and everybody can take part, whether personally at sea or on land by providing cash, weapons, or useful materials… we’ve made piracy a community activity. (Interview with Mohammed, in Ahmed, 2009)

According to the town’s deputy security officer, Mohamed Adam, the district gets a percentage of every ransom which is directly invested in public infrastructure, such as public
schools and hospitals (Ahmed, 2009). Activities such as these embed the informal economy into the formal, making piracy an activity that is not only accepted by society but an activity which becomes a normalized practice.

The asymmetries between the three regions are clear, in Somaliland the policy on piracy has been clear and the enforcement effective. In Galmudug we see a different approach, where at least some towns are accepting piracy as part of the formal economy. In Puntland pirates tend to be self-financed (Hansen, 2009, p.37) and authorities do not overtly collude with pirates, indeed the Puntland government has denied such allegations.

Recently there have been reports of Puntland authorities arresting pirates and interviewed pirates show that they fear the authorities (Hansen, 2009, p.40-1). However considering that the local pay for a police officer is US$50 per month, bribes can be attractive (Hansen, 2009, p.41 & p.57) and several sources suggest that although there is no collusion there are instances where officials have turned a blind eye to pirate activity (Bengali, 2009; Thompkins, 2009; Alessi, 2012). It is important to remember that “piracy is a pressing international problem, but not necessarily a pressing Somali issue” (Hansen, 2009, p.43). In Puntland and other Somali regions, there are other priorities – such as reconstruction, developing education and other public services, curbing illegal fishing and toxic waste dumping, and gaining recognition from the international community.

It is important to note that piracy in Somalia has flourished in environments that are relatively stable but have weak state structures. Work by Hastings on the effect of state failure and state weakness on piracy as seizures of vessels suggests that state failure is associated with less sophisticated hijackings whereas state weakness provides an environment for more
sophisticated forms of seizure and theft. The research suggests that some governance can actually fuel piracy. Comparing Southeast Asian and Somali piracy, Hastings found that when the central state has collapsed, as is the case of Somalia, there is no delivery of public service goods or a functioning infrastructure to support more sophisticated forms of hijackings. He explains that sophisticated forms of hijacking, that seize a vessel to steal entire cargoes requires logistics, such as a well-equipped port with corruptible officials. In Somalia “state failure hinders pirates’ operations because it deprives them of the means of creating the sophisticated networks found in Southeast Asia” (2009, p.6). However, since Hastings focuses solely on the failure of the Somali central state; he does not examine the potential effect of small state formations or at governance beyond the function of central state.

In fact it can be seen that piracy in Somalia has thrived only in areas where local governance is sufficiently stable but relatively weak. Thus piracy has decreased in the south, where the situation is less secure and there is more instability (Hansen, 2009; Shortland, 2012; Menkhaus, 2004). In contrast, piracy has increased in the north of Somalia, such as in Puntland where governance is weak enough to allow piracy to continue relatively unimpeded but simultaneously pirates are able to live and thrive because the region is stable enough and has a successful commercial sector. This is consistent with the development of piracy into a form of business. Businesses thrive in secure and stable environments, particularly in environments where regulation and law enforcement can be manipulated; weak governance creates an environment that enable criminality. In contrast, instability and conflict in the south makes a piracy business less viable due to security threats and a lack of peace to execute any form of commercial transactions.
In contrast, there is very little piracy in the waters off Somaliland and their ports have never been used to moor hijacked vessels. Somaliland governance structures are the strongest of all the Somali regions. Perhaps most importantly, law enforcement and security is locally owned and controlled here (Hansen, 2009, p.30). In Somaliland the system has grown from within; security onshore and offshore is organized and staffed by the local population who recognize its importance for the community as a whole, they have a vested interest in the success. In this region the process has activated self-regulation in the Somaliland population.

In Puntland security was contracted out, rather than building it from within the organization of the coastguard was given to foreign firms. This was done in an environment where the perception of foreigners was already disapproving. In an environment where foreign ships were encroaching on local waters, foreign companies were given control over which foreign ships could fish in Puntland’s seas. Moreover these companies were able to profit from this without any transparency or accountability to the local government. Ultimately this situation fractured public confidence and prompted individuals to take matters into their own hands rather than abiding by the norms set by the local authorities. This is illustrated in the interviews with pirates who explain their initial reason for resorting to piracy as a lack of action by the government. Nur, a pirate from Boosaaso (Puntland) explains, “We couldn’t fish anything anymore, so we organized ourselves to confront this threat since the government wasn’t doing anything to protect us. Now they call us pirates, but we were just protecting our sea.” (Interview with Nur, in Fornari, 2009). Similarly Yassin, a pirate from the capital of Puntland, Garoowe explains that he felt forced to hijack because the sea was not being monitored (Interview with Yassin Dheere, in Reuters, 2009).
As illustrated in component four, social tolerance of pirates developed in part because the rationalizations for piracy were based on actual experience, particularly when piracy first emerged. Ultimately these initial rationalizations for piracy coupled with the economic and social benefits of piracy undermined later efforts by the local government to control this activity because of the normative effect of an increasing number of successful pirates and the failures of local governments in tackling the problem.

The absence of a central state meant that Somalia splintered into regions which created their own set of norms. Some of these were more successful than others in creating stability and legitimacy - an order of authority that was perceived to be valid and deserving of compliance. In Puntland the outsourcing of maritime security operations to foreign corporations undermined the process of creating civic governance. Although the governing structures of Puntland begun in the same fashion as Somaliland – from ground up, the maritime law enforcement operations were not built up from within but were delegated to foreign firms. Moreover the financing of the coast guard was based on foreign fishing which at the time, was in direct opposition to the concerns of the local population.

Although it can be difficult to untangle the various factors of component five, the analysis above illustrates how norm asymmetries between Somali regions created different social environments, some of which were more conducive to piracy than others. Beyond normalization of piracy which undermines any counter-piracy activity, there is evidence of governing environments which have enabled piracy. Peripheral factors such as employing a foreign corporation to perform coast guard duties (Puntland) or allowing communities to benefit directly from piracy (Galmudug) have provided a justification of piracy from within.
Shifting focus from internal elements of dysnomic to international ones, two major events need to be discussed, the 2004 Boxing Day Tsunami and the rise and fall of the Islamic Courts Union. Although these events are not causes, they need to be mentioned because they contributed to the escalation of the problem that was observed in the latter part of the decade.

The Boxing Day Tsunami hit Somalia harder than it did Bangladesh, despite being further from the epicenter. The ridge that juts out of Somalia’s eastern most coast meant that some towns in Puntland were completely destroyed (such as Xaafuun, see map in Appendix H) and many coastal towns had major damage; an estimated 44,000 people were affected (UNEP, 2005a). The effect of this, on a country that was already ranked as one of the poorest in the world and had experienced a series of droughts, was very serious, particularly because the impact on Somalia stayed largely below the international radar. In addition, in the aftermath of the Tsunami numerous reports, including ones by the UNEP (2005a, 2005b, 2005c), suggested that toxic waste was washed up on to the beaches of Puntland. This was patent evidence in support of rationalizations used by pirates in Puntland, and served to solidify social tolerance for piracy and undermine government efforts to curb piracy.

The other major event occurred in December 2006, when the Islamic Courts Union was overthrown by Ethiopian forces with the backing of the United States. The origin of the Islamic courts dates back to 1994 in northern Muqdisho, where the first Sharia court was formed in an effort to bring some peace and stability to the country. The courts were mainly staffed by Islamic clerics of the Hawiye clan. In the early years the courts developed slowly, extending south from Muqdisho, and were overshadowed by the creation of the Transitional National Government (TNG) at the Arta reconciliation conference in Djibouti (in 2000). The Darod based TNG had the support of the international community but was plagued with internal problems and threats from
rival factions. When in 2003 it looked like the TNG was falling apart, the Islamic Courts began to gather momentum, electing a Chairman in 2004 to push their union nationwide.

The Islamic Court Union, during its 6 months in power in 2006, achieved an unprecedented level of security in Muqdisho (Pendergast & Thomas-Jensen, 2007, p.63) and over much of southern and central Somalia. Basic services were restored, road blocks were removed, rubbish was disposed of, the airport and seaports were opened and rehabilitated, government buildings were reestablished, and courts dealt with property restitution claims and criminal offences (Barnes & Hassan, 2007, p.155). In an effort to reduce clan divisions, the Islamic courts promoted Islamic law, which also meant stricter Islamic rules.

Support for the courts had been gradually built over a decade (Barnes & Hassan, 2007, p.159; Menkhaus, 2007) although a good deal of this support was based on widespread unhappiness with the level of insecurity and corruption rather than a perception of legitimacy and contentment with the Islamic Courts. In 2006 Muqdisho experienced a wave of assassinations and disappearances, particularly amongst members of the Islamic Courts. It has been suggested that these covert operations were orchestrated by the United States, which was weary of an Islamist government in Somalia (Barnes & Hassan, 2007, p.153-154; Pendergast & Thomas-Jensen, 2007, p.68). It was clear later that the United States had funded Muqdisho warlords who called themselves the ‘Alliance for Restoration of Peace and Counter-Terrorism’ and whose mission was to disrupt the Islamic Courts Union (Barnes & Hassan, 2007, p.154; Pendergast & Thomas-Jensen, 2007, p.68). In the end, supported by the US and a Security Council Resolution

99 For instance, today almost all women in Somalia now wear headscarves and increasing numbers wear veils, whereas before 1991 this was rare (BBC, 2006, June 6).

