

Auguries of Innocence: Failing Failed States

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Boston College

The Graduate School of Arts and Sciences

Department of Political Science

AUGURIES OF INNOCENCE:
FAILING FAILED STATES

Thesis

by

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submitted in partial fulfillment of the requirements

for the degree of

Master of Arts

May 2010

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2010

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May 2010

ABSTRACT

Currently there are millions of people trapped within the confines of a failed state, where each day they are met with extreme risk in order to acquire the basic human needs. While these situations are easily classified as humanitarian emergencies, more often than not, the billions of dollars sent in aid harms the very communities they are charged to help. Through the case study of the world's most failed state, Somalia, this thesis defines and deconstructs state failure, explains life on-the-ground in Somalia, while suggesting solutions for the future.

AUGURIES OF INNOCENCE

“Every Night and Every Morn Some To Misery Are Born...¹”

CHAPTER ONE

“To See A World In A Grain of Sand...²”

The Allegory

Imagine being trapped in an hourglass. The walls are clear, so outsiders can easily see you, but they would have to put a decent amount of effort in to communicate with you. Both parties are aware that at any minute waves of sand could envelope the glass, yet even though many storms are predictable, one can never really be sure when you will be smothered. At the same time, you have grown to fear almost everyone that lives inside the glass nearly as much, since those who are supposed to provide a safety net (teachers, doctors, police, etc.) have either already fled to a safer area, or are corrupt, and will instead choose to do harm unto you. Others walk throughout the enclosure, their clothing strapped with heavy weaponry; executions and mass atrocities are committed in public, and you never know where (and if) you will be able to get your next meal.

For the near two billion citizens trapped within the confines of “failed” or “failing” states³, this allegory not only defines their lives, but also dictates everyday risks that are near unimaginable for others. Millions have been displaced from their homes and separated from their families. They live in extreme poverty, forced to rely mainly on food

¹ Blake, William. “Auguries of Innocence.” English Poetry II. <<http://www.bartleby.com/41/356.html>> (Lines 17-18).

² Blake, William. “Auguries of Innocence.” English Poetry II. <<http://www.bartleby.com/41/356.html>> (Line 1).

³ Foreign Policy and Fund for Peace. “The Failed States Index 2005” and “Chart” Foreign Policy. 149 (July/Aug 2005). <<http://proxy.bc.edu/login?URL=http://search.ebscohost.com/proxy.bc.edu/login.aspx?direct=true&db=bth&an=17337154&site=BSI-LIVE>>

rations from humanitarian aid groups and non-governmental organizations (NGOs), the presence of which is declining on a weekly basis. All of this while the international community chooses to ignore documented human rights abuses, in pursuit of endeavors in countries that are less poor, or at least have an abundance of natural resources. The simple reality of this story is that most failed states are not within the “vital interests” of the major global players, thus patterns of brutality remain cyclical and ever-present until it someday implodes. Just shy of even recognizing the wound- the international community is loath to even attempt to offer a band-aid.

“A Robin Redbreast In A Cage Puts All Heaven In A Rage...”⁴

Failed States as an Obligation to the International Community

After the tragic events of September 11, 2001, the United States and other major International players were pushed to rethink security theories that revolved entirely around similar “superpowers” and like doctrines that had been in place since the Cold War era. It was in this light, later in 2002, that the U.S. National Security Strategy held the following overview on its first page:

That great struggle is over. The militant visions of class, nation, and race which promised utopia and delivered misery have been defeated and discredited. America is now threatened less by conquering states than we are by failing ones. We are menaced less by fleets and armies than by catastrophic technologies in the hands of the embittered few. We must defeat these threats to our Nation, allies, and friends.⁵

With great haste war was initiated on a concept- global terrorism- and failed states, by association, became the contemporary iron curtain. The aforementioned statement

⁴ Blake, William. “Auguries of Innocence.” English Poetry II. <<http://www.bartleby.com/41/356.html>> (Lines 5-6).

⁵ US National Security Strategy. 2002. < <http://www.globalsecurity.org/military/library/policy/national/nss-020920.pdf>> (01).

proffers commitment to the dismantling of such places, as failed states are deemed inherent safe havens for terrorists, and the *greatest* threat to the United States of America.

Yet that is hardly the reality of the last nine years. While it remains true that the media often portrays failing states, especially in the Middle East and North/East Africa regions, to be terrorist enclaves, the U.S. (as well as the International community for that matter) still have not even come to an agreement on the conditions that classify a state as “failing” or “failed.” While many political scientists, humanitarians and NGO workers have produced models of their own, no two are alike, and many include upwards of twenty variables, none of which seem to have to be present in all cases in order for the definition to fit. Variations of synonyms ranging from “weak” to “collapsed,” are given to any geographic expression with faulty governments or institutions; massive indexes have been tabulated and ranked, some of which include the United States itself as a failing state.

If truthfully it is the U.S. National Security Strategy to implement change in failed states, one should first have to develop a working definition of what a hypothetical failed state would entail. Thus, this study will attempt to do so, both by presenting indicators in a research design, but also by applying it to the country that is considered by many to be the “most failed state” in both 2008 and 2009, and recently called “the most dangerous place in the world” by Foreign Policy⁶- Somalia. In order to understand the concept to its fullest extent, indicators will be expanded through the case study in terms of causes and effects on Somalia through the lens of a failed state. Who is creating these problems, and should they be fixed? Where does the true source of state failure reside? Are the security

⁶ Gettleman, Jeffrey. “The Most Dangerous Place in the World.” Foreign Policy Online (Mar/Apr 2009). < http://www.foreignpolicy.com/story/cms.php?story_id=4682> (01).

issues that trouble the United States and others really a mere symptom created by a void in the form of humanitarian assistance that is the most difficult to acquire- political will?

“Poison Gets From Slander’s Tongue...”⁷

Consequences of the Inability to Define Failed States

Many argue that state composition and subsequent collapse are unique to the polity in question. However if variables can be identified, perhaps more can be done to attempt to ‘rescue’ states before collapse becomes inevitable. As a recent report conducted by the World Bank suggests that, “within five years, half of all countries emerging from civil unrest [will] fall back into conflict in a cycle of collapse,⁸” it is clear that some pattern of mismanagement must exist, in that it will continue to falter in the near future. Unfortunately, maintaining the boundaries and institutions of a stable state is not only difficult but also costly, while maintaining basic governmental functions and human liberties prove to be an oft-forfeited challenge for many states throughout the world. Instead, private non-state actors arise in the vacuum that has been left by collapsed government institutions, where their newfound powers find favorable conditions to spread and grow. More of this will be discussed in the third chapter. Statistical data suggests that should violent conflicts continue within weak states, significant increases in illegal arms proliferation, health epidemics (such as HIV/AIDs), “brain drain,” and

⁷ Blake, William. “Auguries of Innocence.” English Poetry II. <<http://www.bartleby.com/41/356.html>> (Line 46).

⁸ Foreign Policy and Fund for Peace. “The Failed States Index 2005” and “Chart” Foreign Policy. 149 (July/Aug 2005). <<http://proxy.bc.edu/login?URL=http://search.ebscohost.com/proxy.bc.edu/login.aspx?direct=true&db=bth&an=17337154&site=BSI-LIVE>>

grand-scale refugee flow are inevitable⁹; each of which prove debilitating to a faltering state in their own right.

Add to this the current belief in the field that failed states have a tendency to become clustered together; territorial boundaries become porous due to massive refugee fluctuation, and elements of breakdown bind the two countries at their territorial periphery¹⁰. Without effective means to exert authority or force at shared boundary points, both states are put in danger of collapse. This tends to be especially true with African countries; of which they constitute eleven of the top twenty most failed states in nearly each of the “Failed States Indexes,” published by Foreign Policy and *Fund for Peace* since 2005¹¹. No longer a mere humanitarian predicament of the 1990s, when African governments are unable to provide safety, basic health needs and public services to their people, order becomes utterly scant in already destitute nations tinkering on the edge of disintegration.

Many of these same authors assume this trend of state collapse in Africa to be directly linked to the endemic poverty and economic decline in the area. However, the research in this study finds that failing states will rarely benefit from successes in the economy, while they will be harmed when the economy falters. For instance, surpluses in the economy in 2005 resulted in billions of dollars being forgiven from developing-

⁹ Klopp, Jacqueline and Prisca Kamungi. “Violence and Elections: Will Kenya Collapse?” World Policy Journal. (Winter 2007/2008). (16).

¹⁰ Foreign Policy and Fund for Peace. “The Failed States Index 2007” and “Chart of Political Instability” Foreign Policy. 161 (July/Aug 2007). (05).

¹¹ Foreign Policy and Fund for Peace. “The Failed States Index 2006” and “Chart” Foreign Policy. 155 (Jul/Aug 2006). < <http://proxy.bc.edu/login?url=http://search.ebscohost.com.proxy.bc.edu/login.aspx?direct=true&db=bth&AN=20878838&site=bsi-live>> (54).

country debts, yet still these countries showed little if any signs of improvement¹². With the global economy at all-time recession lows, chances of receiving aid packages of that caliber are hard to come by, and realistically not quite possible. Instead, the U.S. and the U.N. are left with the difficulty of choosing some over others¹³ - an exceptional dilemma when there are so many states that depend on foreign assistance in order to survive. When placed in this hypothetical triage, African countries usually do not fare well. Not only is it common for only a small percentage of aid to reach refugees, due to widespread corruption amongst political leadership, there are often many other countries that suggest a higher promise of change for a lesser investment. Without major strides made in standard indicators, such as Transparency International's Corruption Perception Index and similar reports by groups such as Freedom House and World Report, the African countries will continue to remain part of the injured in the 'triage,' but stuck with those whose treatment will be delayed. Furthermore, the case study will prove that receipt of foreign aid in money or arms do very little to change the situation on the ground for the better. Thus the millions of dollars doled out for humanitarian assistance harm the very areas they intend to help.

“Somalia embodies one of post-colonial Africa’s worst mismatches between conventional state structures and indigenous customs and institutions.”¹⁴”

Defining Failed States

¹² Ibid. (51).

¹³ Foreign Policy and Fund for Peace “The Failed States Index 2009” and “Chart” Foreign Policy. 173 (Jul/Aug 2009) <<http://proxy.bc.edu/login?url=http://search.ebscohost.com.proxy.bc.edu/login.aspx?direct=true&db=bth&AN=43448820&site=bsi-live>> (82).

¹⁴ Kaplan, Seth. “Rethinking State-building in a Failed State.” *The Washington Quarterly*. 33.1 (Jan 2010). (82).

While state collapse may happen suddenly, especially in the case of a debilitating natural disaster or military coup d'état, it is often a slow process of deterioration within the structural elements of the government apparatus. When the institutions of the state begin to wither, citizens look to those in power who can neither answer for the predicament (or perhaps were involved), nor provide a strategy for change. Many political scientists blame the widespread inaptitude of African leaders and the remaining stigma attached with post-colonial nations on the hasty exit of colonizers at the time of independence, and the lack of competent native leaders left in their wake. Also, the transition towards independence often requires the attempt to forge a national identity out of groups that, under colonial rule, did not share the same ethnicity, politics, and/or religion. There are also extreme cases, such as in Somalia, where the Italian colonized the South and the British colonized the North, so that attempts to forge a national identity of a "Greater Somalia" misses entirely that the two did not even share the same language! Thus the state is artificial, one that perhaps would have never been produced by a society that had not demanded its constructs¹⁵.

