"HERE THERE BE PIRATES"

LEGITIMACY IN PIRATE AREAS AND LESSONS LEARNED

Stig Jarle Hansen,

University of Life Sciences, Oslo

SUMMARY

In 2008 the author observed serious strains between the then president Adde Musa of Puntland and the international community, many suspected the former to have been in lead with the pirates, while the Puntland administration accused the international society from pressuring them to avoid attacking captured ships because of the likelihoods of deaths of hostages. Trust was definitively an issue. This paper asks if this issue been overcome, questioning how the local entities in the pirate areas have participated, and mapping various opinions on the work of the group in the local communities. It also takes into consideration political cleavages in both Puntland and Galmudug, which might create differences in opinion. The paper sheds light on the perspective of local decision makers about what was useful or not in the Contact Group.

The core areas of Somali piracy were, with a few exceptions, located in the Puntland and Galmudug regions of Central and North Eastern Somalia. [1] While there has been a tradition of wreck plundering, and for on-shore tribute taking for safe passage, piracy has been a relatively recent phenomena in these areas. Somali piracy started very moderately in the 1990s, but exploded in the Galmudug region in 2005, and in the North East in 2008, the latter making the waters outside Somalia the most pirate infested in the world.

The problems the Contact Group on Piracy off the Coast of Somalia faced in dealing with these areas were not simply the regional explosion in piracy and the income it generated. In one sense three non-state, yet self 'governed' (not always 'governed' in the more common sense of the world, as these governments to a certain extent depended on consensus with clan leaders and peripheral strongmen) entities of Puntland, Galmudug and the Himaan and Heeb state formed the onshore frontline against piracy. Piracy in Somalia was largely restricted to these areas, with the addition of areas around Haradhere which, after the establishment of the Contact Group (CGPCS), remained under the control of radical Islamists who were aligned with Al Qaeda and

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[1] See Hansen, Stig Jarle. 2009. "Piracy in the Greater Gulf of Aden." *NIBR Report* 29, Oslo: NIBR.

shunned by the international world; hardly tempting discussion partners for the CGPCS.[2]

It was in the regions mentioned above that the activities initiated by the CGPCS would come into direct contact with the pirate syndicates on land. Moreover it was in these areas where the pirate groups had the strongest impact. After all, it was their home areas, and seemingly where major investments by pirate leaders were made. Profitable pirate groups clearly had the power/financial strength to bribe or threaten officials. The large incomes from the piracy sector created huge incentives to invest or work in the piracy sector. It is, therefore, not surprising that allegations against Puntland government officials, as well as local governance structures in Galmudug and Himaan and Heeb surfaced, some ending up in court.[3] It should also be remembered that allegations of piracy ties could also be employed by political rivals as a means of smearing one another, and that there was no understanding and mapping off such ties. This increased the influence of rumours and gossip. Few of the allegations against high-ranking officials were proven, perhaps because of the difficulties inherent in conducting investigations in these areas, but another reason could also be that the allegations were either wrong or outdated as individuals withdrew from active involvement in piracy. Under these circumstances a lack of trust can easily hinder cooperation.

An additional difficulty for the CGPCS arose from the fact that these entities undermined the establishment of a strong Somali central state. Not only were these areas wielding de facto, if not de jure, sovereignty, they were also reluctant to concede concessions to the various governments in Mogadishu. Accustomed to autonomy, they sought to maintain their independence, and still do today. For members of the CGPCS, this was an obvious difficulty, and raised questions about whether collaboration with actors, who resisted a central Somali Government, would only result in the international community's failure to rebuild a Somali state.[4]

Yet, if the CGPCS was to be successful it needed to engage locally. There were many reasons for this. Even today the influence of the Mogadishu based central Somali government is almost non-existent in these areas, Puntland has even withdrawn from it, and in the past relationships between periphery and centre were either complicated or outright hostile.[5] Any attempt on behalf of the central Somali government to intervene in the areas would, in general, be regarded as an invasion, and would have led to wars. Indeed these would have been wars that the central government might, as a result of its institutional and political weakness, have lost. Regional engagements, engagements with structures often alleged to be behind, investing or in other ways supporting piracy, were thus of the uttermost importance for the successful work of the CGPCS. As such the CGPCS operated in a

[2] See Hansen, Stig Jarle. 2013. *Al-Shabaab in Somalia: The History and Ideology of a Militant Islamist Group, 2005-2012*, New York: Oxford University Press.