100 According to Pendegast & Thomas-Jensen, Washington was paying the Alliance for Restoration of Peace and Counter-Terrorism’ US$ 150,000 per month compared to investing a total of US$ 250,000 in the peace process (2007).
1725, an Ethiopian military intervention drove the Islamic Courts out of Muqdisho in what was the worst level of violence experienced by the city since the 1991 civil war (Barnes & Hassan, 2007, p.151). Later, in January 2007, the US carried out a series of targeted military air strikes against the emergent Al Shabaab leadership, the radical wing of the Islamic Courts that formed after the violent foreign intervention the year before (International Crisis Group, 2007; Bahadur, 2011). U.S. and Ethiopian military interventions in Somalia were evidence of direct infringements of international rules governing national sovereignty, rules which are applied inconsistently, just like those governing toxic waste dumping and IUU fishing.

Of particular relevance to this case study on maritime piracy, is that during the months of Islamic Courts rule, from June to December 2006, the number of piracy attacks off the coast of Somalia reduced dramatically. The reasons for this was that the rule spread through much of the south, right up through central Somalia to the pirate town of Xarardheere in Galmudug (about 500 km north of Muqdisho). The Islamic Courts claimed that piracy violated Islamic law, that it was haram and prosecuted pirates vigorously (Bahadur, 2011, p.57). The suppression of piracy in Xarardheere, which at the time was the hub of piracy operations, displaced the Xarardheere pirates to neighboring Puntland. In the following years (2007 and 2008) Eyl became the source of most piracy attacks from Somalia, not only shifting piracy to Puntland (Bahadur, 2001, p. 45) but increasing the number of pirates who were operating from Puntland. This dramatic increase of piracy is reflected in the Contemporary Maritime Piracy Dataset, the number of piracy incidents originating from Somalia rose from 43 in 2006 to 61 in 2007 and then to 191 in 2008 and 244 in 2009.

The defeat of the Islamic Courts was followed by the installation of an Ethiopian backed Transitional Federal Government (TFG). Puntland authorities supported the newly formed TFG
and despite already suffering from a shortage of resources, sent financial assistance to the new central authority (TFG). The effect was a reduction of the Puntland budget which resulted in the non-payment of the coast guard and other security forces in Puntland. Therefore two major factors came together to create a unique set of circumstances for piracy, the exodus of pirates from Galmudug to Puntland (due to the establishment of an Islamic Courts stronghold) coupled with the reduced ability of Puntland authorities to police their territories and waters, because of depleting the region’s financial resources in support of the TFG.

In addition to this, popular perceptions of the TFG were negative; they were seen as a foreign imposed political solution rather than built upon local consensus (Cornwell, 2009). The stability and support for the TFG since its inception in 2007 has been weak at best. Coupled with the foreign directed ousting of the Islamic Courts and the visible evidence of toxic waste dumping on the shores of Puntland after the 2004 Tsunami, the legitimacy of the regional and national governance structures were increasingly undermined, whilst justifications for piracy strengthened.

Another type of foreign intervention in Somalia is the response of the international community to piracy itself. Initially United Nation’s Security Council Resolution 1816 of 2008 allowed, with the consent of the TFG, international coalition vessels to “enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, and … use all necessary means to repress acts of piracy and armed robbery” (UN Security Council Resolution 1816, 2008)\textsuperscript{101}. In addition Security Council Resolution 1838 called on nations to use

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\textsuperscript{101} Resolution 1816 was in force for a period of 6 months. In December 2008 the UN Security Council went one step further and authorized States and regional organizations to undertake all necessary measure in Somalia itself (i.e. on land) to suppress piracy (UN Security Council Resolution 1851, 2008). These were extended by subsequent Resolutions, most recently by Resolution 1950 of 2010 till 23\textsuperscript{rd} November 2011. These Resolutions expressly state that they do not create precedents under customary international law.
military force to suppress acts of piracy off Somalia. More recently in March 2012, the EU NAVFOR Somalia Operation Atalanta\textsuperscript{102} extended its operations to include the Somali coast (Council of the European Union, 2012), that is to allow the international naval coalition to target locations on shore in their counter piracy efforts. In May 2012, the first European Union aerial offensive destroyed speed boats, fuel depots, and arms stores allegedly belonging to pirate gangs in Handulle (Guled & Lekic, 2012; Bridger, 2012).

Despite the United Nations Security Council support, coalition force tactics are haphazard at best. They range from not engaging at all, giving pirates food and supplies and letting them go (Hansen, 2009, p.49), firing warning shots at suspicious vessels, killing pirates (McCurry, 2011; NBC, 2009; BBC, 2011, April), sinking pirate boats (Hoesslin, 2011, p.4), confiscating equipment and setting pirates out to sea without provisions (BBC, 2011, May), capturing and processing pirates through a foreign criminal justice system (such as United States v. Mohammed Modin Hasan, Gabul Abdullahi Ali, Abdi Wali Dire, Abdi Moammed Gurewardher, Abdi Mohamed Umar, 2010), and more recently bombing the coast to destroy boats and equipment of \textit{alleged} pirates (Guled & Lekic, 2012).

The problem of dealing with pirates stems from the transnational nature of the crime and the lack of comprehensive, universally applicable rules of engagement with pirates. Laws on piracy are dated at best and the problem with Somalia has made an already deficient global norm-making mechanism thornier. The diverse fleets involved in the international naval response to Somali piracy are subject to their own national laws, inadequate international laws\textsuperscript{103}, and

\textsuperscript{102} EUNAVFOR Operation Atalanta was put together in support of the aforementioned Security Council resolutions to combat piracy off the coast of Somalia.

\textsuperscript{103} The United Nations Convention on the Law of the Seas 1982 only has seven articles that deal with piracy, out of a total of 327 articles in the whole instrument. It has no requirements for states to piracy enact comparable legislation domestically, no enforcement procedure is articulated, and there are no cooperation requirements.
Security Council Resolutions that allow unprecedented access to the territory of a sovereign nation (Reynolds, 2008). Moreover most of the coalition countries have reservations to bringing Somali pirates to their own jurisdictions for trial in fears of creating discontent at home (Hopkins, 2012; Baldauf, 2012).

The response to piracy has created a weak and ambiguous collection of international regulations which centers on military intervention on the sovereign territory of Somalia. It is feared that these measures have exacerbated the problem of piracy rather than curbed it. “In an uncomfortably familiar pattern, genuine multilateral concern to support the reconstruction and rehabilitation of Somalia has been hijacked by unilateral actions of other international actors – especially Ethiopia and the United States – following their own foreign policy agendas” (Barnes & Hassan, 2007, p.151, see also Pendergast & Thomas-Jensen, 2007). For the local population, these responses are interpreted in the context of a country which has undergone repeated cycles of negative experiences with central authority and foreign intervention.

In Somalia foreign infringement on the sovereignty of the nation has occurred in multiple spheres: through military operations on Somali land and in their territorial waters and through political intervention in the choice of central government. Much of the focus of implementing a central state in Somalia is based on two concerns; to inhibit the growth of terrorism; and to control the piracy in the Indian Ocean (Samatar, 2010, p.313). Locally foreign policies are seen as blocking local efforts at civic governance. In an interview with Al Jazeera network, the founder and professor at the East African University in Boosaaso explains that piracy is a result of weak governance and that “the world has forgotten about Somalia, no support has been given

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104 A similar process was observed in Sicily, where the Mafia developed initially to protect land from predatory attacks (Catanzaro, 1992).
to governments here, no genuine support.’ (Interview with Ahmed Haji Abdirahman , in Adow, 2009). Similarly, an editorial in Wardheer News illustrates the negative feelings towards foreign, and particularly US intervention, “In the eyes of many Somalis, the United States has been part of the problem and not part of the solution” (2007, May 9). Even amongst the general population there is fear of the international response to piracy. Jay Bahadur, a journalist who spent extended periods in Somalia studying piracy, explains how an old man approached him and said, “Please don’t kill the pirates. You need to give them jobs.” (Bahadur, 2011, p.185).

In the past Islamist leaders warned that deployment of foreign forces will be seen as a hostile act (Cornwell, 2005, p.4). Despite piracy evolving into a business, as seen in component four, the initial rationalizations for piracy have been fueled through predatory policies which have served to alienate Somalis (Bridger, 2012). Perhaps one of the biggest injustices, which fueled resentment, is the inconsistent enforcement of international rules. Despite the existence of international legislation on toxic waste dumping\textsuperscript{105} and illegal fishing\textsuperscript{106}, the coalition forces only act on piracy and terrorism (Combined Maritime Forces, 2012; Samatar, 2010). There is even suggestion that the lack of action against IUU may be because the countries contributing assets to counter piracy efforts are the same countries from which the IUU fishing fleets originate from (Hughes, 2011, p.4).

The anomie process described in components one through four created discrepancies, deprivation and strain, which has been aggravated in the recent years with dysnomie from within as well as from outside the country. Many of the problems in Somalia today are a result of a lack of understanding of the Somali context, which has been subject to “relentless and often decisive,\textsuperscript{105} Such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.\textsuperscript{106} Such as the United Nations Convention on the Law of the Seas and United Nations Fish Stocks Agreement.
external ideational shifts” (Elliot & Holzer, 2009, p.217). It has further compelled individuals to withdraw their allegiance from conventional norms and thereby weakened the effect of those norms’ guiding power on behavior (Passas, 2000, p.20). In addition it is suggested that in Somalia there is evidence of a failure to support civic governance which has aggravated the situation, contributing to the increase in maritime piracy that has been documented by the Contemporary Maritime Piracy Database.