When colonizers had to forgo power, they often left with great haste, leaving little instruction for the means by which the native people would govern themselves. The resulting end products were hollow institutions, which were warped further by power-hungry natives who desired ultimate control over the new government and were able to exploit the weaknesses of nascent institutions. Political scientists Gerald B. Helman and Steven R. Ratner rightfully point out that "self-determination was given more importance

¹⁵ Luling, Virginia. "Come Back Somalia? Questioning a Collapsed State." *Third World Quarterly*. 18.2 (June 1997). (286).

than long-term survivability in the maintenance of their own sovereignty.¹⁶” History has proven countless times over that external orchestration of state building and alterations in the political processes rarely bring about the desired results for either party involved, and even in the rare case that it does succeed, it is most often never within the anticipated time period¹⁷. Thus states never possess full legitimacy right from the start, and natives see the new government apparatus as corrupt, illegal and ineffective. The people shift their allegiances to external non-state actors to perform the core functions of the state, and gradually spikes in levels of instability cause fractures to the state until it collapses. Add to this widespread violence, which often occurs in areas where the police and military are ineffective, and the actors of the state no longer control the apparatus or what is inside of it¹⁸. As suggested by Professor J. Peter Pham, these states are not surviving because they consist of working governments that provide “internal legitimacy.”¹⁹ Instead, this case study will argue that such African states have survived because of international recognition that is foolishly placed upon faulty leaders when the international community lacks the political will to change the status quo.

“Some Are Born To Sweet Delight, Some Are Born To Endless Night...”²⁰

Three Spheres of State Breakdown

¹⁶ Helman, Gerald B. and Steven R. Ratner. “Saving Failed States” Foreign Policy. 89 (Winter 1992/1993). (03-04).

¹⁷ Haggmann, Tobias and Markus V. Hoehne. “Failures of the State Failure Debate: Evidence from the Somali Territories” Journal of International Development. 21.1. (22).

¹⁸ Ferguson, Brian R. “Tribal Warfare and ‘Ethnic’ Conflict” Cultural Survival Quarterly. 29.1 (Spring 2005). (18).

¹⁹ Pham, Peter J. “Do Not Resuscitate.” The National Interest. 94 (Apr. 2004). (21).

²⁰ Blake, William. “Auguries of Innocence.” English Poetry II.
<<http://www.bartleby.com/41/356.html>> (Lines 121-122).

While it is true that states that are currently considered “failing” or “failed” may not share all of the same characteristics, they all demonstrate a critical lack of control, brought on by the failure to maintain the state’s monopoly of coercive power, the determining factor of state legitimacy as laid out by sociologist Max Weber. Since the state must be considered the only source that may rightfully use violence, both internally and externally, the existence of outside actors wielding violence within the state immediately calls the legitimacy of the state apparatus into question. Once legitimacy and the monopoly on the use of violent force are challenged, the state and all of its institutions are jolted and begin to decompose in three spheres of influence: socio-demographically, economically, and politically. Though not all of these variables need to be present within each of the three indicators, the state may still be deemed “failing” as most of the variables are interconnected, and the missing variables will most likely come to fruition in the near future. The state eventually deconstructs to Hobbes’ original state of nature, “the war of all against all.”²¹

Socio-demographic factors often occur organically, outside of the control of state actors. They consist of an inability to travel or leave the area for the purpose of relocation; proximity to environmental hazards; an “age bulge” in youth and/or elderly populations; formation, migration and growth of exile communities; and major opposition groups’ ideology against the nation and government institutions. Ability to travel may seem to be a minor point, but it highlights the fluctuation of “brain drain,” or the mass migration of skilled professionals to more favorable, safer, geographic locations. Those who cannot emigrate are usually the members of the lower class, who do not have

²¹ Thurer, Daniel. “An Internal Challenge: Partnerships In Fixing Failed States.” *Harvard International Review*. 29.4 (Winter 2008). (43).

the financial capability to do so. Thus, an unskilled lower class, a declining middle class, and a near non-existent upper class overwhelm the state with little opportunity for change within the class representations. The impoverished that remain still attempt to flee from violence, resulting in massive refugee movement throughout the country, and often into neighboring countries. These exile communities overwhelm the new areas often prompting them to collapse as well, suggesting that border-states may also be driven to state collapse.

Furthermore, an age bulge usually exists in the remaining population, where significant proportions are young, elderly, or both. Since these groups are unable to contribute much to the economy or skilled labor class, they tend to reap more from the government apparatus than they are able to put into it. These two groups need to be buffered by middle-aged generations, who put more work into the apparatus in order to support the other groups, with the expectation that the same has been, and will be provided to them in the future. With an age bulge of 40-50% (which statistically represents current-day Somalia), it is impossible to provide for all of these individuals, yet they will try to reap benefits from the state that it can no longer provide. Basic resources in the state falter, and environmental hazards skyrocket from the sheer amount of refugees in constant movement.

Finally, the ideology of majority opposition parties, such as clan-groups and warlords, serve as direct opposition to the legitimacy of the state. Once confidence is lost in appointed leaders, it is relatively easy for alternative non-state actors to wield their ideology to sway people towards their following. Especially if the people feel they have been oppressed or put in danger by government officials, most notably the police and

military, faith in security essentially vanishes. This is also true of NGOs, and similar aid workers, where political decisions made on their behalf often dictate the repercussions that will result from the spread of non-state actors' negative ideologies. As the people no longer feel they can trust the government to protect them, the familial bond of clan and small group opposition fills the void. Often one or more clan or opposition groups may attempt to overthrow the skeletal remains of the government by a militant coup, or demand kickbacks in return for some form of protection rackets.

The economic factors present in failed states also explain the loss of trust and security for government institutions. They include a blatant neglect for financial obligations; the growth of a "hidden economy;" and a reliance upon foreign and humanitarian aid that is unequally and improperly distributed. The basic economic functions of the state are two-fold. They encompass the financial obligations the state has to the economy, as well as the obligations it has to its citizens in terms of providing goods and services. Financial obligations to the state are easily found and measured- a progressive decline in GDP, massive debts and business failures, inability to import or export goods, drops in commodity prices and foreign investments, inability to collect taxes, and the debasement or inflation of national currency. The government can no longer afford to pay for goods and services; often they can barely afford to provide salaries for the military and other public officials. The "hidden economy," the black market, arms and drug trade, and other illegal commodities, become the only resource for cycling monetary wealth in and out of the country. Lack of employment and a faltering economy significantly reduces the people's trust in government officials and institutions.

Lastly, political factors, heavily influenced by the socio-demographic and economic factors, take the state from being a security problem to the level of state failure. These factors include a complete loss of the monopoly of violence and coercion; corruption and disintegration of political institutions; deterioration of public goods and services; and suspended rule of law with massive human rights violations. These atrocities quickly gain widespread attention from locals, and often by media outlets, yet the offenders are rarely punished- justice is a highly sought commodity in collapsed states. At the same time, the vacancy of goods and services provides alternate actors their route to power since they, in essence, take on the core functions of the state. Albeit through corrupt means, the people begin to trust non-state actors, as they are the only outlets that provide security. Since it is relatively easy and inexpensive to obtain arms, mostly through the expansion of the black market, non-state actors are also able to achieve high levels of disruption, while acquiring a large following domestically and in the Diaspora communities.

“Since 1991, Somalia has not been a state so much as a lawless, ungoverned space on the map between its neighbors and the sea.”²²

The Case Study: Somalia Is A Failed State

According to Transparency International’s Corruption Perceptions Index, Somalia is the world’s most corrupt state²³, a title that it has successfully held for the past four years. It similarly tops Foreign Policy and *Fund for Peace’s* “Failed States Index,” where it has held the top position for the past two years, and a spot in the top five since the

²² Gettleman, Jeffrey. “Axis of Upheaval: Somalia: The Most Dangerous Place in the World.” *Foreign Policy*. 171 (Mar.-Apr. 2009). (64).

²³ Transparency International. “2008 Corruptions Perceptions Index” <http://www.transparency.org/policy_research/surveys_indices/cpi/2009>

corruption index began in 2005. Since the fall of the Siad Barre Regime in 1991, by a collection of opposing clan groups that similarly dismantled soon thereafter, the country has been unable to maintain a working government, despite fifteen attempts to install transitional governments by the international community. Individual clans crave control of what is left of skeletal government institutions, and each uses violence towards the other in an attempt to monopolize coercion where the state has been unable to do so. Consequently, Somalia is also well known internationally for being the country whose failed humanitarian intervention made the U.S. and U.N. change their views on the nature of such operations, when footage of dead U.S. soldiers being dragged through the streets of the capitol city of Mogadishu made its way into foreign press, most commonly known by its Hollywood book/movie version 'Black Hawk Down'. While foreign aid workers still flee from the constant violence on the streets, an estimated 3.5 million Somalis suffer from the effects of war and famine²⁴, making the situation both a humanitarian nightmare and utter emergency. With its socio-demographic, economic and political spheres in shambles, it is hard to deny that Somalia is a failed state.

Socio-demographically, Somalia paints a sad picture of a country torn by extreme poverty and destitution. On top of being forced to live amongst daily violence in the streets, the average Somali lives in abject poverty. While most are without jobs, those who are able to find employment live on earnings of less than \$1 (U.S.) per day²⁵. Most are uneducated past the early years, over half are illiterate, and the government expenditure towards education is still less than \$2 per person²⁶. Life expectancy is about

²⁴ Hogg, Annabel Lee. "Timeline: Somalia, 1991-2008." *The Atlantic Monthly*. (Dec. 2008). (03).

²⁵ Nevin, Tom. "A Failed State That Functions" *African Business*. 333 (July 2007). (55).

²⁶ de Waal, Alex. "The Shadow Economy" *Africa Report*. 38.2 (Mar/Apr 2003). (25).

forty-one years old²⁷ and only twenty-one percent of people have access to drinkable water²⁸. While free food aid is shipped into the country from various humanitarian groups and NGOs, corrupt agents in the government often hoard the majority of it for themselves and members of their clans, if pirates have not already pilfered the shipments. A report by the U.S. General Accounting Office estimated that since the late 1980's, under twenty percent of food aid was actually consumed by Somali refugees²⁹. Still, in the areas where food aid has been able to reach the people, it has managed to cause more harm than good, since often it is shipped to the same areas where Somali farmers try to sell their harvests. As the food aid is free, the farmers are unable to do business, the food spoils, and the area quickly spirals into famine-like conditions. Despite these destitute circumstances, Somalia is still experiencing population growth at a high of 2.82%. With exceptional population growth comes an age bulge, which accounts for 44.7% of the population being under the average age of fifteen years old³⁰.