[3] Staffwriter. 2013. "Somali Pirate Bigmouth Arrested in Belgium." *Aljazeera* http://www.aljazeera.com/news/africa/2013/10/somali-pirate-big-mouth-arrested-belgium-2013101416231617270.html (accessed 1 September 2014).

[4] E-mail from former Contact Group Chair Donna Hopkins, to the author 25/08 2014.

[5] See for example Staff writer. 2014. Somalia: Puntland Withdraws Support for Federal Govt, *AllAfrica.com* http://allafrica.com/stories/201408010431.html (accessed 1 September 2014).

minefield environment in which trust issues were, of course, complicated by the tendencies of pirate leaders to establish "anti-piracy" coast guards, by frequent amnesties and by rumours of escapees from prison.[6] Lack of trust has potentially serious consequences for interaction. Researchers Frank A.G. den Butter and Robert H.J. Mosch have argued that transition costs increase when trust is limited.[7] For the CGPCS one major challenge was to combat piracy, limit the recruitment to piracy, and re-enforce anti-piracy measures in conditions where they did not know who to trust.

INTERACTION AND THE LACK OF IT

The CGPCS on Piracy off the Coast of Somalia was created in 2009 pursuant to UN Security Council Resolution 1851.[8] This meant that the group itself faced a limited number of administrations. The main 'front against piracy' ran through three important self-governed entities: the Galmudug state, the Himan and Heeb state, and the Puntland state. The Galmudug state had been plagued by tribal fighting in 2004-2005, but the fighting was of a different kind than the outright war that was a common order of the day in Mogadishu; there were no large scale battles, only small clashes. Puntland had its own small civil war in 2001-2003. However, by 2009 the administrations were relatively stable. In Puntland the CGPCS had to deal with the Farole administration (2009-2014), led by President Abuhraman

Farole, and with the administration of President Abdiweily 'Gaas' (2014 to present day). In Galmudug, the CGPCS faced President Kimiko's administration for a very brief period in 2009, but mainly had to deal with President Mohamed Ahmed Alin and his administration (2009-2012), which was replaced by Abdi Qeibdid after a heavily contested selection process in 2012, in which Galmudug for a short period had two Presidents. The last entity was the so-called Himan and Heeb state, formerly led by the-now arrested President Mohamed Adam Tiicey (2008-2013), and today headed by Abdulahi Ali Mohamed.[9]

Yet, despite the relative stability of these administrations, the nature of the entities were different to the common European, American, Oceanian, or East Asian states or regional administrations. The Puntland government was in practice a loose alliance of clans rather than based on institutions. This alliance was dominated by three of the sub-clans in the Mahmoud Mahmoud sub-clan of the Majerteen, the Omar, Issa and Osman. It also contained sub-clans, like the Ali Suleiban, that felt marginalized from the whole idea of Puntland itself. However, even the ability of Puntland, the strongest of the three autonomous communities, to operate in the coast was limited, at times based on good will and alliances with local strongmen. Hostilities between the three Mahmoud Mahmoud sub clans were, at times, very tense and hindered policy implementation, not only because the clans would focus on the protection of their own

[6] See staff writer 2014b. Somalia: Puntland Govt Offers Amnesty to Pirate Linchpin, *All Africa.com* http://al-lafrica.com/stories/201405050526.html (accessed 1 September 2014)

[7] den Butter, Frank A.G. and Robert H.J. Mosch. 2003. "Trade, Trust and Transaction Costs", *Tinbergen Institute Discussion Paper* TI 2003-082/3

[8] UN Security Council Resolution 1851, adopted 16 December 2008.

[9] Staffwriter. 2013. "Somali Pirate Bigmouth Arrested in Belgium." *Aljazeera* http://www.aljazeera.com/news/africa/2013/10/somali-pirate-big-mouth-arrested-belgium-2013101416231617270.html (accessed 1 September 2014).

leaders, but also because of the poor quality of political leadership that was evident in these clans.