The antonym to governance, ungovernability “stresses problems related to the acceptance of political leadership, a lack of conformity and a decreasing level of compliance” (Mayntz, 1993, p.8). The acceptance of political leadership is crucial to any future centralized state in Somalia. The condition of statelessness has created smaller regional authorities; these have been formed from bottom up with the support of civil society. Due to the absence of central authority, civil society has grown in Somalia and now includes a wide array of social groups which have taken on functions usually administered by local and national governments (NOVIB, 2003, p.8). These can be categorized in three groups: community based organizations such as clan elders; local non-governmental organizations; and professional associations (NOVIB, 2003, p.8).

From the comparison of Somaliland and Puntland it was clear that the role of governance structures is critical in controlling piracy. Although both regions’ governance structures were based on civil society foundations, Somaliland has been very effective in counter-piracy based largely on the decision to maintain a local, self-governed coast guard (Hansen, 2009). Although small, the coastguard enjoys widespread popular support. Puntland, on the other hand, hired foreign companies to guard their coasts, who financed themselves through the issuance of dubious fishing permits. The largely concealed process added not only to mistrust of foreigners but also inhibited the growth of confidence in the regional authority.
Puntland authorities further aggravated the situation when Somalis who were trained by the foreign firms as coast guards had their pay dramatically reduced in times of budget crises. This came to a head in early 2008, when authorities stopped paying the security forces, border guards, and the police force (Hansen, 2009, p. 33). These Puntland men who were trained in security and arms were now redundant. In addition there was a displacement of pirates from the central region of Galmudug during the power of the Islamic Courts. Inevitably the pool of unemployed and migrant pirates contributed the influx in the number of pirates in the latter part of the 2000s (Hansen, von Hoesslin, & Hansen, 2008). The international community is also culpable here, in the lack of support for homegrown efforts to curb piracy instead pursuing a top-down approach. A local coastguard, who mans the only coast guard vessel of the semi-autonomous state of Puntland explains,

We hardly every put out to sea for that reason. We get very little support. We lack so many things here. We don’t have any speedboats, there’s no radar or telephone and not enough money to pay the salaries or to buy fuel. In actual fact we have nothing and we need everything. Clearly they have their own interests. If they were serious about tackling piracy they would have solved it ages ago. This is Puntland, our own region. We know exactly where they are and what they are doing but we lack the means to confront them. We need support, not a fleet. We could have solved the problem from the coast. (Interview with Puntland Coast Guard, in KRO, 2011)

Instead recent international community focus has been on state building in Somalia, identifying the authorities of choice and eliminating any alternatives that are seen as threatening to the international community (Elliot & Holzer, 2009, p.234), particularly in light of terrorist activity since 9-11. This is a change from strategies in the late 1990s, where the push was for a
building block approach (Hansen, 2003). That is, supporting local initiatives rather than imposing structures from above. This approach is akin to that proposed in the concept of civic governance, which is a more encompassing form of governance, where citizens are active in the process of state building. Authority is dispersed across multiple parallel spaces, inclusive of civic society which activates social control mechanisms. Rather than a threat of violence inhibiting crime, self-regulation is activated. The key for reducing piracy is that society at large disapproves of this maritime crime and acts to reduce it.\textsuperscript{107}

In addition to the conditions of dysnomie discussed above, governability is affected by the development of deviant subcultures as described in the previous components (Passas 2000, p 37). As deviant subcultures become normative they impair control mechanisms. The behavior is increasingly considered acceptable. With piracy and its ‘vigilante coast guard’ rationalizations, people have not only accepted the behavior and its rationalization, they have also, at least amongst young men, established the behavior as admirable. In Puntland the failure of the authorities in curbing IUU fishing and toxic waste dumping has fed into the pirate rationalizations. At least in matters of the coast, the regional authority lost the allegiance of the people and more crucially, of the young men it laid off. Therefore as piracy has grown stronger and become normative in the latter part of the decade, it has become more difficult to control.

Together with dysnomie, these two sets of processes describe impediments to governance from above – in the inconsistencies international norms and their application, and impediments from within – in the inconsistencies national norms and through the development of normative subcultures. Dysnomie has been demonstrated using a broader definition than Passas’ three

\textsuperscript{107} For instance, one of the interviews consulted tells the story of Ahmed Elmi Osoble who upon his return from prison in Seychelles, was under strict house arrest by his mother until he found alternative employment as a driver (Gettleman, 2010, September 1)
factors; here dysnomie has included national impediments to governance – impacts on dysnomie from within. In addition to problems in global norm-making mechanisms, in the Somali case there is evidence of a lack of national norm-making mechanisms.

Where Passas suggests a regulatory patchwork of diverse and conflicting legal traditions and practices, in Somalia the patchwork stems from internal restructuring as described in earlier components, in the unrecognized and unaided smaller state formations, and in the interference in the national politics by the international community. In addition inconsistent and disproportional enforcement of international rules has contributed to a larger, more violent, and more motivated wave of piracy. This has affected piracy but also aggravated anomie in Somali society. The additional factor of dysnomie suggested in this dissertation, the failure in civic governance has been evidenced in the case of Somalia in misalignment of government and society, through domestic and international misjudgments which have failed to reflect the Somali population.

Conclusion

Using global anomie theory as an analytic framework, this case study identified a set of processes which together describe the origin and emergence of piracy in Somalia. The analytic framework used to analyze this case study was based on the schematic representation of the social process leading to anomie and deviance in Passas’ 2000 paper (p.39) combined with ideas of civic governance. The Somali case study has shown that the complex sequence of events described does materialize in a progressive manner to produce a piracy subculture and ultimately piracy has continued even in the absence of original strains. However this case study has revealed some additional processes which suggest adjustments to the first two components and some causal feedback connections in the process. In conclusion to the case study, the findings
are summarized across all components to provide an overview of the process underlying the emergence and growth of piracy in Somalia, followed by a discussion of the contribution of this case study to global anomie theory.

In Somalia globalization and neo-liberalization have contributed to repeated structural transformations which together with cultural changes have produced discrepancies and asymmetries creating ontological insecurity in large segments of society. Ontological insecurity refers to the disembedding of social relations and cultural identities from their context (Giddens, 1990), which are evident in the economic changes which have displaced individuals from their traditional forms of income – such as the relocation of nomadic pastoralists to coastal areas in the northeast to stimulate a fishing industry. In addition cultural changes, such as the changes in the status and role of women in society, increased ties to conservative Islam, and erosion of divisions through the traditional segmentary lineage system created uncertainty in the norms which guide behavior. However the gradual erosion of the central state in the 1980s culminated in the complete removal of central authority in 1991 which contributed to the weakening of norms’ guiding power on behavior.

The civil war which ensued spurred a mass exodus from the country, which over time created a new type of reference group - distant, membership referents. This meant that ideas and notions from outside were seamlessly transferred to Somalis who stayed in Somalia. The growth in the commercial economy together with the boom in the communications sector meant that stateless Somalia became more connected to the globalized world that ever before. The process aggravated means-ends discrepancies becoming more palpable in a country lacking any form of social safety nets in the absence of social development through a central state.
In the absence of a central state, law enforcement mechanisms, and a coast guard, narratives of interviewed pirates and independent research reports by various international agencies provide evidence for illegal fishing and toxic waste dumping off the coast of Somalia by foreign fleets, particularly in the northeastern part of the country. These predatory activities provided rationalizations for individuals to engage in piracy to protect their coastal waters from exploitation and also served to garner public tolerance for piracy. Evidence suggests that Puntlanders particularly and Somalis generally have perceived relative deprivation and injustices from being exploited by foreign trawlers and ‘toxic ships’ (Greenpeace, 2010). Piracy initially emerged as an adaptation to means-ends discrepancies and asymmetries of repeated structural and cultural shifts, based on rationalizations of protecting coastal waters from foreign encroachment. As the piracy subculture became increasingly visible and normative, it has affected governance and counter-piracy efforts by authorities.

In combination with the global anomie process, governance has had an impact on the level and form of piracy in Somalia. The absence of a central governing authority has created a vacuum that in some regions was filled by the development of smaller state formations. Therefore the absence of a mechanism to create uniform norms for the country as a whole has provided impetus for the development of a patchwork of norms and practices.

The smaller state formations of Puntland and Galmudug, in the northern and central parts of Somalia, provided the infrastructure and stability for piracy to develop into a successful enterprise. The commercial economy in these areas has grown but the regional authorities made some critical mistakes which allowed piracy to flourish. In Puntland these included: delegating security and coast guard duties to foreign firms; allowing those foreign firms to unilaterally issue fishing licenses; and failing to sustain and pay a locally trained security force. The impact of
Puntland’s failures is magnified when it is compared to the neighboring region of Somaliland, which created a homegrown maritime security force which has effectively curbed piracy off the coast of Somaliland. The importance of incorporating local society in governance and law enforcement is illustrated in the comparison.

In Galmudug the rise of the Islamic Courts Union in 2006 meant that in the short period of its power, piracy was actively prosecuted creating an exodus from the area to Puntland. Puntland’s successful commercial development, rated above that of Galmudug, made it an ideal haven for piracy. These processes created a pool of recruits for piracy in Puntland. This pool of pirates was made up of Somalia’s “generation in transition” (Dafflon, 2009), which has grown up in an environment of diverse and conflicting traditions and practices, and has lacked educational and legitimate employment opportunities. Here “young men have been raised by the law of the gun” (Adow, 2009) and the social standing of pioneer pirates of the 1990s became role models for these young men, making piracy a promising career choice.