Moreover, the situation is only getting worse. In the first seven months of 2008, the number of people that required emergency assistance increased an estimated 77%³¹. While a number of factors contributed to this surge, a great majority is due to increased incidents of violence. While hundreds of thousands flee their homes to escape street warfare, the local hospitals have neither the manpower nor the financial capability to care

²⁷ Ibid. (25).

²⁸ Nevin, Tom. "A Failed State That Functions" *African Business*. 333 (July 2007). (55).

²⁹ de Waal, Alex. "The Shadow Economy" *Africa Report*. 38.2 (Mar/Apr 2003) (26).

³⁰ Fund for Peace. Country Profile "Somalia" <http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=380&Itemid=537> These numbers are from statistics collected in 2008.

³¹ The increase represents an estimated 1.8 million people in January 2008 that were in need of emergency assistance, to roughly 3.2 million in July of the same year. Idle, Mohamed. "Somalia: The Humanitarian Tremor Midfielders." *Hiiraan Online*. 22 Jan. 2009. (01). <http://www.hiiraan.com/op2/2010/jan/Somalia_the_humanitarian_tremor_midfielders.aspx>

for the injured. Even in refugee camps, the mortality rate amongst both children and adults is “more than twice the emergency threshold,” where over fifty percent of deaths were due to treatable or avoidable illnesses, like Diarrhea, caused by extremely unsanitary conditions in the camps³². Even with the presence of numerous U.N. and NGO organizations, former Puntland presidential candidate Nuradin Dirie describes his country as one in which nearly four million people still go without food on a daily basis³³.

Even with sizeable refugee flows domestically and to nearby Ethiopia and Kenya, the private, “hidden” economy continues to prosper, mostly because of a system known as *hawala*, common to Muslim countries in the area. *Hawala* is a trust-based money transfer system, where Somalis throughout the world are able to send funds back to their clans by making deposits with a dealer in a foreign land for a small fee. The dealer has a connection within each clan back in Somalia, where in a matter of days the funds may be ‘withdrawn’ from the Somali dealer’s personal funds and given to the individual for which it was intended. Since banks do not exist in Somalia, physical money is never actually moved; the dealer in Somalia gives the clans his own money, while the money that was ‘sent’ remains in a foreign account in order to accrue interest for both dealers. This system of exchange and brokerage is the only institution that natives feel they can trust, as it has functioned since the 1970s when Siad Barre legalized the black market. In its first ten years in existence, credit from government sources disappeared altogether,

³² De Torrente, Nicolas and Fabrice Weissman. “A War Without Limits: Somalia’s Humanitarian Catastrophe” *Harvard International Review* 30.4 (Winter 2009). (15).

³³ Dirie, Nuradin. “Somalia and the Cost of State Failure: Speech Given at the Centre for African Studies at the University of Copenhagen, Denmark” *Hiiraan Online*. (Jan. 2010) (01).
<http://www.hiiraan.com/op2/2010/jan/Somalia_and_the_cost_of_state_failure.aspx>

while ninety-three percent of capital investment was funded through this privatized system³⁴.

While the system of *hawala* is still thriving as the most popular means of trade and financing, the U.S. government has been attempting to shut it down, as they suspect *hawala* to be a means for financing terrorism. Despite these attempts, it is estimated that last year alone over \$1 billion moved into Somalia in this manner³⁵, with the average transfer generally constituting less than \$100. Some of the *hawala* companies also support local businesses by providing credit and small loans, while similarly assisting international bodies with payments for imports and exports³⁶. The *hawala* system has become a necessity for economic transactions, as many shopkeepers and merchants no longer accept the Somali shilling as valid currency. In 2001, clan leaders had new shillings printed in Canada and Malaysia, which led to enormous debasement and hyperinflation³⁷. Without a legal and functioning economy, Somalis rank highly amongst the poorest in the world, while transitional governments are faced with a mounting debt of \$3.2 billion (U.S.) owed to the international community³⁸.

Just as a formal economy has been unable to prosper, so too have the governmental systems set up by foreigners, which have failed to form any real and trustworthy institutions, despite fifteen attempts to do so. This includes the current puppet

³⁴ Medani, Khalid M. "Financing Terror or Survival?: Informal Finance and State Collapse in Somalia, and the U.S. War on Terror" *Middle East Report* 223 (Summer 2002). (07-08).

³⁵ Helman, Gerald B. and Steven R. Ratner. "Saving Failed States" *Foreign Policy* 89 (Winter 1992/1993). (52-54).

³⁶ Staff. "Abdirashid Duale: CEO Of Somalia's Largest Money Transfer Company" *African Times* 16.11 (15 Sept. 2003). (04).

³⁷ Webersik, Christian. "Mogadishu: An Economy Without a State" *Third World Quarterly*. 27.8 (2006). (1467).

³⁸ Yuusuf, Muuse. "The Failure of the International Community and the Resilience of a People" *Dalkayaga*. (27 Sept. 2009). (02). <<http://www.dalkayaga.com/2009/09/failure-of-international-community-and.html>>

government, the Transitional Federal Unity Government (TFUG), which was put in power by the U.N. in 2009, as the U.N. determined the people and then-government (the Transitional Federal Government or TFG) unfit for self-rule. In an article written by journalist and former Governor of the Central Bank of Somalia, Mohamud M. Uluso, he alleges that the TFUG, despite U.N. reports that claim quite the contrary, only controls a few square blocks of the capitol city of Mogadishu³⁹. Likewise, the TFUG has been unable to extend control to Puntland, where piracy runs rampant along the coastline. Infighting between clan-factions rages out of control, with an estimated 17,000 civilians caught in the crossfire of violent insurgencies in the past two years alone⁴⁰. Streets remain littered with bullet casings and most buildings remain bombed-out orifices of what once was. In a sad irony, many people are grateful that the TFUG host such little influence, as the previous two major governments, which held slightly more control, (the Barre regime and the TFG) conducted violence against its own people, all of which went unpunished.

While there are many instances of violence, the first case to garner international attention were the acts that were undertaken by the National Security Service under the regime of Siad Barre. This so-called intelligence agency, also called the “Somali Gestapo” by locals, was comprised of members of Barre’s clan (as well as the clans of his mother and brother-in-law). These secret police detained citizens without trial and then tortured them to suppress dissidents and opposition groups demanding civil liberties⁴¹.

³⁹ Mohamud M. Uluso. “U.N. Envoy For Somalia Blasts Experts For Their Reality Based Assessments.” Hiiiraan. (08 July 2009) (01). <http://www.hiiraan.com/op2/2009/july/un_envoy_for_somalia_blasts_experts_for_their_reality_based_assessments.aspx>

⁴⁰ The Center for Justice & Accountability. “CJA: Background on Somalia.” CJA. (01). <<http://www.cja.org/article.php?list=type&type=287>>

⁴¹ Ibid. (01).

Further atrocities committed under the Barre regime will be discussed later in the case study. After the defeat of Barre's regime, clan leaders did little to reverse the declining situation. Instead, they used food and relief supplies as weapons in the factional civil war that ensued. While the majority of the population was driven to starvation despite the influx of food and humanitarian aid, it became clear that the people were suffering at the hands of armed clan leaders who had discovered deprivation to be an advantageous tool⁴².

The regime that came to power in the wake of this clan-cronyism, the Transitional Federal Government (TFG), proved to be little different in initiating violence against its own people. A report by Amnesty International in 2008 charged the TFG as, "more aggressive than any other parties to the conflict, including the Islamists [fundamentalist groups] and [the] Ethiopian military."⁴³ TFG forces allegedly rampaged houses and farms to loot them of what little they had left, raped women and children, and killed citizens and left their bodies en masse in unmarked gravesites. During major rainstorms human remains are washed throughout the streets⁴⁴, a vivid image of tragedy without any form of justice. Actors in the TFG and in the Barre regime have gone unpunished, despite reports from major humanitarian organizations, which have documented countless human rights abuses. Today, the situation is plummeting to anarchic and uncontrollable levels, presenting "all the elements for [another] full-blown famine- war, displacement, drought,

⁴² Carr, Caleb. "The Consequences of Somalia" *World Policy Journal* 10.3 (Fall 1993). (01).

⁴³ Hanson, Stephanie and Eben Kaplan. "Somalia's Transitional Government" *Council on Foreign Relations* "Backgrounder" (03). <http://www.cfr.org/publication/12475/somalias_transitional_government.html>

⁴⁴ Lee, Tara. "Somalia's Forgotten Graves" *Journal of International Peace Operations* 5.4 (Jan./Feb. 2010). (17).

skyrocketing food prices, and an exodus of aid workers.⁴⁵” For all of the reasons above, as well as countless other cases, Somalia is undoubtedly a failed state. Is it possible that despite twenty years of international involvement, Somalia is no better off, if not worse, than it was at the start? Since many blame the country’s faults itself, it is necessary to understand this period in its proper historical context.

“The state was both the arena within which they fought and the prize for which they contended.”⁴⁶

Somalia: Responsible For Its Own Failure?

While many historians claim that Somalia, since independence, has never maintained a legitimate government, the events that transpired in the first quarter-century under the leadership of Major General Mohamed Siad Barre animate the comprehensive decomposition of society. In order to remain in power, Barre finessed a nationalistic public image that supposedly weeded out the colonial clan systems. In reality, the opposite was true- bureaucratic positions were quickly occupied by his family’s clans, “a practice that earned his government the code-name M.O.D.- an acronym of the Mareehaan, Ogaden and Dulbahante clans.⁴⁷” Outsider clans were pitted against one another, while the patronage system kept opposition leaders in the grasp of the government. Claiming to rule under the guise of scientific socialism Barre sought assistance from the former Soviet Union, and when that relationship crumbled he turned to its arch-enemy, the United States. Support from the U.S. soon accounted for an

⁴⁵ Gettleman, Jeffrey. “Axis of Upheaval: Somalia: The Most Dangerous Place in the World.” *Foreign Policy*. 171 (Mar.-Apr. 2009). (62).

⁴⁶ Luling, Virginia. “Come Back Somalia? Questioning a Collapsed State.” *Third World Quarterly*. 18.2 (June 1997). (287).

⁴⁷ The Center for Justice & Accountability. “CJA: Background on Somalia.” *CJA*. (01). <<http://www.cja.org/article.php?list=type&type=287>>

estimated fifty-seven percent of annual Gross National Product (GNP)⁴⁸, with military and economic aid totaling over \$700 million (U.S.)⁴⁹. It was not until the Cold War had ended, and both superpowers had left, that local dissidents were able to successfully tear at the seams of the apparatus Barre had constructed⁵⁰.

