Modern day piracy in somalia

Introduction

In today's modern literature, ' pirates' are considered as ' legends from the dark past' (Lehr 2007). But in the 21st century, pirates still exist and in great numbers (The Guardian 2017). Although it is not broadcast on the news for the world to see, pirates are very common in different parts of the world.

The Definition of Piracy

With saying that, modern pirates have changed gradually over time, but their activities and behavior are almost still the same (Calik, 2017) In terms of defining piracy it states in Article 101 of the United Nations Convention on the Law of the Sea (1982) defines piracy as: " any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or private aircraft" (UNCLOS 2019). This definition has caused some debate due to several key problems relating to this legislation. The first issues arose around the fact that this definition is restricted to international waters and it does not include state piracy which causes issues when trying to arrest individuals for piracy. Additionally, Article 106 " Liability for seizure without adequate grounds" can also be affiliated with piracy.

The Rise of Pirates' Attacks

Piracy sparked concern in the early 1980s and since then it has increased dramatically. Since then, the number of recent pirates' attacks has risen slowly each year (Lehr 2007). Between 1993 and 2003 the number of attacks tripled worldwide (Lehr 2007). Originally pirates focused on the regions around the Malacca Straits. Piracy today is focused mainly around Africa,

particularly in the Gulf of Aden. It is estimated that 22, 000 vessels pass through the waters of the Somali coast every year (The Guardian 2017). With this, they carry 8 percent of the world trade and 12 percent of the total volume of oil transported by sea (The Guardian 2017).

In addition to this, as seen in the movies ' Pirates of the Caribbean', pirates are described as ' wearing eye patches', ' using swords', ' drinking rum' and ' living on the sea constantly' due to their compassion for the sea. However, it is completely different. Somali pirates do not wear eye patches and instead of swords they have rocket-propelled grenades or originally known as RPG's. Dua and Menkhaus (2012) state that pirates also have access to machine guns, torpedoes, and Molotov cocktails thus making them more deadly and advanced. Pirates in this era use small, fast speedboats to get about quickly and in crews of approximately 10 (Dua and Menkhaus 2012). Once they find a good target they launch hooks and rope ladders up to board the ship. Normally pirates attack at night as they have more of an advantage to not being caught by the authorities (Dua and Menkhaus 2012). They can be very intimidating and very forward with requests as seen in the movie " Captain Phillips 2013". In 2008, 40 ships were captured and ransoms between $500, 000 to $2 million were paid out (Zijlma 2019). In 2010, 49 ships were hijacked off the coast of Somalia (out of a total of 53 worldwide) (Zijlma 2019). This is impressive for poor fishermen living in a war-torn African country.

Doing Good for Their Country

According to a report by Zijlma (2019), it claims that successful pirates live very well, drive big cars, and buy weapons. Somali pirates basically run the economy of the autonomous region of Puntland (BBC News 2012). From this they are seen as doing good for their country, due to no appropriate government present, having no tourist attraction and little or no natural resources. From this, individuals who are seen as bringing in the most money to help people in their communities, they are labelled the leader and as well a hero for providing for the families. A BBC report in January 2012 claims that pirates have boosted the Somali economy significantly, but not all of it has trickled down to the coastal communities. Something as small as feeding and housing the hijacked crews off ships helps sustain the economy in Puntland.

A BBC report filed in September 2008 talks about life in a Somali town: " Eyl has become a town trailer made for pirates and their hostages. Resulting from this reveals that special restaurants have been set up to prepare food for the crews of the ships that have been hijacked. Due to the pirates wanting ransom payments, they try and look after their hostages" (BBC News 2008). Somali pirates do not see themselves as the bad guys; As they are providing and sustaining their economy and doing what's necessary to keep it going since a working government will not. A pirate interviewed by the New York Times (2008) said: ' We don't consider ourselves sea bandits. We consider sea bandits those who illegally fish in our seas and dump waste in our seas and carry weapons in our seas. We are simply patrolling our seas. Think of us like a coast guard.' The article continues by stating ' Somalia's

central government imploded in 1991, casting the country into chaos. With no patrols along the shoreline, Somalia's tuna-rich waters were soon plundered by commercial fishing fleets from around the world". As a result of this, poor Somali fishermen carried weapons thus turning into vigilantes by confronting boats at which were illegally fishing, thus demanding they pay tax for fishing in their rich enhanced waters (New York Times, 2008).

Two Types of Piracy

There are two types of modern pirates which exist in the seas today. These are known as small-time pirates and organisations of pirates (Calik, 2017). Furthermore, small-time pirates are only interested in what they can grab on aboard the ship and also ships safe. This can be compared to what pirates would have been like in the past (Zijlma 2019). The goals set by small pirates are not high and they work for what is beneficial for them only. On the other hand, organised pirates are in fact groups at which whom are connected to other similar criminal groups (NBC News 2013). Some are prominent individuals whom they work for and some are even for the authorities, thus stating corruption in government officials is present (NBC News 2013). Organised pirates differ from small pirates as organised pirates attack for fulfilling their part of the business, gaining whatever they need to sustain their needs. Additionally, these, kind of pirates are only one link in a criminal chain (Calik, 2017).