In addition to the displacement of pirates from Galmudug to Puntland, the ousting of the Islamic Courts Union, added to the mistrust of foreign activity in Somalia. Despite problems, the Islamic Courts Union was the first successful central government of Somalia since the ousting of Siad Barre. Their forcible removal was achieved through the intervention of Ethiopia and United States in 2006 in blatant disregard for Somali sovereignty. The foreign interventionist efforts together with the fallout after the 2004 Tsunami, which brought to light some of the toxic waste dumped in Somali waters, fueled resentments and helped confirm the credibility of the rationalizations used previously by pirates. It was also evidence of the inconsistent enforcement of international rules, not only in the management of toxic waste dumping and illegal fishing, but also in the interventionist policies which disregard the sovereignty of Somalia.
The reaction to the rise of piracy fueled these notions further— with a variety of responses by international naval forces (ranging from killing pirates, to bringing them to a court of law for prosecution, to providing provisions and sending them back to Somalia) pirates and the population were subject to the inconsistencies of international rules. The combination of new recruits, a pool of experienced pirates, normalization of piracy, and a heightened sense of injustice due to new international interventions provided the impetus for pirates to develop into well organized, transnational criminal gangs.

The analysis of Somali piracy aligns well with the processes and predictions provided by global anomie theory combined with ideas of civic governance. Although the theoretically predicted sequence of events conforms to the basic outline of the events and developments of piracy in Somalia, this case study identified some elements within the framework which need alteration. Figure 4 illustrates the original and revised analytic framework.

The original analytic framework for the case study was guided by the theoretical process described by Passas in his schematic representation of global anomie theory (Passas, 2000). This provided a series of components which explain the emergence and development of a crime such as piracy over time. Within the framework, the effect of means-ends discrepancies and asymmetries on individuals in society was explained by ideas of ontological security (Giddens, 1990) which provides for an assessment whether social relations and cultural identities have been disembedded from their context. In addition to this, the original analytic framework was combined with ideas of governance. Three interrelated elements of governance were integrated into the analytic framework: (1) Passas’ concept of dysnomie or ‘difficulty to govern’ (lack of global norm-making mechanisms, inconsistent enforcement of international rules, and regulatory
patchwork of legal traditions and practices), (2) failure in civic governance, and (3) the impact of normative subcultures on control mechanisms.

Figure 4. Revised Analytic Framework
The case study has highlighted that in Somalia effects of globalization have been ongoing. Rather than neo-liberal globalization being an initial starting point of the process, there have been repeated impacts of globalization before and after the neo-liberal restructuring of the 1980s. Together these transformative effects on the country that have created ontological insecurity, that is, they have disembedded social relations from their context creating uncertainty.

In the original analytic framework it was predicted that ontological insecurity would be produced in the second component, after the impact of globalization and neo-liberalization. The case study of Somali piracy has made it evident that the disembedding process occurred in line with the repeated restructuring of the nation. Importantly, ontological insecurity operates independently from perceptions of injustice, deprivation, and strain.

The Somali case also reveals that there have been different effects of neo-liberal globalization under an authoritarian regime and a country without a centralized state. Under an authoritarian regime, cultural transformations are controlled based on the leader’s policies. For instance, under the Barre regime women were given more rights but media was tightly censored. Only after the collapse of the authoritarian regime, did Somalia become a truly economically liberalized nation.

It was in the context of stateless Somalia that socially distant comparative and normative reference groups were introduced with vigor. Moreover, the neo-liberal, globalized stateless environment introduced not only distant, non-membership groups but also a new type of reference group - distant, membership groups which created a direct, trusted source of reference and information for Somalis. In addition, new technologies and means of communication were now free from state interference or guidance. Together these global interconnections provided
Somalis with a new level of awareness and feelings of deprivation that were not as acute under any previous form of globalization. Therefore unlike the predicted sequence of events, we see that the introduction of socially distant and normative reference groups was delayed in the Somali case.

The revised analytic framework incorporates that governance effects are reciprocal with weakening government and deviant processes. One causal feedback connection (indicated by the red arrow between components one and five in Figure 4) was found in relation to the weakening and then absent central government of Somalia. Governance has been affected externally by the policies of the international community pursuing neo-liberalization, their respective national policy priorities, and dysnomie over the entire process. The external ramifications on governance were made possible initially by the Barre regime which invited intervention and created an environment for exploitation; and then in the lack of a central government in Somalia which produced a vacuum which created a need for international assistance but also created a potential for abuse. This was particularly apparent in the failure to support and even block homegrown anti-piracy efforts and insist on an externally compelled central government that lacked widespread civic support.

Another causal feedback connection was found in the relation between successful deviant outcomes and governance (indicated by the red arrow between components four and five in Figure 4). Successful deviant outcomes, as they became normative, have an effect on other government attempts. As piracy has been normative in Puntland and Galmudug it has hindered counter piracy initiatives. In addition counter piracy initiatives that have been implemented have faltered because they have failed to reflect society.
This was revealed in the contrast between the counter piracy efforts in Somaliland and Puntland. The study shows that Puntland’s counter piracy initiatives failed because they were not locally staffed, lacked local control and oversight, whereas efforts in neighboring Somaliland were successful due their civic roots. The Somaliland coastguard was established from within the country, staffed by Somalilanders. Control, oversight, enforcement, and punishment were all local. This case study has provided strong indication that global anomie theory and the concept of dysnomie benefit from the augmentation via the concept of civic governance.

As the international community moves forward in its policy towards Somalia generally and piracy specifically, new aggressive policies of the international community to curb piracy may in fact fuel the problem if it is perceived as interventionist and unjust. Such resentment was noticeable in the narratives of pirates, suggesting that it has promoted feelings of defiance and has made piracy more aggressive. Efforts that are unilateral and do not include the local society will be deficient; any permanent solution needs to be based on civic consensus. It is feared that coastal communities who were beginning to support efforts to curb piracy due to its recent escalation, will become more alienated by the prospects of civilian casualties in the aerial, counter-piracy offensives on Somali soil (Bridger, 2012). There is potential that even if unilateral military actions by the international community reduce piracy it may instead lead to other forms of equally disagreeable deviance.

The notion of governance has emerged as a critical component in this study and although the analysis has produced some good indication of this, more research needs to be done. For Somalia particularly, the next stage of this research would entail detailed, targeted interviews with pirates to identify pirates’ perception of the role of government and its effect on their behavior.
More generally, the use of this analytic framework provides a useful tool to examine the application and relevance of a complex, holistic but rarely applied criminological theory. For the further development of global anomie theory, the analytic framework needs to be analyzed in different contexts and for different crimes which will identify whether the augmentations identified in the case of Somali piracy are ones that emerge across the analysis of other crimes and other places.
Chapter 6

Conclusion

This dissertation was designed to document and understand the nature and trends of piracy in the 21st century. To conduct these analyses the dissertation used two complementary research methodologies – a quantitative analysis of a new, integrated maritime piracy data set, the *Contemporary Maritime Piracy Database* (CMPD), and a qualitative case study of the factors associated with the emergence and development of the dominant form of piracy in this decade – piracy emanating from Somalia. The qualitative case study used global anomie theory in conjunction with ideas of civic governance to provide a framework for a systematic analysis of the emergence of this particular form of piracy. This chapter summarizes the dissertation research, reviews the major findings of this research, and discusses the implication of the study.

In 1983 the International Maritime Bureau (IMB) began collecting cases of piracy attacks from victim reports; soon after the U.S. Office of Naval Intelligence (ONI) began releasing anti-shipping activity messages to provide maritime safety information to U.S. mariners based on information obtained from a variety of sources. In order to develop a more complete picture of the piracy problem in the 21st century, this dissertation merged these two data sources into one comprehensive piracy dataset called the *Contemporary Maritime Piracy Database* (CMPD) across a ten year period, from 2001 to 2010. The CMPD relied on the broader IMB definition of piracy, which includes, “any act of boarding or attempting to board any ship with the apparent intent or capability to use force in the furtherance of the act” (IMB, 1992, p.2) to capture the various manifestations of piracy. Using the CMPD the cross national and temporal character of piracy was analyzed across nine major dimensions, including: 1) the location and source of attacks; 2) the date of attacks; 3) the location at sea; 4) the time of attacks; 5) target vessel
characteristics; 6) pirate characteristics; 7) pirate actions; 8) pirate motivation; and 9) responses to piracy. Dimensions three to nine were studied across regions and countries (dimension one) and over the 2001 to 2010 study period (dimension two).

Analysis of the CMPD data found that over the decade 2001 to 2010 piracies occurred in 90 countries across the world, with 87 percent of piracy coming from Asian and African nations. The five highest piracy incidents countries (HPIC) during this period were Indonesia, Somalia, Nigeria, Bangladesh, and India – together these five countries were responsible for nearly 70 percent of all piracy in the study decade. Of the HPIC nations Indonesia and Somalia were the two countries which together accounted for nearly half of all incidents worldwide.

Piracy in the 21st century changed - Somali piracy became the dominant form of piracy in the world. In particular, the escalation of piracy in Somalia during the study period has affected the aggregate profile of contemporary maritime piracy, because Somali piracy exhibits different characteristics from other forms of contemporary piracy.

Examination of HPIC nations revealed that there are key differences in piracy that originated from Somalia, Indonesia, Nigeria, Bangladesh, India, and the other countries of the world. Some of the critical differences are that Somali piracy occurred mainly in the high seas, targeted vessels in motion, during daytime, and was more likely to be armed and threatening. Conversely Somali pirates were less likely to board potential targets, probably due to the more difficult task of boarding large ships that were in transit. Indonesian piracy was usually found in local waters, included attacks on both stationary vessels and ones in motion, tended to happen at night, was more likely to include threats but pirates were usually only in possession of low level armaments. Also, Indonesian pirates were more successful in boarding ships than Somalis. In
Nigeria, piracy was also carried out closer to shore but exhibited more violence than in other locations (this refers to the actions used against victims) in the 2001-2010 period. Piracy in Bangladesh, India, and the rest of the world was usually carried out close to shore and involved boarding at night, but pirates were mostly unarmed and avoided any confrontation with crew.