Despite this, Puntland was still the strongest of the three 'states'. The Galmudug state only appeared to gain some control of the coast around Hobiyo when the southern Islamists in Hiszbul Islam conquered Haradhere and acted as a catalyst for local businessmen, including pirates, of the Saad clan to get closer to their brethren in Galcayo. In this sense Galmudug's control of the pirate areas in Hobiyo was dependent on local support, including from pirate leaders. The same went for the Himaan and Heeb state, where there were strong indications that pirates had connections to the Presidential guard. The special traits of the various entities inhibited the implementation of counter-piracy policies and at the same time created distrust between the CGPCS and the entities. The former saw the problems with implementing as a product of inefficiency and close relationships between elites and pirates, while the latter saw some of the comments by CGPCS members as rude and impolite.[10]

This distrust might have hindered the transmission of vital information. President Adde Mussa of Puntland (2005-2009) was, for example, entirely isolated during many of the larger meetings before the creation of the CGPCS, which hindered a wider audience for his message that he wanted to strike harder against the pirates, but was hindered by western ship-owners, and that he wanted to limit the ransom payment in order to weaken the pirate groups and make them easier targets for the Puntland militia.[11] The establishment of the CGPCS

could have had the potential to change this situation, but initially it did not. With respect to Puntland, the tone of the CGPCS, or the parts of it that dealt specifically with the entity, for example working groups 4 and 5, was strained.

Strategies were developed to cope with these problems and the CGPCS knew that they needed local contacts. In particular the Kampala Framework would become an important avenue for discouraged members of the CGPCS to be brought back on board, as Chris Holtby, who played a leading role in the CGPCS, noted,

> We invented this together with UNPOS and IMO in order to get things away from the Somali politicians (who had bickered openly at the Working Group) and over to their experts, such as they were. The focus on practicality and delivery of programmes together with IMO, UNPOS etc was likely the best means to avoid criminality/corruption, and certainly did get things done.[12]

The strategy envisaged by the CGPCS was one of *technification*. Technocrats were preferred to political leaders, as they were seen as less corrupt and more manageable, a strategy with some parallels to the European Union's management of the financial crisis from 2010 onwards. Trust was created through this *technification*. A coordination committee was created, consisting of representatives of the Counter-piracy Offices of the TFG, Puntland, and Somaliland. Coordination mechanisms like this, and the fact that the draft of the Kampala agreement referred to national unity, comforted partners like the United States.[13]

While the CGPCS did not originally include potential central Somali partners in

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[10] Interview with Member of the Farole Family, 20 August 2014.

[11] Talk with Adde Mussa in Nairobi, unknown date, 2008.

[12] E-mail from Contact Group Chair Donna Hopkins, to the author 03/09 2014

[13] Ibid.

this committee, over time the technification was also transferred into that region and it appears that the relationship between the technocrats and the CGPCS was healthy and constructive.

The CGPCS made a lot of efforts to counter the piracy activities in the Indian Ocean and Gulf of Aden in terms of capacity building and the prosecution of alleged perpetrators of piracy. Due to their efforts, I have noticed a dramatic reduction of piracy attacks after 2009. No one can deny the CGPCS has done a great job.[14]

In one sense it should be expected that these relationships were good. After all, the technocrats had been elevated by their interaction with the CGPCS and they were invited to meetings that they would otherwise not attend. However, the entities analyzed here, as claimed earlier, were far from any idea of a standard state. They had internal peripheries and while leaders often had some kind of popular mandate from their own population, they were not always respected. In particular, the relationship between the Puntland President and the CGPCS was strained at first.[15]

The Galmudug President at the time, Mohamed Ahmed Alin, appeared to have been outright offended by the CGPCS and its lack of interest in him. Indeed, he stressed their total irrelevance, and was critical of the money spent on "workshops" and the lack of will to invest in remedies to prevent root causes of piracy such as poverty as well as illegal fishing.[16] Trust, therefore, had not been created with the leadership of

the various smaller entities, only with the technical representatives. This did however change over time. The Puntland leadership, for example, appreciated the CGPCS's engagement in the prison sector. On-seas development also enhanced trust, as piracy diminished as a result of anti-piracy measures offshore, such as best management practices and private guards. Trust became easier to establish, and it became less tempting for local officials to shield pirate kingpins and cooperate with them. Yet it was still felt that the outreach of the CGPCS was limited. According to Omar Sheik,