In response to opposition groups in the Northern regions, Barre and his cronies carried out unprecedented violent attacks against entire clans as group punishment. Becoming exceedingly uneasy, Barre attempted to destroy revolutionary sentiment by making things like gossip a capital crime⁵¹. Authorizing the military to use whatever means necessary, massive firepower campaigns decimated entire civilian populations where alleged guerrillas resided. The devastation continued for months as water sources were poisoned, farms were looted or burned, and thousands of “prominent individuals” thought to be sympathetic to the brewing revolution were imprisoned⁵². Bashe Abdi Yousuf, a member of the Isaaq clan and survivor of the atrocities who is now attempting to sue members of the Barre regime living in the U.S., claims that in prison he, “was tortured – waterboarded and put in electric shock.⁵³” Finally, a militant group calling itself the United Somali Congress (USC) drove Barre out of Mogadishu in January 1991, where he died from natural causes in exile four years later. His absence immediately

⁴⁸ Kaplan, Seth. “Rethinking State-building in a Failed State.” *The Washington Quarterly*. 33.1 (Jan 2010). (83).

⁴⁹ Clark, Jeffrey. “Debate in Somalia. (America and the World 1992/93)” *Foreign Affairs* 72.1 (Winter 1993). (110).

⁵⁰ Bariagaber, Assefaw. “The United Nations and Somalia: An Examination of a Collective Clientelist relationship” *Journal of Asian and African Studies*. 31 (1996). (164-165).

⁵¹ Dirie, Nuradin. “Somalia and the Cost of State Failure: Speech Given at the Centre for African Studies at the University of Copenhagen, Denmark” *Hiiraan Online*. (Jan. 2010) (01). <http://www.hiiraan.com/op2/2010/jan/Somalia_and_the_cost_of_state_failure.aspx>

⁵² Samatar, Abdi Ismail. “Leadership and Ethnicity in the Making of African State Models: Botswana Versus Somalia” *Third World Quarterly*. 18.4 (Sept. 1997). (703-704).

⁵³ Liptak, Adam. “Justices Weigh Claims Over Torture in Somalia.” *New York Times* 4. Mar. 2010, New York Ed. (A21).

caused fissures in USC leadership, resulting in multiple parties declaring themselves to be the legitimate government.

Without a true leader in place to maintain a nationalist agenda, people quickly inverted back to the past- their clan groups- since prior to colonization the household and community elders owned and controlled all land and livestock⁵⁴. Unfortunately, the ease of acquiring weapons and extreme desires for power and fame turned modern clan leaders into warlords. With no institution to mediate between warlords jousting for control, an all-out civil war exploded into every village. Using weapons left over on the black market from the U.S. and the Soviets, warlords imposed force to claim rights over anything they could get their hands on; setting up checkpoints and roadblocks, claiming airstrips and port areas, even demanding ownership over the telephone poles⁵⁵. Many of these factions tried to proclaim their illegal dealings as legitimate actions of the state- some even imposed taxes on their enterprises⁵⁶! Still, no clan group was able to maintain a true monopoly of violence, further catapulting the state into cyclical violence and collapse.

That is, until some religious Islamic leaders decided to demand change. By the mid-2000's, these leaders in the capitol city of Mogadishu set up a loose network of local courts to punish those who had committed crimes such as rape and murder. Islamic law,

⁵⁴ Samatar, Abdi Ismail. "Leadership and Ethnicity in the Making of African State Models: Botswana Versus Somalia" *Third World Quarterly*. 18.4 (Sept. 1997). (693-694).

⁵⁵ Gettleman, Jeffrey. "Axis of Upheaval: Somalia: The Most Dangerous Place in the World." *Foreign Policy*. 171 (Mar.-Apr. 2009). (63).

⁵⁶ Kimenyi, Mwangi S. "Fractionalized, Armed and Lethal: Why Somalia Matters" Brookings Institute. 3 Feb. 2010 (01) <http://www.brookings.edu/articles/2010/0203_somalia_kimenyi.aspx>

or *shari'a*, considered “the one set of principles that different clans could agree on,⁵⁷” governed the trials. Calling themselves the Islamic Courts Union (ICU), they set out to disarm local warlords, seeing it as the only way to instill peace. They also outlawed chewing the popular stimulant *qaat* (khat), and held militants accountable by the rule of corporal punishment. Seeing their local efforts met with success, as for the first time it was safe to walk the streets of Mogadishu at night, the ICU extended their reach to crack down on piracy, a rising problem that took advantage of the thousands of ships that passed through the Gulf of Aden annually. Using their connections to clans, they first began to negotiate with the coastal towns to make sure that they would not support or harbor pirates. When the ICU caught wind of an attack in progress, they stormed the ship themselves and arrested the hijackers. According to the International Maritime Bureau (IMB), during the height of ICU power in 2006, there was the lowest number of pirate attacks off the Somali coast in this decade⁵⁸. Locals did not care that the ICU ruled with *shari'a* as its leading tenet; what they did care about was that for the first time in fifteen years there was peace instead of anarchy.

The population at large was more than ready for peace, and the ICU’s influence quickly spread to the Southern areas of Somalia. Establishing a separate police force, they extended control from adjudicating incidents to halting crime before it occurred. In order to establish relationships with clans further south, the ICU co-opted peaceful clan leaders into high positions in local administrations⁵⁹. All of this was accomplished without a nationalistic agenda, as the ICU was well aware of peoples’ desire to maintain a

⁵⁷ Gettleman, Jeffrey. “Axis of Upheaval: Somalia: The Most Dangerous Place in the World.” *Foreign Policy*. 171 (Mar.-Apr. 2009). (64).

⁵⁸ *Ibid.* (65).

⁵⁹ Kaplan, Seth. “Rethinking State-building in a Failed State.” *The Washington Quarterly*. 33.1 (Jan 2010). (85).

decentralized government with the clan system at its core. The ICU provided this and more, as one ICU militia trainer described the reason for the groups successes: “The warlords, they did not know how to fight. They had the guns and the money and the khat, but they did not have the heart. For many months we have not been paid to fight, whether in money or in khat. We fight with our hearts.⁶⁰” Not only were ICU members not paid to fight, they provided security to businesses and locals without charging or taxing them. Out of support, and gratitude, clans began buying them weapons to ensure the continuance of the newly instilled order⁶¹.

Though the ICU had successfully spread a lasting peace throughout the country, its rule was met with major hostility from the U.S. and the international community. Believing the ICU to have a radical Islamic state-building agenda, the United States insisted the group was connected to known terrorist factions in the Middle East, and to its main enemy al Qaeda. In response, U.S. and NATO allies shut off air and sea travel, and asked neighboring countries to close their borders. According to Ali Osman, a Somali writer living in Mogadishu, this operation resulted in the deaths of 10,000 Somalis and the displacement of 1.5 million others⁶². To institute further control over the area, the U.N. convened a council in Kenya to create a new transitional government, while the U.S. backed the Ethiopian government’s desire to invade Somalia through the shared northern Ogaden region. When the TFG was introduced in Mogadishu, it garnered little public support. It was evident to the ICU and the public alike that the international community sought to replace the current peace with a government chosen by outsiders

⁶⁰ Dealy, Sam. “Terror’s Playground” *Time*. 168.22 (27 Nov. 2006). (52).

⁶¹ Gettleman, Jeffrey. “Axis of Upheaval: Somalia: The Most Dangerous Place in the World.” *Foreign Policy*. 171 (Mar.-Apr. 2009). (64).

⁶² Osman, Ali. “Somalia: Spinning Wheels (Part One)” *Hiiraan* 13 Jan. 2010. (02). <http://www.hiiraan.com/op2/2010/Somalia_spinning_wheels_part_one.aspx>

that consisted of known violent warlords that the ICU had fought desperately to drive from power⁶³. To make public opinion matters worse, the TFG openly supported the Ethiopian invasion; many considered this tantamount to treason, as Ethiopia and Somalia have been fighting major battles against each other since the mid-1500's. Having to fight against warlords, a new internationally backed transitional government and the powerful Ethiopian military proved exceedingly difficult to ICU forces, and intense warfare broke out on the streets, with thousands of civilians caught in the midst of the fighting.

In order to quell the escalating violence and return to the ICU's original agenda of decentralized state building, in July of 2006 they declared a holy war against Ethiopia. As the presence of the Ethiopian military could be considered a foreign invasion, leaders in the ICU ranks easily established their justification for jihad, and spread their ideology accordingly. Speaking on behalf of the ICU, military leader Ahmed proclaimed, "We will view them as invading troops, and we are ready to defend ourselves because we are not ready to be colonized again by any sort of troops in the world."⁶⁴ Despite consistent counter-insurgency attacks from the TFG and U.N.-backed African corps, the much weaker ICU forces planned an attack outside Baidoa, about 100 miles northwest of the capitol. To mitigate their military deficiency, the ICU earned the support of an Eritrean contingent, as they also had a long history of fighting against Ethiopia. ICU forces, with the help of an estimated two thousand Eritrean troops, attacked Baidoa in early

⁶³ Mushtaq, Najum and Ed. John Feffer. "A New Frontier of Jihadi Islam?" Foreign Policy In Focus. 24 July 2006. (01). <http://www.fpif.org/articles/a_new_frontier_of_jihadi_islam>

⁶⁴ Dealy, Sam. "Terror's Playground" *Time*. 168.22 (27 Nov. 2006). (54).

December. On Christmas Eve that same year⁶⁵, Ethiopian troops demolished the area, pushing the ICU back towards the capitol, where they disbanded or went underground⁶⁶.

Thus, the American-backed Ethiopian military managed to quash the only faction that had brought peace to Somalia in fifteen years. Since the TFG openly supported the invasion, they never managed to garner much of a following from the Somali people, and remained sequestered in Villa Somalia⁶⁷ guarded by U.N. forces from Burundi. In the power vacuum left in the wake of the ICU, warlords found their way back to their former clan communities and again imposed harsh command and taxes in the constant struggle for their own legitimate supremacy. The warlords did little to improve conditions; a harrowing account of notorious warlord (and Mayor of Mogadishu until Fall 2008) Mohamed Dheere illustrates the situation on the ground:

As Mayor, his first two priorities were “security and taxes.” Security meant his private militia of red-eyed boys who robbed people at checkpoints. Taxes meant that he was actually about to start making the few people left in Mogadishu (those too old or poor to flee from town) pay for the right to live in a war zone.⁶⁸

Any notion of a central government, even one that connected small, decentralized clans to a larger network, immediately disappeared. Anarchy and lawlessness again took over, and individual greed became the arbiter of the day.

“He Who Doubts From What He Sees Will Ne’er Believe, Do What You Please...”⁶⁹

Who Is To Blame and Where To Go From Here?

⁶⁵ The attack on Christmas Eve was to express symbolism from Ethiopia to its U.S. supporters, as Ethiopia was a Christian country fighting against Somalia, a Muslim country.

⁶⁶ Stevenson, Jonathan. “The Somali Model?” *The National Interest*. 90 (Jul./Aug. 2007). (43).

⁶⁷ Villa Somalia is the presidential palace in Somalia, similar to the American White House.

⁶⁸ Griswold, Eliza. “Somalia Revisited” *The Atlantic Monthly*. 22 Dec. 2008 (03).

<<http://www.theatlantic.com/doc/200812u/Somalia>>

⁶⁹ Blake, William. “Auguries of Innocence.” *English Poetry II*.