It is clear that Somali piracy displays different characteristics from other forms of contemporary piracy; this is also true for the motivation underlying Somali attacks. Piracy emanating from Somalia is predominantly motivated by financial gain in the form of ransom. This is unlike piracy in other nations, where the majority of attacks are motivated by theft, either of crew belongings, ship equipment, cargo, or a combination of these. However seizures for ransom are not unique to Somalia, there have been similar cases in countries such as Indonesia and Nigeria. What is unique about Somalia is that nearly all of the incidents emanating from Somalia are motivated by seizure for ransoms.

Analysis of the CMPD on efforts by the international community to control piracy shows that although these efforts have stepped up since the escalation of piracy in the Gulf of Aden and the Indian Ocean, piracy emanating from Somalia has not reduced; on the contrary, it has continued to escalate dramatically. Therefore despite international community consensus allowing for international naval access to the territorial waters and the sovereign territory of Somalia, and a steady increase in the response of authorities’ to distress calls from merchant vessels, piracy has continued to grow at an alarming rate since 2008. Moreover reports suggest that more recent attacks are more threatening.

Finally, analysis of CMPD information on evasion tactics adopted by vessels under attack found that targeted vessels which used at least four evasion measures have consistently been able
to evade boarding by pirates. However even with the industry drafted Best Management Practices (BMP4), which strongly encourages the use of non-lethal evasion measures, it is clear that merchant vessels are not using sufficient evasion measures. In fact, in nearly half the cases attributed to Somali pirates, the vessels do not report using any evasion tactics.

The creation of the CMPD demonstrates the importance of monitoring the changing nature and trends of contemporary piracy. The CMPD has been a valuable tool for uncovering the nature and trends in the past decade, demonstrating that the dominant form of piracy changed in the study decade. Throughout history we have seen that piracy morphs over time and place. Without a consistent, empirical data collection effort and analysis infrastructure, the subtle changes of piracy tactics, nature, and trends remain a best guess. Therefore it is suggested that together with continued collection and cataloguing of piracy data, there is a need for a contemporary piracy typology. Such a typology will assist in targeted response measures based on empirical evidence. No doubt any piracy typology will require periodic updating to maintain its relevance and value as a tool to assist counter piracy responses in light of changes in piracy.

The CMPD analysis of the global character and trends of contemporary piracy indicates that while there are different types of piracy in the study period; the dominant form of piracy that has emerged over the last decade is the type emanating from Somalia. This raises a number of questions: What spurred on piracy in Somalia – a country with no history of piracy? Why is Somali piracy different? Why has Somali piracy escalated in recent years? In an effort to provide some answers to these questions, the second part of this dissertation studied the context for Somali piracy and the potential factors underlying its emergence using a case study method combined with a historical/policy analysis. A case study method allows for the collection of a wide variety of materials and enables chronological examination of factors and processes (Yin,
this is ideally suited to studying the emergence of Somali piracy as it affords the flexibility to explore a variety of data sources.

The methods used to conduct the case study involved a historical/policy analysis, tracing the social changes in the country’s recent past as well as the extent of integration of neo-liberal reforms. In order to understand the impact of the macro factors on individuals, this research used a creative technique of collecting interviews conducted with pirates and other actors associated with piracy from a variety of sources. Sources included reports from non-governmental organizations, supranational organizations, governments, media, and academia. In addition to print material, visual materials were incorporated to obtain a larger number and variety of sources. Together all the information collected was ordered chronologically and according to themes (see Appendix B) to identify if the process matched the analytic framework predicted by global anomie theory with ideas of civic governance.

The case study was guided by an analytic framework based on Nikos Passas’ global anomie theory (2000) augmented with ideas of civic governance. The analytic framework comprised of five linked components which looked at the impact of neoliberal globalization on society and its effects on culture and structure of society. The analysis studied the resultant means-ends discrepancies and asymmetries to highlight how these produced pressures towards deviance. The economic asymmetries translate into a criminogenic potential when individuals are aware that these asymmetries are unnecessary and changeable (Passas, 1999, p.408). The growth of a particular form of deviance is attributed to the success of a deviant solution which becomes normative for others in society, even to those that may not be exposed to those initial strains and discrepancies. The theory also identifies the role of governance in the development and escalation of deviance.
In his 2000 paper, Passas introduced the term dysnomie, i.e. difficulty to govern, caused by three types of norm asymmetries produced by globalization: the lack of a global norm making mechanisms, inconsistent enforcement of international rules, and a regulatory patchwork of diverse legal traditions and practices. For the study of Somalia, Passas’ elements of dysnomie were analyzed both on an international and a domestic level. In Somalia, on a domestic level, dysnomie included the absence of a central governing authority providing for a national norm making mechanism, instead the development of smaller state formations created a patchwork of legal traditions and practices which were enforced inconsistently.

In addition, this dissertation identifies another cause for dysnomie - ineffective civic governance. Building on what Passas called the “shield of state” (2000), which refers to policies and programs in society which curb the negative effects of neo-liberal globalization on its citizens, ineffective civic governance suggests a governance mechanism that is dispersed across multiple parallel spaces, so that citizens and groups can articulate their interests, mediate their differences and exercise their legal rights and obligations. This consists of the rules, institutions, and practices that set limits and provide incentives by including civil society in the social control mechanism. Therefore in addition to governance being affected by international and domestic legal asymmetries, the analytic framework incorporates the notion that criminal behavior is further sustained when the governing force is incapable of reflecting the will of its population and cannot provide vital social safety nets for its citizens. Therefore a secondary purpose of the dissertation was to explore the benefit of combining global anomie theory, and particularly the concept of dysnomie with ideas of civic governance. Finally, the framework incorporates the normalization of a criminal solution such as piracy as a further impediment to governance.
The case study revealed that a set of processes, largely following the pattern articulated by the framework of global anomie theory with extensions suggested by concepts of civic governance, can help explain the origin and emergence of piracy in Somalia. In fact, the case study identified that Somalia has been repeatedly exposed to structural transformations, even before the neo-liberal reforms of the 1980s, creating widespread feelings of ontological insecurity. Contrary to the original formulation of the global anomie analytic framework, it was clear that the disembedding of social relations and cultural identities creating ontological insecurity occurred early in the process and operates independently from perceptions of injustice, deprivation, and strain. Largely it was caused by repeated large scale economic restructuring, from scientific socialism, to neoliberalism, to a completely unregulated economy after the overthrow of Siad Barre.

Somewhat unexpectedly, the lack of a central government enhanced neo-liberal globalization and rather than disconnecting Somalia from the internationalized world, accelerated growth in the Somali economy. However the growth in various sectors of the economy was distributed unequally, which in effect made the poor poorer.

Together these structural and cultural transformations fueled means-ends discrepancies and asymmetries in Somalia which became palpable when in the wake of the collapse of the central government Somalia was exposed to new, distant referents as the country was laid bare to the full effects of neoliberal globalism. In another departure from the original analytic framework, it was found that particularly in the Somali case, largely due to the nature of the central government prior to collapse (an authoritarian, tightly controlled regime) the exposure of Somalia to distant reference groups was delayed. Only after the collapse of the central Barre government were Somalis able to access information freely through the internet and through a
growing number of newspapers. Moreover, the Somali case illustrates the profound impact of a particular type of distant reference group - the Somali Diaspora. The exodus of Somalis after the 1991 war created a reference group which was geographically distant but emotionally close and trusted. This access to the world beyond served to magnify asymmetries and means-ends discrepancies, making injustices more conspicuous.

With reference to the first of the three key questions raised earlier, on what the initial impetus for piracy was in Somalia - a country without a history of piracy, the analysis suggests that the roots of Somali piracy are in the foreign exploitation of the fish-rich, stateless Somalia. In the period after 1991, the governance vacuum exposed Somalia to exploitation from foreign actors, in particular, encroachment of foreign fishing vessels and ships dumping toxic waste in Somalia’s territorial waters. Somalis on the coast were particularly vulnerable after the repeated transformations, having recent lineage to pastoralist families who were relocated by the Barre government to the coast to become fishing folk. All pirates interviewed identified that they perceived the encroachment by fishing vessels and ships dumping toxic waste in Somali territorial waters as an unjustified exploitation by foreigners of the already meager resources of their country in light of a corrupt authoritarian regime and then the absence of any social services after its collapse. The lack of a central authority played a critical part in the decision of fishermen to become pirates. Interviewed pirates, especially the older generation, explained that they were merely unemployed fishermen who in the absence of a central authority felt compelled to take action to protect Somali waters.

This initial impetus also provides some insight on the second question – why Somali piracy differs from other types of piracy seen around the world. The initial justification for piracy meant that pioneer pirates used piracy as a means of extracting a fee or tax for the illegal fishing
activities and the environmental damage caused by the foreign ships. Therefore unlike other
piracies around the world, the pioneer pirates were not attacking ships to loot cargo or crew
belongings, they were attempting to get some remuneration for the thieving of the foreign
trawlers. While there is sound evidence that these pirate stories are founded on facts, Somali
pirates have since targeted vessels in the high seas which are neither fishing nor dumping toxic
waste, but continue to use the same rationalizations.