Pirates Before and Today

However, saying that the acts of today's pirates are similar to the acts of pirates from over 300 years ago (Chomsky, 2002). According to an article

conducted by Chomsky (2002), he argues that in today's modern society pirates still practice and condone kidnapping, murder, and robbery. The only difference with today is that there are more technology present. Schneider (2015) argues that pirates are now more advanced than ever before. Due to having access to radars, sonars and other communications this enables the best form of a successful hijacking thus commencing ' bringing home the bacon'.

Prosecution of Pirates

In a report conducted by Oceans Beyond Piracy (2017), it states that the economic cost of Somali piracy in 2017 was a staggering $1. 4bn. Additionally, OBP (Oceans Beyond Piracy) observed a 100% increase in incidents between 2016 & 2017. With 54 piracy incidents, 4 vessels hijacked and 15 failed attacks it is appropriate to say that nothing is stopping these pirates.

So, what is happening regarding the prosecutions of these ' criminals'? Murphy (2009) lists conditions that will help to fuel piracy: Legal and jurisdictional weakness, Geographical location, Conflict & disorder and virtually no law enforcement. Jurisdictional weakness and Geographical location would be a main factor of piracy occurring and a small percent only being caught and held responsible. To begin, Universal Jurisdiction is the legal idea that criminals can be tried in a legal system in any country (Chomsky 2002). Their nationality and location of their alleged crimes are not sufficient because crimes subject to international jurisdiction include piracy and international terrorism (Chomsky 2002). Due to general

suppression of piracy by states worldwide, international law came to define pirates as ' hostes humani generis' (enemies of all humanity) at which whom were to be subject to universal rather than territorial or national jurisdiction (Murphy 2009). Due to the attacks occurring overseas, meaning different jurisdictions, this poses controversy regarding who can prosecute. Although pirates edge towards living beyond a world ordered according to principles or territorial rule and national identity (Murphy 2009). In an article discussed by Dua and Menkhaus (2012) they state that as states around the world worked towards strengthening their grip on territories and populations (based on territoriality and nationally enforcing principles of jurisdiction). As a result, all states have claimed the right to prosecute piracy anywhere in the globe (Mallory 2012). This can also be done without any reference to the principles of a territorial or national authority. This is what has been accepted among states and it subsequently is known as the principle of universal jurisdiction (Aas 2007). With saying that, the prosecution of pirates is no ' walk on the plank' (Schneider 2015). The police have no authority and can not do much out in the open sea.

Other known challenges such as the apprehension of offenders, burden sharing, lack of political will, lack of capacity and addressing the political situation in Somalia all have a knock-off effect on the piracy situation (Kamil 2013). In a case study conducted by Kamil (2013) he states that with the formation of Somalia being made in 1960, this meant it was the union of two colonies: British Somaliland and Italian Somaliland. Kamil, (2013) also identifies that in the late 1960s the democratically-elected president Abdirashid Ali Shermarke was assassinated. This then meant that the

constitution was abolished, forcing General Siad Barre to become a dictator. He stated that with him in power, he would abolish corruption, nepotism, tribalism, and misrule. He stated that this would be achieved by ' scientific socialism' (Kamil 2013). However, in the early 1990s, the dictator of Somalia had fled the country due to popular rebellions. With this, Somalia had fallen into a ' traditional clan' and lineage diversions (Hagmann and Hoehne 2008). In an article conducted by Hagmann and Hoehne (2008) it states that resulting from the dictator fleeing the country, a civil war emerged between rival tribal warlords, eventually leading to a humanitarian crisis thus emerging three humanitarian interventions: The United Nations Operation in Somalia 1 (UNOSOM, April-December 1992), The United States led unified task force (UNITAF 1992-May 1993) and United Nations Operation in Somalia 2 (UNOSOM 2, March 1993-March 1995). Altogether nowadays consequently, there is no stable authority to protect the waters around the coast of Somalia. Without any stable authority, Somalia's coast has been a known location for the dumping of hazardous waste thus leading to acute respiratory infections, skin rashes, and death (Hagmann and Hoehne 2008). Additionally, fishermen volunteered for coast guards in an effort to protect their waters from illegal dumping. Contrary to this, over time this gave way to armed gangs who hijacked big ships for ransom.

Conclusion

With Somalia having such a difficult past regarding war and no government, there is no denying that sustaining the economy would be very difficult. Especially with having no tourist attraction or natural resources to make a profit. With having such a failed economy, it forces men to do what's

necessary to provide for the economy. It is fair to say that it is understandable why pirates do what they do, as it is simply to provide for the economy and their families. As well as that, all pirates want in most cases is money, usually, they won't harm anyone simply because they want the ransom. In terms of a comprehensive safety approach to Somalia, this will only work if there is a stable and strong government willing to take over and sort the problem. If there is a good stable government present, the seas are safer, coastal communities are healthier and the blue economies grow stronger (Dahir 2018).