<<http://www.bartleby.com/41/356.html>> (Lines 105-106).

Delving through the historical events in Somalia in the past twenty years proves that Somalis themselves are not entirely to blame for the collapse of their country. In fact, they successfully created and supported a grass-roots government in the form of the ICU, heralded despite its overtly religious doctrines. Homegrown political efforts were dismantled by international counter-efforts and replaced with another transitional apparatus without Somali support or participation. In an attempt to discover where the cause of state failure is, the next chapter will present the international responses to crisis in the area, on the behalf of the United States as well as the United Nations. The third chapter will begin with a special focus on the latest transitional governments, the TFG and TFUG, then it will examine the non-state actors that assume power in the wake of government institutions- and especially their need for that vacuum to continue in order for their power to remain. This will lead to the final chapter, which consists of a study of the most controversial violence spawning from the area- the issue of piracy off the coast of Somalia into the Gulf of Aden. Thousands of ships traverse this area annually, and the numbers of attacks are growing exponentially. Is piracy another fissure leading to ultimate state collapse, or merely a symptom of state failure when locals are given no other option for survival? Finally, for the millions of Somalis trapped in the hourglass of anarchy, one that may soon implode, suggestions will be made that may eradicate the symptoms of state failure in the hopes of the recreation of institutions and government apparatuses.

**“NOUGHT CAN DEFORM THE HUMAN RACE LIKE THE
ARMOUR’S IRON BRACE⁷⁰”**

CHAPTER TWO

“We came to your country for one reason only,” President Bush told the Somali people in December 1992, “to enable the starving to be fed.”⁷¹”

Failed Intervention on Behalf of the United States

As the aforementioned quote alludes, humanitarian intervention in Somalia in the early 1990s, led by the United States, was a failure for which popular resentment still exists to this day. Imagery of the massive hunger and displacement caused by the civil war under Somali warlords had reached the American public, to which the government responded by proposing its participation, believing it to be essentially cost-free politically⁷². Little known to the public at large, the country had already been receiving a substantial amount of aid; the famine-like conditions were caused by warlords themselves, withholding an estimated eighty percent of food aid as a means of coercion. More than 300,000 Somalis had already perished in the anarchic conditions, and the rapid escalation of fighting and drought was assuming the lives of close to one thousand victims a day. Under President Bush, deployments of 30,000 troops were sent to secure ports and roads that connected aid distribution centers. Its original aim was to steer clear of military situations on the ground- unless directly put in the position to fight warlords’ opposition groups that were contributing to the mass starvation⁷³. Also clear under the

⁷⁰ Blake, William. “Auguries of Innocence.” English Poetry II.

<<http://www.bartleby.com/41/356.html>> (Lines 97-98).

⁷¹ Carr, Caleb. “The Consequences of Somalia” *World Policy Journal* 10.3 (Fall 1993). (01).

⁷² Ibid. (01).

⁷³ Bolton, John R. “Wrong Turn In Somalia” *Foreign Affairs*. 73.1 (1994). (56-58).

intervention was that there was intention of changing the decentralized power held by politically factionalized warlords, whether by means of disarmament or ‘nation-building’.

Soon thereafter, however, the terms of occupation changed dramatically. The break from the original mission was due, for the most part, to the political transition in leadership and ideology when the Clinton administration assumed the presidency. Chaired by new U.S. Permanent Representative to the U.N. Madeleine K. Albright, the recently appointed bureaucracy stormed the U.N. with newfound zeal for “assertive multilateralism,” “nation-building,” and in Albright’s own words, “an unprecedented enterprise aimed at nothing less than the restoration of an entire country.”⁷⁴ Though the original mandate co-signed by the U.S. and the U.N. slated complete U.S. withdrawal for that same year, the Clinton-Albright extension of policy resulted in a new U.N. Security Council Resolution (814) that kept 9,000 U.S. troops in the country. This increase was never discussed with Congress⁷⁵. The U.S./U.N. collaboration, the first humanitarian intervention of its kind, was blind-sided by the events that spawned out of their attempt to assume sovereignty in an area where they had mistakenly assumed that none existed. Further analysis of the failed intervention on the behalf of the U.N. will be discussed later in the chapter. For the purposes of understanding the United States’ involvement, the most important event was that which has been popularly dubbed ‘Black Hawk Down’- when the bodies of seventeen U.S. soldiers were dragged through the dusty Somali streets, after their helicopter was gunned down by insurgents, where their tortured bodies were met with cheering by locals on the streets. Within days, the formerly ambitious

⁷⁴ Ibid. (56, 62).

⁷⁵ Ibid. (62).

Clinton Administration, in a move to save face, withdrew U.S. troops, with \$1.7 billion dollars already spent⁷⁶, and very little to show for it.

“Many of the region’s Muslims saw the Ethiopian invasion as a Christmas present from Ethiopia’s leaders to America’s.”⁷⁷”

The U.S. Fails To Learn From the Blunders of the First Intervention

A little over a decade later, in 2006, the United States once again found itself embroiled in Somalia’s domestic affairs. Fearing the Islamic foundations of the ICU, and believing the group to have ties to known terrorist organizations, the Bush administration planned to orchestrate its downfall. As the majority of U.S. military strength was focused in Iraq and Afghanistan, the administration sought out the collaboration of neighboring Ethiopia to intervene on their behalf. Exploiting their advantage as one of the few African countries with a Christian majority, the Ethiopian government harped on exaggerated terrorist claims to be privy to vast American funds and military resources⁷⁸. Ethiopian leaders quickly took advantage of the alliance to invade from the bordering Ogaden region, and eventually to the capital, though many Somalis claimed the Ethiopian military had already covertly (and illegally) been occupying the area.

As previously discussed in the first chapter, the ICU viewed the Ethiopian presence as an invasion by a foreign enemy, and threatened violence against the troops in the form of a *jihad*. In response, the Ethiopian government declared that it was “technically at war with the Islamic Courts,” and a month later a resolution was passed in

⁷⁶ Hogg, Annabel Lee. “Timeline: Somalia, 1991-2008.” *The Atlantic Magazine*. (Dec. 2008). (01).

⁷⁷ Griswold, Eliza. “Occupational Hazard” *New Republic*. 237.3 (6 Aug. 2007). (11).

⁷⁸ Gettleman, Jeffrey. “Axis of Upheaval: Somalia: The Most Dangerous Place in the World.” *Foreign Policy*. 171 (Mar.-Apr. 2009). (65-68).

the Ethiopian Parliament authorizing its military to “take all legal and necessary measures against any invasion by the [ICU].⁷⁹” The resolution allowed force if no peaceful option was found, which it was not, and extended its authorization to military actions within Somalia, even though the resolution expressly states that measures are to be taken *against invasion*. It took little time for the thousands of Ethiopian armed forces to drive the ICU underground and out of power, yet the troops remained in the region for the next three years waging terror on Somali civilians.

Violence in the form of shelling entire neighborhoods, arrests and detentions, looting, assault and even rape became daily occurrences⁸⁰. An inquisition by the United Nations documented the Ethiopian military’s use of white phosphorous bombs in heavily populated civilian areas, which literally melted the people it came in contact with⁸¹. During one major three-day offensive, the Ethiopian military allegedly went on a killing spree in Mogadishu that resulted in the deaths of over 2,400 Somalis, a great majority of which were women and children⁸². Hundreds of others were kidnapped and detained in secret prisons where they were tortured until the Ethiopian officers collected bribes for their release⁸³. Native Ethiopian journalist A /Rasaq Nuurre claims that ransoms reached

⁷⁹ Warbrick, Colin and Zeray W. Yihdego. “Ethiopia’s Military Action Against the Union of Islamic Courts and Others in Somalia: Some Legal Implications” *International and Comparative Law Quarterly*. 56.3 (July 2007). (667).

⁸⁰ Nuurre, A /Rasaq H. “Ethiopian Invasion of Somalia: Retaliation For ‘Conquest of Abyssinia’” Alldaka.com. 24 Oct. 2007. (01-02). <<http://www.alldaka.com/Ethiopian%20Invasion%20of%20Somalia.htm>>

⁸¹ Gettleman, Jeffrey. “Axis of Upheaval: Somalia: The Most Dangerous Place in the World.” *Foreign Policy*. 171 (Mar.-Apr. 2009). (69).

⁸² Osman, Ali. “A Word With Somali Leaders” Hiiraan. 21 Jan. 2009 (03). <http://www.hiiraan.com/op2/2009/jan/a_word_with_somali_leaders.aspx>

⁸³ Lone, Salim. “Inside Africa’s Guantanamo” The Guardian Online. 28 Apr. 2007 (02). <<http://www.guardian.co.uk/commentisfree/2007/apr/28/comment.comment>>

upwards of \$3,000 (U.S.),⁸⁴ and TFG officials often shared in the plunder. Despite numerous reports by human rights organizations documenting these atrocities as both war crimes and human rights violations, with similar evidence found by an independent investigation commissioned by the European Union⁸⁵, the international community did little to stop the Ethiopian military, and all parties involved remain unpunished. These accusations are hardly a new occurrence for the Ethiopian military that for years has maintained despicable human rights records, all the while receiving thousands of dollars for human rights training from the United States⁸⁶.

In January 2009, two years after the Ethiopian government proclaimed its success in defeating the ICU, troops finally began to withdraw from the region due to a lack of funds⁸⁷. Since the Ethiopian presence did little to support the transitional government in power (the TFG) during their occupation, vicious infighting broke out amongst Islamic and warlord factions scrounging for power in the vacuum left after their departure. To make matters worse, the past three and a half years of violence had caused over a million Somalis to flee their homes, refugee camps were little more than dilapidated centers of disease, and three and a half million people now faced impending famine⁸⁸. Civil war again ravaged the country, rendering Somalia a much greater security threat to the

⁸⁴ Nuurre, A /Rasaq H. "Ethiopian Invasion of Somalia: Retaliation For 'Conquest of Abyssinia'" [Alldaka.com](http://www.alldaka.com). 24 Oct. 2007. (01). <<http://www.alldaka.com/Ethiopian%20Invasion%20of%20Somalia.htm>>

⁸⁵ Dirie, Nuradin. "Somalia and the Cost of State Failure: Speech Given at the Centre for African Studies at the University of Copenhagen, Denmark" [Hiiraan Online](http://www.hiiraan.com). (Jan. 2010) (01). <http://www.hiiraan.com/op2/2010/jan/Somalia_and_the_cost_of_state_failure.aspx>

⁸⁶ Gittleman, Jeffrey. "Axis of Upheaval: Somalia: The Most Dangerous Place in the World." *Foreign Policy*. 171 (Mar.-Apr. 2009). (68).

⁸⁷ Fund For Peace. "Country Profile: Somalia" [Fund For Peace](http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=380&Itemid=537) <http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=380&Itemid=537>(01).