The original rationalizations have been effective in recruiting new, young pirates and
garnering social acceptance amongst the local population. Critically in 2004, the veracity of
these rationalizations was confirmed when in the wake of the December Tsunami, when toxic
waste barrels washed up on Puntland beaches (in the northeast of Somalia). Over the twenty year
period since piracy first appeared off the coast of Somalia it has grown from a social protest and
a form of vigilante policing in the face of foreign encroachment to a successful commercial
enterprise. The dynamics described by global anomie provide the context in which these
circumstances created strain and ontological insecurity. Repeated structural and cultural
transformations were particularly acute for those pastoralists who were relocated to the coast of
Puntland to become fishermen, their awareness of the injustices, unequal opportunities, and
deprivation in the wake of the collapse of the central government, and feelings of relative
deprivation were made more acute in light of the foreign exploitation of Somali resources.

The question concerning the exponential escalation of Somali piracy in the latter 2000s,
is addressed mainly in the analysis of the final component of the framework, which looks at
governability and dysnomie in conjunction with the global anomie process. The analysis
identified some key triggers including: the 2004 Tsunami; the rise and fall of the Islamic Courts
Union (ICU); some critical errors made by the Puntland administration, and; the international community’s policies towards Somalia which together created the perfect storm for piracy.

The importance of the natural disaster that swept through the Indian Ocean in 2004 Tsunami was not only in the devastation it caused to some coastal towns in Puntland and the absence of international aid to help these areas which were already suffering from previous natural and manmade catastrophes. In addition, the aftermath of the Tsunami provided evidence of rationalizations used by pirates for over a decade, when the waves thrust barrels of toxic waste onto the shores of Somalia. This exposure provided piracy with critical social support, particularly in Puntland which was worst affected.

The rise and fall of the ICU had a two prong impact on piracy. First, the consistent prosecution of piracy by the Islamic Courts in Galmudug, during their brief stint in power, displaced many pirates north to Puntland. Second, the international actions, particularly of the US and Ethiopia who feared the creation of an Islamist Somalia, drove the Islamic Courts from power removing the one effective Somali counter piracy strategy. The Transitional Federal Government (TFG) which was installed in place of the ICU had little support from Somalis generally who largely perceived the TFG as foreign imposed rather than homegrown; nevertheless the authorities of semi-autonomous Puntland pledged their financial support for the foreign backed TFG in 2007, eventually draining them of already meager resources.

The reallocation of funds to support the TFG was a decision that was felt particularly by the coast guards and other law enforcement officials in Puntland. Despite Puntland authorities having roots in civil society, the protection of the coast was done in the spirit of the globalized free market economy – it was sub contracted to foreign corporations which were allowed to
finance themselves through the ad hoc issuance of fishing licenses to foreign trawlers. This happened without any government oversight and served to undermine the trust of Puntlanders, who were already weary of foreigners in their coastal waters. Critically local men who were employed and trained by these foreign corporations added to the pool of potential pirate recruits when they were made redundant due to the lack of funding in 2008, partially a consequence of the fund reallocation to assist the TFG.

There is also culpability of the international community in the rise of piracy. The major impetus from the international community in fighting piracy has been in the installation of a government more sympathetic to major international interests and in an increased international naval presence. The preferred government for Somalia, from the perspective of the international community is secular – this is mainly due to fears generated in the wake of the September 11 attacks on the World Trade Center in New York. This has meant that the development of smaller state formations within Somalia such as Somaliland, Puntland and Galmudug, which have been creating a governance structure from within have been unrecognized and unsupported. Particularly Puntland and Galmudug, as weak but functioning state powers, were able to develop the basic necessary infrastructure and stability for commerce to flourish but were too weak to create effective norms and control mechanisms. The exception has been Somaliland which created a modest but effective homegrown, locally respected coast guard and has managed to stay largely piracy free. In contrast, the relative stability and commercial prosperity of Puntland and its lack of adequate control mechanisms, created an ideal environment for more advanced profit motivated forms of piracy.

The second element of international community culpability in the problem of piracy has been in the inconsistent application of international rules on piracy. Various navies have various
national laws that they need to adhere to when dealing with foreign pirates, therefore their enforcement response to captured pirates varies dramatically. Moreover the international naval forces only apply their actions to piracy, not illegal fishing or toxic waste dumping off Somalia – which has served to further fuel local disillusionment with international community action.

Therefore in Somalia dysnomie grew both from the legal asymmetries and inconsistent application of international rules articulated in Passas’ global anomie formulation, and also from the added element of ineffective civic governance that emerged in Somalia after 1991. When this is combined with a lucrative criminal enterprise such as piracy, which within the local context has some social acceptance and has become normative, particularly for younger males, anomic conditions are fueled further. Therefore it is suggested that based on the findings of the Somali piracy case, there is a reciprocal relationship between governance and deviant behavior.

The findings of this research have provided a very unique insight into the historical/policy context for piracy in Somalia. The particular contribution of this case study has been in understanding the interrelationship of the various factors identified variously as causing piracy in Somalia. The practical value of understanding the reciprocal effects of these factors is in the application of policy measures which are able to counter piracy on various levels, keeping in mind the possible negative externalities of any single tactic, such as aggressive deterrence based measures currently being used.

Perhaps most obvious practical implication of this study is that the new policies of the United Nations Security Council which gives the naval coalition forces unprecedented powers aimed at eradicating piracy may in fact have the opposite outcome. This research indicates that allowing foreign intervention on Somali soil feeds into elaborate rationalizations which have
shown to resonate with the local population, even if piracy is curbed using this method it is likely that other forms of deviance may emerge in response to such aggressive foreign tactics. Equally important, relying on a deterrence/retribution tactic alone has not proved to be a viable policy. The sheer size of the area that needs policing means that the number of naval assets is simply never going to be sufficient. The deficiency of this tactic has been demonstrated by the growth in piracy off the coast of Somalia in recent years despite a growing armada of ships enlisted to protect merchant shipping.

It is suggested here that what is required is a naval force that will police the problem of piracy from within Somalia, a Somali naval force which will be respected by the local population and can respond to intelligence gathered from community sources. This is only possible if the naval force is accountable to the local government, a government whose structures are born from local consensus and acceptance. Currently the small state formations of Puntland and Galmudug are struggling to put together a coast guard that can police Somali waters. The suggestions made here are not new; other scholars have made similar suggestions, see for instance Elliot & Holzer, 2009; Quinn & Farah, 2008; and Hansen, 2009. However unlike previous work, this work has undertaken a systematic analysis of a variety of factors including a historical policy analysis to understand the effect of: globalization; neo-liberalization; political, economic, and ideological transitions; reference groups; deprivation; foreign interventions; rationalizations; social reaction; governance; and anomie. This broader range of factors has been assessed in one combined format allowing for a better understanding of the problem, providing an empirical foundation for future policy formulations. Studying piracy in Somalia broadly has brought to light the discrepancies and flaws of the current counter-piracy approach as well emphasized the need for a different approach.
In order to achieve better control over piracy in Somalia, Somalis need to be stakeholders of any counter-piracy action. There are feelings amongst Somalis generally and Puntlanders specifically that piracy has escalated out of an acceptable realm and that it needs to be limited, if not stopped. This is the nucleus that needs to be built upon. If the international community is supportive of a federal Somalia, gives the semi-autonomous states a voice internationally, supports the efforts of these smaller state formations, promotes the will of local civil society, anti-piracy efforts will have the benefit of being homegrown and respected locally – both fundamental to any effective control mechanism. This will remove the much used rationalization of pirates that they are fighting foreign encroachment. Instead both pirates and the community, from which they emerge, will recognize the legitimacy of counter piracy efforts. This new approach will require more research and more time, but will most likely involve less money than is being spent currently on the international naval response.

Another related implication of this research relates to Passas’ original notion of dysnomie, and the contribution of legal asymmetries and the inconsistent application of international rules to the growth of deviant subcultures. Any foreign intervention which seeks to bring pirates to justice needs to be consistent. Consistency needs to be achieved both through the uniform application of sanctions to all captured pirates and in the application of sanctions not only to pirates but to other forms of maritime crime such as IUU fishing and toxic waste dumping. This is essential for regaining the confidence and trust of the Somali people in the international community as well as to the legitimacy of the nascent international criminal justice system.

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108 Consider here the effectiveness of the Palestinian Police in disarmament and counter-terrorism campaigns (Lia, 2006).
This research identifies the importance of counter piracy being context based; it needs to emanate from within the nation that produces pirates, with the assistance of the international community that focuses on the root causes rather than the symptoms of the problem – therefore a return to the building block approach of the late 1990s (Hansen, 2003).

Based on the research and findings of this dissertation it is suggested that future research in piracy should focus on monitoring global piracy patterns and continue to undertake in depth analysis of the context for the various manifestations of contemporary piracy. The continued monitoring of piracy across the globe along the format of the newly created CMPD will allow a systematic analysis of the manifestations and modus operandi of piracy as it changes in location and nature, allowing a more targeted response to the problem. Ideally the future monitoring effort will be cooperative with agencies which have access to victim reports on piracy, such as the International Maritime Bureau, allowing a better and more consistent quality of data across recorded cases.