> When it comes CGPCS activities in Galmudug, I can say a little was done. Counter piracy office was established. But, Galmudug did not get any institutional support from the contact group. Courts and prisons were not built. Judges and police forces in Galmudug did not receive any capacity building from CGPCS. The rehabilitation of Galkayo police station is the only project funded by Trust Fund, which is expected to be implemented in the coming three months.[17]

In Puntland, local elders from the Osman Mahmoud clan in Berbera failed to notice the CGPCS at all.[18] The same was also true with representatives from the Ali Suleiban clan, so important for the piracy effort since famous pirates as Isse Yulhow came from that clan.[19] Although the two representatives of the sub-clans interviewed for this article might simply have lacked the knowledge of such efforts, they are both relatively prominent figures inside their

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[14] Interview with Galmudug focal Point Omar Sheik, 02/09 2014.

[15] Interview with Member of the Farole Family, 20 August 2014 (per skype).

[16] Interview with Mohamed Ahmed Alin, 27 August (per telephone) 2014.

[17] Interview with Galmudug focal Point Omar Sheik, 02/09 2014.

[18] Interview with Puntland elder. 25 August (per email).

[19] Interview with Ali Suleiban member, 26 August 2014, per email.

communities and thus strongly indicate the lack of visibility for the CGPCS in this area.

However, maybe this should not be expected of the CGPCS. In one sense it showed much flexibility in inviting the various smaller non-state political entities in in the first place. If one, for example, expected them to go in at an ever-lower level of political governance, at clan level, even more flexibility could have created yet more trust issues.

BUILDING LOCAL TURST AND LEGITIMACY

In general, the political actors on clan level within the non-state entities did not see the CGPCS at all in their near environments. The leaders of non-state entities were highly sceptical at the beginning, but engagement improved over time as trust was established, but also as piracy declined. Technification was a way of creating trust as it enabled technocrats to meet with the CGPCS, but it did not create local legitimacy. Rather, interaction in practical projects did. Still all the local actors seem to have a common feeling that the CGPCS was wasteful:

> They have had a lot of meetings with many participants, in which they spent millions of money if not billions. In my opinion, they should have given also a priority to the communities who live in the coastal area in Somalia, who suffered much from the piracy activities as well the operations conducted by the naval forces in the Indian Ocean.[20]

It should be noted that this is a quite common critique from Somalia against most international organisations in the region. In the case of the contact group, many different states, as well as national interests had to be aligned, explaining the multitude of meetings. It does, however, suggest that more attempts could have been made to better inform representatives and community leaders of non-state entities about the complexity of the process. In hindsight, the CGPCS faced an obstacle that was almost impossible to solve, yet it was overcome. This weaknesses should have been addressed; it should have been possible to create a form of outreach to clan leaders and communities, for instance through information meetings. A dialogue not involving resources would have been possible. It could have involved local leaders from the start and aimed gaining community legitimacy for international counter-piracy actions. It should also be remembered that even in Somalia individuals are innocent until proven guilty, However, all in all, the CGPCS was rather successful.

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[20] Interview with Galmudug focal Point Omar Sheik, 02/09 2014.

About the Author

Dr. Stig Jarle Hansen is an Associate professor at the University of the Life Sciences, Oslo. He is specialized in the study of organized crime, religion and politics (including religious terror), and political theory. His main focus in the wider red sea region, Yemen, Somalia, Eritrea, Ethiopia, and Kenya, but he has also conducted Field Research in the middle east. His latest book, "Al shabaab in Somalia" won great acclaim, and was honourably mentioned in Foreign Policy and the Economist. Stig Jarle Hansen is viewed as a world leading expert on Islamism in the Horn of Africa and the Shabaab Group. He is currently leading Norways only master program in international relations. He can be contacted at stig.hansen@nmbu.no.

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