⁸⁸ Griswold, Eliza. "Somalia Revisited" [The Atlantic Monthly](http://www.theatlantic.com). 22 Dec. 2008 (01). <<http://www.theatlantic.com/doc/200812u/Somalia>>

international community than it allegedly was under the ICU before the U.S.-backed Ethiopian intervention. While the ICU admittedly used violence in the form of corporal punishment against criminals, their main tenet had been the promotion of peace through *shari'a* law. The Islamist factions that were left post-invasion were radicalized groups with the ability to wield violence, angry from the years of belligerent occupation, whose tenets were driven by a hatred of Ethiopia and the United States⁸⁹. In a strangely fatalistic irony, the United States managed to replace a moderate Islamic government with a radical Islamic hegemony led by Al-Shabaab, a group openly supported by al Qaeda⁹⁰.

While it has already been established that countless human rights violations went unpunished during this time, questioning the legality of the entire operation is also warranted. The common view amongst Somalis was that Ethiopia has always tried to control the area⁹¹, and the intervention allowed Ethiopian rule by proxy. This feeling is further propagated by the Ethiopian government's continuous appeals to the U.N. and the African Union (A.U.) to allow them to occupy the south and central regions of Somalia⁹². Wahde Belay, the spokesperson for the Ethiopian Foreign Ministry, maintains that the government's actions in 2006 were legitimated by "a clear and present danger posed against Ethiopia [by the ICU],⁹³" justifiable since states have the inherent right to self-

⁸⁹ Menkhaus, Ken. "Somalia: 'They Created a Desert and Called It Peace(Building)'" *Review of African Political Economy* 36.120 (June 2009). (231).

⁹⁰ Hashi, Abdirashid. "Foreign Actors Fuel Somalia Fire" *Hiiraan*. 14 Aug. 2009. (01). <http://www.hiiraan.com/op2/2009/aug/foreign_actors_fuel_somalia_fire.aspx>; Elmi, Dr. Afyare Abdi. "Time For A New Somalia Policy" *Al Jazeera* and *Hiiraan*. 7 Jan. 2010. (03). <http://www.hiiraan.com/op2/2010/jan/_time_for_a_new_somalia_policy.aspx>

⁹¹ Osman, Ali. "Somalia: Spinning Wheels (Part One)" *Hiiraan* 13 Jan. 2010. (01). <http://www.hiiraan.com/op2/2010/Somalia_spinning_wheels_part_one.aspx>

⁹² Uluso, Mohamud M. "Somalia Under Transitional Administration" *Somali Talk*. 2 Nov. 2009. (01). <<http://somalitalk.com/web/2009/11/02/Somalia-under-un-transitional-administration-by-uluso/>>

⁹³ Warsameh, Abdurrahman. "Somalia: Counting the Cost After Ethiopia Withdraws" *Inter Press Service*. 31 Jan. 2009. (02). <<http://isnews.net/Africa/nota.asp?idnews=45619>>

defense under Article 51 of the U.N. Charter⁹⁴. Furthermore, the government insists that the former TFG President and Parliament supported the occupation, although the validity of their support is questionable at best. The TFG hardly represents the will of the Somali populace; the bureaucracy was created and supported solely by the international community, not constitutionally elected, and the TFG never assumed responsibility for the people or established a monopoly of coercion.

While it is true that the ICU publicly declared *jihad* against Ethiopia in 2006, they had no intention of waging warfare outside of Somali borders. It is also true that there were some violent incursions between the two groups in late 2006 in the northern region, but Ethiopian forces easily defeated the ICU and forced nearly the entirety of the group underground or into exile within a few months. The legitimacy of the Ethiopian government's claim to self-defense is further waned by the fact that their internationally funded and trained soldiers were pitted against an ICU 'militia,' composed of local men with little or no formal training. Seen through this lens, the "threat" posed to Ethiopia constitutes little more than propaganda publicly touted to hide the government's true agenda. Furthermore, Ethiopian forces remained in Somalia for nearly three years after defeating the ICU, where the only 'enemies' fought in the ICU's absence were innocent civilians, all bank-rolled by the United States government.

"The rationale was clear. Since al-Qaeda used a failed state- Afghanistan- as a base

⁹⁴ Warbrick, Colin and Zera W. Yihdego. "Ethiopia's Military Action Against the Union of Islamic Courts and Others in Somalia: Some Legal Implications" *International and Comparative Law Quarterly*. 56.3 (July 2007). (669).

and attacked Western interests, the US should treat all failed states, especially in the Muslim World, as a security threat.⁹⁵”

‘War On Terror’ Breeds an Obsession With Terrorism

As the aforementioned quote suggests rather blatantly, the United States seemed to take on a blanket approach against any group deemed a “terrorist” faction in failed states. With little proof, the U.S. offered vast military and financial support to Ethiopia to fight the ICU, erstwhile conducting air raids that allegedly targeted known terrorists, most notably those supposedly responsible for attacks on two U.S. embassies in East Africa in the late 1990s⁹⁶. While the U.S. celebrated the fact that the air strikes killed the likes of Aden Hashi Ayro (leader of Al-Shabaab prior to his death in 2007)⁹⁷, Somalis mourned the fact that close to 6,000 civilians were also killed by the bombardments, and nearly one million more were forced to flee⁹⁸. To make matters worse, in 2009 U.S. intelligence operatives confiscated documents that proved, despite Osama bin Laden’s intentions of expanding power bases into Somalia, al Qaeda was unable to seize control or acquire support from Somali natives. Errant militants could yield much higher profits working as freelance bullies for local warlords, while average Somalis were put off by the violent “*jihadi*-style” of Islam touted by al Qaeda⁹⁹. Moreover, while the U.S. upholds its claim that Somalis are harboring the perpetrators of various attacks against

⁹⁵ Elmi, Dr. Afyare Abdi. “Time For A New Somalia Policy” *Al Jazeera* and *Hiiraan*. 7 Jan. 2010. (01). <http://www.hiiraan.com/op2/2010/jan/_time_for_a_new_somalia_policy.aspx>

⁹⁶ Warbrick, Colin and Zeray W. Yihdego. “Ethiopia’s Military Action Against the Union of Islamic Courts and Others in Somalia: Some Legal Implications” *International and Comparative Law Quarterly*. 56.3 (July 2007). (672).

⁹⁷ Hogg, Annabel Lee. “Timeline: Somalia, 1991-2008.” *The Atlantic Magazine*. (Dec. 2008). (02).

⁹⁸ Griswold, Eliza. “Somalia Revisited” *The Atlantic Monthly*. 22 Dec. 2008 (01). <<http://www.theatlantic.com/doc/200812u/Somalia>>

⁹⁹ *Ibid.* (02).

U.S. and Israeli offices in East Africa, there are no known terrorist attacks, outside of the immediate area, where Somali natives played a role¹⁰⁰.

Even after the Ethiopian occupation debacle, the U.S., led especially by Secretary of State Hillary Clinton, continues to define Somalia as a “terrorist safe haven”. While alleged links to al Qaeda remain the over-arching threat, the explosion of maritime piracy in the area has also been lumped in as a terrorist amalgamation. While it is true that the two constitute valid security threats, pirates are in no way in cahoots with the radical Islamist factions in Somalia. For starters, the two occupy separate areas of the country—pirates lay claim to the vast coastline cities of the Puntland region, whereas Al-Shabaab (the only radical Islamist faction with substantial territorial control) occupies the south. Although both groups pillage for profit, Al-Shabaab’s roving public courts condemn known pirates to death. Even the shipping industry denounces links between the two; in fact, if there were proof that pirates were engaged in acts of terrorism, the oft-given ransom payments would be illegal¹⁰¹. Piracy is an act of organized crime by non-state actors, not an act of terrorism, since by its very definition piracy *cannot* be politically motivated. It is plausible, however, that the Obama administration needs to promote the view that the two groups inseparably belong under the “terrorist” heading in order to wield violence as the only legitimate response (such as when the Navy imparted force against the pirates who hijacked the Maersk Alabama in April 2009). Once pirates are

¹⁰⁰ Mair, Stefan. “A New Approach: The Need To Focus On Failing States” *Harvard International Review*. 29.4 (Winter 2008). (53).

¹⁰¹ Stares, Justin. “Flag State Obstacle to Anti-Piracy Protection.” *Lloyd’s List*. (1 July 2009). (02).

deemed terrorists, they fall “outside the reach of reason and of conventional warfare,” and possibly outside of real legal protection¹⁰².

With American public opinion in drastic decline from the widespread, war-hungry emotions prevalent after the events of September 11th, the government has had to construct new approaches to combat terrorism without trying to extend the military past its current engagements in Iraq and Afghanistan. The newest solution has been to cut funding to the areas where it may be possible that terrorist organizations may benefit from humanitarian aid. While Somalia’s connections to terrorist organizations remains questionable, in October of 2009 the administration decided to suspend food aid to the area¹⁰³, with little regard to the fact that close to four million Somalis survive solely on donated rations. Furthermore, prior to the suspension, the U.S. was the largest contributor of humanitarian aid in the area¹⁰⁴. This suspension does have one exception though- the U.S. will continue to send \$2 million and over 40 tons of arms to the TFUG¹⁰⁵, despite multiple reports from human rights organizations of their corrupt practices and allegations of violence and cruelty waged against its own citizens.

Still, it was not enough for the U.S. to suspend humanitarian aid; later in 2009 the administration issued set conditions that NGOs and humanitarian agencies must comply with in order to receive the funding and support of the U.S. government. Since it is estimated that U.S. financial aid comprises close to seventy percent of most of the NGOs’

¹⁰² Thorup, Mikkel. “Enemy of Humanity: The Anti-Piracy Discourse In Present-Day Anti-Terrorism” *Terrorism and Political Violence*. 21.3 (July 2009). (402).

¹⁰³ Stevenson, Johnathan. “Jihad and Piracy in Somalia” *Survival*. 52.1 (Feb. 2010). (34).

¹⁰⁴ Houreld, Katharine. “U.S. Aid Restrictions Hurting Hungry Somalis, U.N. Says” The Washington Times Online. 18 Feb. 2010. (01). <<http://www3.washingtontimes.com/news/2010/feb/18/us-aid-restrictions-hurting-hungry-somalis-un-says/print/>>

¹⁰⁵ Parke, Natalie. “Terrorizing Aid To Somalia” Foreign Policy Online. 30 Oct. 2009. (01). <http://www.foreignpolicy.com/articles/2009/10/28/terrorizing_aid_to_somalia>

coffers, it would be near impossible for these organizations to continue their operations in Somalia without it. Thus, humanitarian groups are mired in a catch-22- either they attempt to provide aid with the 25-30% of funds that they have left, or attempt to follow the conditions laid forth that are so restrictive that it makes it nearly impossible for the organizations to distribute goods to those most in need¹⁰⁶. Even the United Nations publicly reported that their operations have been seriously hindered by these new restrictions, to the point of near failure¹⁰⁷. Two very sad ironies have sprung up from the use of this legislation. First, just like the pirates and terrorists that the U.S. government is claiming to fight, the administration is fundamentally holding aid and relief supplies hostage from the millions that are on the brink of death in Somalia. Finally, the radical Islamist factions that do exist have been able to radicalize popular opinion amongst those left hungry by promoting the image of the United States as one who would rather let millions die by starvation in order to punish a handful of suspected terrorists.