To improve the reliability of the data and findings of the Somali case study, the Somali case study would benefit from structured interviews with active and former pirates providing better insight into their perceptions and motivations, onset and self-identified routes to desistance. This is crucial to understand desistance from piracy and the role of civic society in promoting desistance. In addition, future research should increase the scope of the interviews to clan elders, administrators, and law enforcement officials in Puntland and Galmudug to provide more concrete advice on how to support local counter piracy efforts. Research is needed on the smaller state formations of Puntland and Galmudug, to understand their structure, development, source of social support, priorities, and needs to provide targeted, essential assistance. Assistance delivery needs to be collaborative with the local governments, the civic society, and clan elders.
Finally, the schematic representation of global anomie created for the purpose of analysis in this dissertation proved to be a useful tool in identifying the origin, emergence, and continuance of piracy in Somalia. This research suggests some theoretical developments. Global anomie theory was augmented with the concept of civic governance, as a buffer between globalization and its effect on society. The case study discovered that the factors predicted by the theory together with the concept of civic governance were important in explaining the problem of piracy in Somalia. The complex sequence of events predicted by the theory, materialized in the Somali cases study in a progressive manner to produce a piracy subculture and ultimately piracy continued even in the absence of original strains. The unique circumstances of Somalia indicate that the effects of globalization are ongoing, with different effects under an authoritarian regime and a country without a centralized state. The repeated and varied impacts of globalization served to disembend social relations from their natural context, suggesting the effects of the resulting asymmetries are both strain and ontological insecurity. The Somali case highlighted how the rapid change in gender roles exacerbated asymmetries threatening traditional male roles. The case study also made clear that as successful deviant outcomes became normative, they have a detrimental effect on governance. In Puntland this process was further intensified when the externally compelled central government did not have widespread civic support.

To assess the validity and generalizability of this analytic framework, additional case studies of the other HPIC nations need to be conducted. This will provide information on what the different contexts are for piracy. Moreover it will allow a better understanding of the different forms of civic governance failures and criminogenic asymmetries which have made piracy feasible elsewhere. Particularly countries which have historical roots in piracy, like
Indonesia, may provide additional insights which will be important for the development of the analytic framework. Also a study of Nigerian piracy, which displays unique characteristics, would be beneficial. The analytic framework generated here will provide a sound structure for studying the origin and context for piracy as well as the factors that maintain piracy.

This case study has been one of the few practical examinations of this complex and ambitious theory which is one of the most comprehensive attempts to understand the problem of globalized crime. The results have been encouraging, paving the way for more research not only of the applicability of the theory to piracy but also to other types of transnational crime. For example, the framework could be used to look into the illegality and unethical practice of toxic waste dumping and its normative effect on the international business community. Moreover, the contribution of civic governance ideas to the global anomie process have been promising, showing that studying the impact of governability (dysnomie) from both an international and national perspective provides a more holistic understanding of the criminogenic dynamics and counter currents that make deviance possible. These ideas need to be explored further as an addition to an often overlooked criminological theory.

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) limits piracy to acts committed on the high seas (Article 101). The high sea is the area of the ocean that is outside of the territorial jurisdiction of a nation state, also known as international waters. *Figure A* illustrates that territorial waters extend 12 nautical miles (nm) from the coast of a nation state (this 12 nm limit was set in UNCLOS itself, extending it from the previous 3 nm). Beyond this, each nation state has an Exclusive Economic Zone (EEZ) stretching 200 nm from its coast. Within the EEZ, the state has exclusive exploitation rights over the natural resources therein. According to UNCLOS ships have transit rights in the EEZ but they have to pay regard to coastal states’ rights, laws and regulations (Art.88-115). Technically these are international waters and according to Art. 58(2) the piracy provisions apply. That means all vessels, regardless of nationality, can arrest and arraign pirates encountered in the EEZs and bring them to justice under their own domestic law.

![Figure A. Jurisdictional Boundaries of the Oceans as per the United Nations Convention on the Law of the Seas.](image-url)
Appendix B: Components & Themes for Global Anomie Theory Analytic Framework

<table>
<thead>
<tr>
<th>COMPONENT</th>
<th>THEMES</th>
<th>SOURCES</th>
<th>EXAMPLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Globalization &amp; Neoliberalization</td>
<td>Economic Restructuring</td>
<td>Historical documents, economic analyses, laws, policies, official statements, NGO reports, development literature</td>
<td>Nationalization, legal reforms, societal reforms, new international relations, structural adjustment programs</td>
</tr>
<tr>
<td></td>
<td>Deregulation</td>
<td>Historical documents, laws, policies, official statements, development literature</td>
<td>Changes in public spending, public sector and public service policies</td>
</tr>
<tr>
<td></td>
<td>Dependence</td>
<td>Policies, official statements, NGO reports, development literature</td>
<td>Reliance on super power states, reliance on aid, subsistence strategies</td>
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<td></td>
<td>Increased Poverty</td>
<td>Economic &amp; Sociological analyses, NGO reports, development literature</td>
<td>Changes in poverty, corruption, marginalization, conflict, hunger</td>
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<td></td>
<td>Egalitarian Discourse</td>
<td>Policies, media reports, NGO reports, development literature</td>
<td>Policies advocating equality, press freedom, literacy</td>
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<td></td>
<td>Consumerism &amp; Competition</td>
<td>Economic analyses, media reports</td>
<td>Levels of trade, availability of foreign products in domestic markets, foreign travel, change in infrastructure, levels of communication, media</td>
</tr>
<tr>
<td></td>
<td>Distant Referents</td>
<td>Sociological analyses, media reports</td>
<td>Interconnectedness abroad, foreign population &amp; foreign corporations, migration</td>
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<tr>
<td>2. Means-Ends Discrepancies &amp; Asymmetries</td>
<td>Means-Ends Discrepancies</td>
<td>Sociological analyses, economic analyses, NGO reports</td>
<td>Opportunities limited to select sectors of society, changing values, needs and wants, lack of social services, discrimination</td>
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<td></td>
<td>Perception of Injustice &amp; Relative Deprivation</td>
<td>Narratives of residents, sociological analysis, development literature</td>
<td>Role of women in society, injustices perceived, perceived hindrance to success, problems identified</td>
</tr>
<tr>
<td></td>
<td>Absolute Deprivation</td>
<td>NGO reports, development literature</td>
<td>Poverty, hunger, lack of basic social services</td>
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<tr>
<td></td>
<td>Situation Producing Strain</td>
<td>NGO reports, economic analyses, narratives of residents</td>
<td>Lack of legitimate opportunities, lack of assistance for poor, lack of norms guiding behavior</td>
</tr>
<tr>
<td><strong>Ontological Insecurity</strong></td>
<td><strong>Narratives of residents, sociological analysis</strong></td>
<td><strong>Desperation, anger, unhappiness, uncertainty of income, familial roles, and opportunities.</strong></td>
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<tr>
<td><strong>3. Pressures towards Deviance</strong></td>
<td><strong>Overemphasis on goals</strong></td>
<td><strong>Pirate narratives, sociological analysis</strong></td>
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<td></td>
<td><strong>Focus on making money rather than accepted legitimate behavior</strong></td>
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<td></td>
<td><strong>Lack of opportunities</strong></td>
<td><strong>Pirate narratives</strong></td>
<td></td>
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<td></td>
<td><strong>Lack of alternative employment, alternative occupations become impossible</strong></td>
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<td></td>
<td><strong>Rationalization of deviance</strong></td>
<td><strong>Pirate narratives</strong></td>
<td></td>
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<td></td>
<td><strong>Justifications, explanations, societal response to piracy</strong></td>
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<tr>
<td><strong>4. Successful Deviant Subcultures</strong></td>
<td><strong>Deviance become normative</strong></td>
<td><strong>Resident and pirates narratives, media reports, sociological analysis</strong></td>
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<tr>
<td></td>
<td><strong>Number of piracy recruits, financial success of pirates</strong></td>
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<tr>
<td></td>
<td><strong>Deviance adopted without strain</strong></td>
<td><strong>Resident and pirates narratives</strong></td>
<td></td>
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<tr>
<td></td>
<td><strong>Viable alternative careers abandoned for piracy</strong></td>
<td></td>
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<tr>
<td><strong>5. Impact on Governability</strong></td>
<td><strong>Dysnomie:</strong></td>
<td><strong>Historical documents, political analyses, laws, policies, official statements, NGO reports, development literature, international community involvement literature</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Lack of global norm-making mechanisms</td>
<td></td>
<td><strong>State-building, domestic counter-piracy efforts, international counter-piracy efforts</strong></td>
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<tr>
<td></td>
<td>- Inconsistent enforcement of international rules</td>
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<tr>
<td></td>
<td>- Regulatory patchwork of legal traditions and practices</td>
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<td></td>
<td>- Ineffective civic governance</td>
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<td></td>
<td><strong>Normative deviance</strong></td>
<td><strong>Government documents, media reports</strong></td>
<td></td>
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<td></td>
<td><strong>Local government responses to piracy, level of social acceptance of piracy</strong></td>
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Appendix C: IMB Piracy and Armed Robbery Attack Report Template