Moreover, hatred towards the United States has been made even worse by the latest scandal that has finally caught the medias' attention in Somalia, 'the cash to warlords program'. Multiple reports allege that the U.S. government, through the use of Central Intelligence Agency (C.I.A.) operatives, sought out the help of local warlords during the height of ICU power in 2006. Despite the knowledge of endemic corruption and violence enacted by these very warlords, C.I.A. operatives were allegedly given briefcases full of cash to bribe the warlords to ally with the U.S. for the covert "Alliance for the Restoration of Peace and Counterterrorism" mission. Once given the cash,

¹⁰⁶ Ibid. (01-02).

¹⁰⁷ Houreld, Katharine. "U.S. Aid Restrictions Hurting Hungry Somalis, U.N. Says" The Washington Times Online. 18 Feb. 2010. (01). <<http://www3.washingtontimes.com/news/2010/feb/18/us-aid-restrictions-hurting-hungry-somalis-un-says//print/>>

warlords were provided with a list of suspected terrorists that they were to capture and send to secret foreign locations. One warlord that claims he refused since ‘he could not be bought’ was Osman Hassan Ali Atto, the top financier of the Black Hawk Down attack in 1993¹⁰⁸! Another infamous warlord, Mohamad Qanyare, says that he was a lead emissary to the mission, as the C.I.A. operatives used his private airport to funnel in agents, cash and ammunition, while funneling the terrorists on the list out. Supposedly, those involved even stayed at Qanyare’s mansion and traveled with his personal ‘security team’ of thugs for protection. Though Qanyare claims that only about twenty people were captured and sent through his airport under the program, the warlords received upwards of \$100,000 in cash per month, and substantially more funding in the form of supplies¹⁰⁹.

While the U.S. government disclosed to the United Nations that it was sending the funds allegedly involved from this mission to the TFG for reinforcement, in reality, it only served to undermine the transitional government by providing funding and legitimacy to warlords that openly opposed the TFG. Multiple reports of the funding funneled through this mission provide another source of major contradictions, while it is likely that exact figures will probably never be known. A letter to the U.N. Security Council from Alejandro D. Wolff (the deputy permanent U.S. representative to the U.N.) admits that \$2 million was sent “to the Somali government” at the time, “for the immediate procurement of equipment (weapons and ammunition) and logistics support (food, fuel, water, engineering services).¹¹⁰” However, a State Department official who wished to remain anonymous admitted to **Foreign Policy** magazine that well over that

¹⁰⁸ Dealy, Sam. “Terror’s Playground” *Time*. 168.22 (27 Nov. 2006). (52).

¹⁰⁹ Griswold, Eliza. “Somalia Revisited” *The Atlantic Monthly*. 22 Dec. 2008 (03).
<<http://www.theatlantic.com/doc/200812u/Somalia>>

¹¹⁰ Dickinson, Elizabeth. “Arming Somalia” *Foreign Policy Online*. 10 Sept. 2009. (01).
<http://www.foreignpolicy.com/articles/2009/09/10/arming_somalia?page=0,2>

amount was spent, with \$1.25 million alone consisting of “cash in a brown paper bag.”¹¹¹ Despite a U.N. arms embargo to Somalia, another report alleges that shipments also included upwards of nineteen tons of ammunition, including grenades, machine guns, mortars and anti-aircraft weaponry¹¹². These shipments continued until the Islamists drove the warlords out of the major cities, and the Americans, along with their suitcases full of cash, seemed to disappear almost overnight¹¹³.

“Ironically, however, the international community bears much of the responsibility for creating the monster it now fears.”¹¹⁴

U.S. Is Not the Only Entity Culpable; U.N. and Similar Humanitarian Organizations Are Also to Blame for Failure

Similar to policy changes made during the presidential administration change in the United States, the U.N. mission to Somalia also morphed from an intervention touted solely under the guise of providing food aid to one that championed “nation-building.” The secretary-general to the U.N. expanded the initial terms of the intervention to include his ambitious desires to disarm warlords, defuse land mines in the north, set up various civil administrations, and even establish and train a Somali police force¹¹⁵. Suddenly, both the U.S. and the U.N. seemed ready to employ military force to achieve humanitarian goals, resulting in the passage of a new U.N. Security Council Resolution (794) in 1992, which authorized, “the use of all necessary means to establish as soon as

¹¹¹ Ibid. (01).

¹¹² Lone, Salim. “Destabilizing the Horn” *The Nation*. 4 Jan. 2007. (02). <<http://www.thenation.com/doc/20070122/lone>>

¹¹³ Griswold, Eliza. “Somalia Revisited” *The Atlantic Monthly*. 22 Dec. 2008 (03). <<http://www.theatlantic.com/doc/200812u/Somalia>>

¹¹⁴ Kaplan, Seth. “Rethinking State-building in a Failed State.” *The Washington Quarterly*. 33.1 (Jan 2010). (82).

¹¹⁵ Bolton, John R. “Wrong Turn In Somalia” *Foreign Affairs*. 73.1 (1994). (60-61).

possible a secure environment for humanitarian relief operations in Somalia.¹¹⁶” Despite the immense power now accorded to U.N. troops under Resolution 794, they were consistently met with failure because of their inability to determine which Somali actors to deal with. Countless clans and sub-clans factionalized Somalia’s political landscape, where in each area warlords claimed the legitimate authority to rule. The U.N. simply was not prepared to deal with the daunting task of separating “good” leaders from the “bad”, and warlords easily used U.N. concessions for egomaniacal motives of gaining heightened power and legitimacy. Many began to wonder if any real leaders existed in Somalia at all¹¹⁷. At the same time, the Somali people lost faith and respect for U.N. peacekeepers for giving even more power to former gang leaders who had purposefully starved their own people¹¹⁸. Before intervention, warlords demanded acquiescence through the business end of a gun- after the U.N. intervened it came for free.

Another major source of conflict stemmed from the June 5th incident where forces allegedly under the command of warlord General Mohamad Farah Aideed attacked UN peacekeepers, killing twenty-three and wounding many others. Shortly thereafter, the U.N. Security Council adopted another resolution, 837, which authorized Aideed’s arrest. This was not the first time that Aideed had hindered the peacekeepers’ work; prior to major UNOSOM engagement, Aideed rejected the U.N.’s call to deploy additional peacekeepers to the area when U.N.-owned facilities and trucks were being looted, with aid later sold on the black market¹¹⁹. Added to the hostility and commotion was the role

¹¹⁶ Bariagaber, Assefaw. “The United Nations and Somalia: An Examination of a Collective Clientelist relationship” *Journal of Asian and African Studies*. 31 (1996). (170).

¹¹⁷ Gettleman, Jeffrey. “Axis of Upheaval: Somalia: The Most Dangerous Place in the World.” *Foreign Policy*. 171 (Mar.-Apr. 2009). (69).

¹¹⁸ Carr, Caleb. “The Consequences of Somalia” *World Policy Journal* 10.3 (Fall 1993). (01-02).

¹¹⁹ Bolton, John R. “Wrong Turn In Somalia” *Foreign Affairs*. 73.1 (1994). (57).

of the U.N. Special Envoy to Somalia, the American Admiral Jonathan Howe. Admiral Howe was supposedly the strongest advocate for punishing Aideed¹²⁰; some writers condemn him as being “blood thirsty.” These sources are quick to point the finger of blame directly at Howe, claiming he obscured the mission, making it unclear whether the goal was to deliver aid supplies, or disarm and punish Aideed and similar political nuisances of the day¹²¹. The lack of clarity was apparent to Somalis, and UNOSOM forces quickly gained a bad reputation while losing natives’ trust.

Just as the United States bears a substantial burden for its failures in the humanitarian intervention of the early 1990s, so too has the U.N. been tarnished for these malfeasances. The collaboration between the U.S. and the U.N. on the mission itself was convoluted and confusing, further fuddled by rushing into an intervention that was the first of its kind. Since all other interventions undertaken by the United Nations had been with the host country’s consent¹²², the lack of prior precedent to assist the member states served only to work against their collaborative efforts. Added to this confusion was a real disconnect between the vision and goals of the U.S. and U.N. for Somalia. Both sides’ visions morphed and expanded over time. Without real knowledge of the political situation on the ground, both powers assumed that they would be greeted as liberators for feeding the hungry, and that they would be able to put an end to rampant poverty while building lasting Western-style government institutions. Both failed to notice that Somalia’s problems were hardly caused by a lack of people who had stepped forward to assume governmental power, instead there were too many actors involved, all of which

¹²⁰ Ibid. (63).

¹²¹ Raghe, Ahmed. “UN Wedge Politics In Somalia Hampers” *Hiiraan*. 16 June 2009. (02). <http://www.hiiraan.com/op2/2009/jun/un_wedge_politics_in_somalia_hampers.aspx>

¹²² Bariagaber, Assefaw. “The United Nations and Somalia: An Examination of a Collective Clientelist relationship” *Journal of Asian and African Studies*. 31 (1996). (165).

had done so for corrupt and self-interested reasons. This misstep, combined with a rapid withdrawal from the intervention, condemned the mission to failure.

So it seemed that as quickly as they had come to Somalia, on March 1, 1995, all U.N. involvement in the area ceased, and NGOs and similar companies disappeared along with the U.S. and U.N. forces. Despite half a decade of intervention, peacekeepers left little visible change in the war-ravished country. Since during occupation U.N. forces neglected to disarm the warlords, proclaiming it to be a task that exceeded their mandate¹²³, conditions were ripe for civil war to ensue in the power vacuum left by their absence. Situations on the ground were little different from that under the violent warlords who had grappled for power after the fall of the Siad Barre regime in 1991. Moreover, the operation had cost the international community more than \$1.6 billion¹²⁴, while the number of people that relied on food aid in order to survive had barely changed. Except for a newfound hatred of the West, it was as if humanitarian intervention never occurred at all. Sociologist Virginia Luling puts it best; in terms of accomplishments, the intervention, “at most... froze the war in place for a time.”¹²⁵

“Somalia again will be ruled by men with guns. We will have to escape, just as the UN is doing.”¹²⁶

U.N. Troops Withdraw From Somalia Only To Remain Embroiled In Its Problems

¹²³ Carr, Caleb. “The Consequences of Somalia” *World Policy Journal* 10.3 (Fall 1993). (01).

¹²⁴ Raghe, Ahmed. “UN Wedge Politics In Somalia Hampers” *Hiiraan*. 16 June 2009. (01).
<http://www.hiiraan.com/op2/2009/jun/un_wedge_politics_in_somalia_hampers.aspx>

¹²⁵ Luling, Virginia. “Come Back Somalia? Questioning a Collapsed State.” *Third World Quarterly*. 18.2 (June 1997). (285).

¹²⁶ Bariagaber, Assefaw. “The United Nations and Somalia: An Examination of a Collective Clientelist relationship” *Journal of Asian and African Studies*. 31 (1996). (162-163).