<table>
<thead>
<tr>
<th>VESSEL PARTICULARS / DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. NAME OF SHIP:</td>
</tr>
<tr>
<td>2. IMO NO:</td>
</tr>
<tr>
<td>3. FLAG:</td>
</tr>
<tr>
<td>4. TYPE OF SHIP:</td>
</tr>
<tr>
<td>5. TONNAGES: GRT: NRT: DWT:</td>
</tr>
<tr>
<td>6. OWNERS (ADDRESS &amp; CONTACT DETAILS):</td>
</tr>
<tr>
<td>7. MANAGERS (ADDRESS &amp; CONTACT DETAILS):</td>
</tr>
<tr>
<td>8. LAST PORT/NEXT PORT:</td>
</tr>
<tr>
<td>9. CARGO DETAILS: (TYPE/QUANTITY):</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DETAILS OF INCIDENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. DATE &amp; TIME OF INCIDENT:</td>
</tr>
<tr>
<td>11. POSITION: LAT: (N/S) LONG: (E/W):</td>
</tr>
<tr>
<td>12. NEAREST LAND MARK / LOCATION:</td>
</tr>
<tr>
<td>13. PORT/TOWN / ANCHORAGE AREA:</td>
</tr>
<tr>
<td>14. COUNTRY / NEAREST COUNTRY:</td>
</tr>
<tr>
<td>15. STATUS (BERTH / ANCHORED / STEAMING):</td>
</tr>
<tr>
<td>16. OWN SHIP'S SPEED:</td>
</tr>
<tr>
<td>17. SHIP'S FREEBOARD DURING ATTACK:</td>
</tr>
<tr>
<td>18. WEATHER DURING ATTACK (RAIN / FOG / MIST / CLEAR / ETC, WIND SPEED AND DIRECTION, SEA / SWELL HEIGHT):</td>
</tr>
<tr>
<td>19. TYPES OF ATTACK (BOARDED / ATTEMPTED):</td>
</tr>
<tr>
<td>20. CONSEQUENCES FOR CREW, SHIP AND CARGO:</td>
</tr>
<tr>
<td>ANY CREW INJURED / KILLED:</td>
</tr>
<tr>
<td>ITEMS / CASH STOLEN:</td>
</tr>
<tr>
<td>21. AREA OF THE SHIP BEING ATTacked:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DETAILS OF RAIDING PARTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>22. NUMBER OF PIRATES / ROBBERS:</td>
</tr>
<tr>
<td>23. DRESS / PHYSICAL APPEARANCE:</td>
</tr>
<tr>
<td>24. LANGUAGE SPOKEN:</td>
</tr>
<tr>
<td>25. WEAPONS USED:</td>
</tr>
<tr>
<td>26. DISTINCTIVE DETAILS:</td>
</tr>
<tr>
<td>27. CRAFT USED:</td>
</tr>
<tr>
<td>28. METHOD OF APPROACH:</td>
</tr>
<tr>
<td>29. DURATION OF ATTACK:</td>
</tr>
<tr>
<td>30. AGGRESSIVE / VIOLENT:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FURTHER DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>31. ACTION TAKEN BY MASTER AND CREW:</td>
</tr>
<tr>
<td>32. WAS INCIDENT REPORTED TO THE COASTAL AUTHORITY? IF SO TO WHOM?</td>
</tr>
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<td>33. ACTION TAKEN BY THE AUTHORITIES:</td>
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<td>34. NUMBER OF CREW / NATIONALITY:</td>
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<td>35. PLEASE ATTACH WITH THIS REPORT — A BRIEF DESCRIPTION / FULL REPORT / MASTER — CREW STATEMENT OF THE ATTACK / PHOTOGRAPHS TAKEN IF ANY:</td>
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ADDRESS: ICC-INTERNATIONAL MARITIME BUREAU
PIRACY REPORTING CENTRE
P.O. BOX 12559
50782 KUALA LUMPUR, MALAYSIA

CONTACT DETAILS: TEL: 603 2031 0014 (HELP LINE)
FAX: 603 2078 5709
TELEX: MA 34199
E-MAIL: imb@icc-cis.org; primc@imb piracy.org
WEBSITE: www.imb.org
## Appendix D: ONI Anti-Shipping Activity Message Online Reporting Platform

### Send ASAM to NGA

Enter ASAM message below. NOTE: For your report to be processed completely, you must include "Observer Information". Required fields are denoted by "*".

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<td>Fax Number:</td>
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<td>Detailed Description of the Occurrence</td>
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[Submit] [Clear]
Appendix E: List of sources used to compile piracy and other hostile acts against shipping reports by the ONI.

- Agence France Presse (AFP)
- Associated Press (AP)
- Baltic and International Maritime Council (BIMCO), Denmark
- BBC News
- EU Naval Forces (EU)
- Fairplay (FP), London
- Informa Group (INFO), formerly LLP, Llp Limited, London
- International Maritime Bureau (IMB), London and Kuala Lumpur
- International Maritime Organization (IMO), London
- Latitude38.com (LAT) website
- Lloyd's List (LL), daily, London
- Local Media (LM)
- MaRisk by Risk Intelligence (Risk Intelligence/MaRisk)
- Maritime Administration (MARAD), U.S.
- Maritime Security Centre – Horn of Africa (MSCHOA)
- Maritime Security Council (MSC), U.S.
- National Geospatial-Intelligence Agency (NGA), Navigation Safety System
- North Atlantic Treaty Organization (NATO), Brussels
- Office of Naval Intelligence (ONI) (analysis and comment)
- Operator (owner or operator of affected vessel)
- Overseas Security Advisory Council (OSAC)
- Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, Information Sharing Center (ReCAAP ISC)
- Reuters
- Royal Australian Navy (RAN)
- Royal New Zealand Navy (RNZN)
- Seafarers’ Assistance Program (SAP), Kenya
- Tradewinds (TW)
- United Kingdom Maritime Trade Organization (UKMTO)
- United Press International (UPI)
- U.S. Maritime Liaison Office (MARLO) Bahrain
- U.S. Coast Guard (USCG)
- U.S. Department of Homeland Security (DHS)
- U.S. Department of Justice (DOJ)
- U.S. Department of State (DOS)
- U.S. Department of Transportation (DOT)
**Somalia & Puntland Timeline: Chronology of key political and piracy related events**

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<tr>
<th>Year</th>
<th>Event</th>
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<td>1956</td>
<td><strong>Italian Somaliland renamed Somalia and granted internal autonomy.</strong></td>
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<tr>
<td>1960</td>
<td><strong>British and Italian parts of Somalia become independent, unite to form the United Republic of Somalia. Aden Abdullah Osman Daar declared president.</strong></td>
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<tr>
<td>1964</td>
<td><strong>Border dispute with Ethiopia.</strong></td>
</tr>
<tr>
<td>1967</td>
<td><strong>Elections: Abdi Rashid Ali Shermarke becomes president.</strong></td>
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<tr>
<td>1969</td>
<td><strong>Shermarke is assassinated; Muhammad Siad Barre assumes power in a coup.</strong></td>
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<tr>
<td>1970</td>
<td><strong>Barre declares Somalia a socialist state.</strong></td>
</tr>
<tr>
<td>1974</td>
<td><strong>Somalia joins the Arab League.</strong></td>
</tr>
<tr>
<td>1977</td>
<td><strong>Somalia invades the Somali-inhabited Ogaden region of Ethiopia.</strong></td>
</tr>
<tr>
<td>1978</td>
<td><strong>Somali forces pushed out of Ogaden with help of Soviet and Cuban troops; Barre expels Soviet advisors and gains US support.</strong></td>
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<tr>
<td>1981</td>
<td><strong>After excluding Isad and other non-Marehan clans from government positions, opposition to Barre begins to form.</strong></td>
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<tr>
<td>1988</td>
<td><strong>Peace accord with Ethiopia signed.</strong></td>
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<tr>
<td>1991</td>
<td><strong>Siad Barre is ousted; civil war begins. Former British protectorate, Somaliland declares unilateral independence. First recorded incident of piracy in modern Somalia (MV NAVI Luck, off Puntland).</strong></td>
</tr>
<tr>
<td>1992</td>
<td><strong>US forces land near Mudugsho ahead of UN operation in Somalia (UNOSOM I) &amp; US led United Task Force (UNITAF).</strong></td>
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<tr>
<td>1993</td>
<td><strong>Black Hawk Down incident resulting in the dissolution of UNITAF, take over by UNOSOM II.</strong></td>
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<tr>
<td>1994</td>
<td><strong>UN operation in Somalia ends.</strong></td>
</tr>
<tr>
<td>1995</td>
<td><strong>UN peacekeepers leave Somalia.</strong></td>
</tr>
<tr>
<td>1998</td>
<td><strong>Puntland declares autonomy; Garowe is chosen as the region's capital.</strong></td>
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<tr>
<td>1999</td>
<td><strong>Hart security, a British private security firm, signs a contract to provide coast guard services in Puntland.</strong></td>
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<td>2000</td>
<td><strong>Arta Peace Talks between clan leaders and various factions form the Transitional National Government (TNG) and elect AbdulRassim Salat Hassan president.</strong></td>
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<tr>
<td>2001</td>
<td><strong>Election of Jama Ajam as president sparks civil conflict when Abdullahi Yusuf Ahmed refuses to step down.</strong></td>
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<tr>
<td>2002</td>
<td><strong>Somali-Canadian Coast Guard assumes Puntland coast guard duties.</strong></td>
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<tr>
<td>2004</td>
<td><strong>TNG is reconstituted as the Transitional Federal Government (TFG); Abdullahi Yusuf is elected president. General Mohamud Muse Hersi takes over Puntland presidency. Indian Ocean tsunami strikes the eastern coast of Somalia.</strong></td>
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<tr>
<td>2006</td>
<td><strong>Islamic Court Union (ICU) seizes power. Piracy ceases in Somalia.</strong></td>
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<tr>
<td></td>
<td><strong>US-backed Ethiopian forces invade Somalia and overthrow ICU; Harunwe ICU militias split off to form the Al-Shabaab (The Youth).</strong></td>
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<tr>
<td>2007</td>
<td><strong>African Union peacekeepers land in Mogadishu.</strong></td>
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<td>2008</td>
<td><strong>US airstrikes targeting suspected Al Qaeda members begin. Hersi ceases to pay his Puntland security forces. Piracy explodes. UN Security Council resolution 1851 passed. NATO sends naval force to patrol Somali waters; EUNAVFOR created.</strong></td>
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<tr>
<td>2011</td>
<td><strong>Kenyan forces enter Somalia.</strong></td>
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<td>2012</td>
<td><strong>EUNAVFOR authorizes land strikes to fight Somali piracy.</strong></td>
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# Appendix G: Countries in the Contemporary Maritime Piracy Database

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References


http://www.boston.com/news/nation/articles/2012/05/15/eu_navy_helicoptersStrike_pirate_supply_center/


http://digitalcommons.macalester.edu/cgi/viewcontent.cgi?article=1108&context=bildhaan