While the U.N. forces from UNOSOM left in 1995, and Somalia quickly catapulted back into civil war, some private organizations remained to attempt to assuage the humanitarian emergencies that still persisted. A small U.N. contingent for Somalia remained behind, but moved their headquarters and storage facilities to neighboring Nairobi, Kenya, and remained largely hands-off from intervening across the border. Aid money also continued funneling into the area, but it became the next point of contention for U.N. failure. The U.N. is still unable to reconcile the vast amount of aid that has been purely wasted over the course of the last twenty years, while openly admitting that only a mere fraction has ever reached its intended recipients. Most often, the money is divided amongst corrupt officials who use it for their own personal means. Even during the height of UNOSOM's mission in Somalia in 1993, only an estimated 4.5% of its \$1.5 billion annual budget ended up in the local economy¹²⁷. Today, the money is stolen before it even reaches warlords and corrupt TFUG members in Somalia. Through a process called "backfilling," the Ugandan government, whose military forces are rented using funds from the U.N. to protect TFUG officials, creates or forges documents that allegedly show items that were "given" to the Somali military or TFUG. This aid money from the recent \$10 million U.S. grant is then used to "refund" the Ugandan government. TFUG senior officers sometimes sign off as "witnesses" on the fictitious documents, suggesting that they probably benefit from the spoils as well¹²⁸.

Unfortunately, even more funds are wasted by the U.N. itself, which still insists on maintaining its headquarters in Nairobi, one of the most expensive cities in all of

¹²⁷ Webersik, Christian. "Mogadishu: An Economy Without a State" *Third World Quarterly*. 27.8 (2006). (1467).

¹²⁸ Gizaw, Girma. "Somalia: A Convenient Cash Cow For All" *Hiiraan*. 26 July 2009. (01-02). <http://www.hiiraan.com/op2/2009/july/Somalia_a_convenient_cash_cow_for_all.aspx>

Africa¹²⁹. Depicted by many Somali journalists as “the small Manhattan of East Africa,” the U.N. has essentially bankrolled the area, cycling hundreds of thousands of dollars through its local economy while also being one of the country’s main employers¹³⁰. Moving certain U.N. facilities to the safer parts of Somalia would be extremely beneficial to all parties involved; the U.N. would save tons of money that it could instead use for food aid, while it would also provide hundreds of jobs in an area devastated by massive unemployment. In fact, one of the reasons that the Somali economy remained so stable in the early-to-mid 1990s was because of the many new companies who had brought money into the area while vying for U.S. and U.N. contracts. During the UNOSOM intervention, the U.N. was the primary employer in Mogadishu, and large extended families could survive off of one worker’s salary alone. For a much cheaper wage than what they currently offer in their Kenyan headquarters, the salary of one U.N.-employed Somali worker was sometimes enough to feed up to eighty people¹³¹. When UNOSOM forces withdrew in 1995, U.N. employment, and the private companies who used local employment to fulfill U.N. contracts, withdrew with them.

Despite the continuance of lucrative aid contracts, conditions for aid workers in Somalia are even worse today than they were pre-intervention twenty years ago. With endemic corruption present in each transitional government brought to power by the

¹²⁹ Idle, Mohamed. “Somalia: The Humanitarian Tremor Midfielders.” Hiiraan Online. 22 Jan. 2009. (02). <http://www.hiiraan.com/op2/2010/jan/Somalia_the_humanitarian_tremor_midfielders.aspx>

¹³⁰ Nuurre, A /Rasaq H. “How Kibaki’s Gimlet Eyes Espied Somalia’s Southern Coastline” Hiiraan. 13 June 2009. (04). <http://www.hiiraan.com/op2/2009/jun/how_kibaki_s_gimlet_eyes_espied_somalia_s_southern_coastline.aspx>; Onyango-Obbo, Charles. “Kenya Should Thank God For Its Somali Troubles” The Daily Nation. 4 Feb. 2010. (02). <http://www.hiiraan.com/op2/2010/feb/Kenya_should_thank_god_for_its_somali_troubles.aspx>

¹³¹ Atadika, Novisi. “Adapting To Anarchy” *Harvard International Review*. 18.4 (Fall 1996). (41).

international community, humanitarian workers cannot even be sure whether attacks are the doings of rogue agents and warlords or commissioned by the “legitimate” government¹³². The situation on the ground for foreigners has become so dangerous in the past few years that nearly a third of all humanitarian casualties worldwide occur in the area, even more than in Afghanistan¹³³. Often depicted as “the most dangerous place in the world,” even the head of the U.N. Development Program was not safe; gunmen in Mogadishu assassinated him while he visited the area in 2008¹³⁴. Aid workers attempting to deliver supplies are often held up at makeshift roadside checkpoints, where warlords extort “fees,” often loot the trucks of its supplies, and sometimes even kidnap the workers to hold them for ransom. Humanitarian agencies must spend great portions of their budgets obtaining private security and paying off fees in the form of protection rackets to local militias. In the midst of global recession, and with the new strict aid guidelines imposed by the United States, many aid organizations have been forced to “flood the markets” with food aid, instead of delivering it directly to recipients, in the hopes that some of it will “trickle down to those most in need.”¹³⁵ With the security situation worsening with each passing month, and finances running thin, many organizations have been forced to withdraw from the area, at a time when locals need their presence the most.

¹³² Menkhaus, Ken. “Somalia: ‘They Created a Desert and Called It Peace(Building)’” *Review of African Political Economy* 36.120 (June 2009). (228).

¹³³ Dirie, Nuradin. “Somalia and the Cost of State Failure: Speech Given at the Centre for African Studies at the University of Copenhagen, Denmark” *Hiiraan Online*. (Jan. 2010) (01).

<http://www.hiiraan.com/op2/2010/jan/Somalia_and_the_cost_of_state_failure.aspx>

¹³⁴ Hogg, Annabel Lee. “Timeline: Somalia, 1991-2008.” *The Atlantic Magazine*. (Dec. 2008). (03).

¹³⁵ De Torrente, Nicolas and Fabrice Weissman. “A War Without Limits: Somalia’s Humanitarian Catastrophe” *Harvard International Review* 30.4 (Winter 2009). (18).

The current restrictions on aid also raise doubts over the ability for humanitarian groups in the area to remain neutral, when the very cornerstone of non-governmental organizations is their ability to send aid to those in need regardless of the political situation on the ground. While the U.S. maintains that its funding stipulations are justifiable because it keeps aid out of the hands of terrorists, it neglects to understand that it is also keeping aid out of the mouths of millions of starving Somalis, in order to punish a few bad men. Charity given with a political agenda attached fails to recognize the reality of the true emergency that exists on the ground, while similarly binding formerly neutral organizations to the endemic corruption of the current political arena. Instead of being able to assist those in need, aid becomes a contributor to the conflict¹³⁶. Still, the bottom line is that without access to aid, four million people **will** die from starvation in 2010. To Somalis, the notion that the international community is comfortable with condemning that many people to death, is proof of a *real* act of terrorism.

“The Beggar’s Rags, Fluttering In Air, Does To Rags the Heavens Tear...”¹³⁷”

The U.N. Has Not Upheld Its Commitments to Somalia

Another problem that stems from U.N. failure is its inability and unwillingness to police the ceasefires and the arms embargo that it put in place through the passage of multiple Security Council Resolutions. Even the United States has admittedly violated the arms embargo, distributing ammunition to transitional governments and warlords alike, without penalty from the U.N. In fact, prior to the fall of the Siad Barre regime, the U.S.

¹³⁶ Atadika, Novisi. “Adapting To Anarchy” *Harvard International Review*. 18.4 (Fall 1996). (43).

¹³⁷ Blake, William. “Auguries of Innocence.” English Poetry II. <<http://www.bartleby.com/41/356.html>> (Lines 73-74).

was the lead supplier of arms to Somalia¹³⁸. It is a well-known fact that the very arms distributed from U.N.-member governments end up for sale on the black market; some are even sold openly on the streets¹³⁹. Warlords have admitted that since the hyperinflation and decline of the Somali shilling, arms have become a form of currency, sometimes given out at clan meetings as payments to their respective militias. Using arms and ammunition instead of cash has resulted in the availability of the greatest number and variety of small arms available on the Somali market today than any other time since the early 1990s, and the fall of the last legitimate governmental regime¹⁴⁰. To make matters worse, in recent times, the easiest means to channel guns into the black market has been through TFG/TFUG security force desertion. In the past two years alone, 14,000 of the 17,000 forces have deserted, most because they have not been paid for their duties, and it is common for deserters to take their guns and uniforms with them¹⁴¹. The majority of the TFUG's ammunitions have been provided, free of charge, by the United States government.

Further questions of legality also plague the U.N. Security Council for its compliance with the U.S.-backed Ethiopian invasion in Somalia in 2006. That December, the Council passed Resolution 1725, which allowed the mandate of force to combat international terrorism under Chapter VII of the UN Charter, where international

¹³⁸ Mushtaq, Najum. "Somalia: Anatomy of an Unending Conflict" *New African*. 459 (1 Feb. 2007). (25).

¹³⁹ Dickinson, Elizabeth. "Arming Somalia" *Foreign Policy Online*. 10 Sept. 2009. (02). <http://www.foreignpolicy.com/articles/2009/09/10/arming_somalia?page=0,2>

¹⁴⁰ Kimenyi, Mwangi S. "Fractionalized, Armed and Lethal: Why Somalia Matters" *Brookings Institute*. 3 Feb. 2010 (02) <http://www.brookings.edu/articles/2010/0203_somalia_kimenyi.aspx>

¹⁴¹ Dickinson, Elizabeth. "Arming Somalia" *Foreign Policy Online*. 10 Sept. 2009. (02). <http://www.foreignpolicy.com/articles/2009/09/10/arming_somalia?page=0,2>

terrorism is slated as a “threat to international peace and security.”¹⁴² Disregarding multiple reports from independent companies that maintained that the ICU was not a terrorist organization, the passage of the resolution negated the U.N.’s own charter by allowing an aggressor (Ethiopia) to turn a peaceful situation in Somalia under the ICU to one of war. Moreover, the ICU was not internationally recognized as the legitimate government of Somalia. Thus, the U.N. intervened on the behalf of a party “struggling for political supremacy,” yet another task that goes against the duties and powers of the U.N.¹⁴³ While consent of the state is not needed for the U.N. to be able to intervene on its behalf¹⁴⁴, the ICU had brought a semblance of peace to Somalia that had not been seen for fifteen years- one that the U.N. itself had not been able to accomplish in its own intervention. Still, legitimacy was given to Ethiopia allowing the invasion. The U.N. even documented human rights abuses on the behalf of the Ethiopian military, and to this day refuses to bring the perpetrators to justice.

Through all of these examples, it is clear that the international community, over the course of the past two decades, failed to achieve its only goal of humanitarian assistance: ensuring the fundamental human rights that are necessary for survival. Despite fifteen attempts to create governmental apparatuses, each transitional government that came into power proved just as corrupt as the last, while the Somali people have yet to recognize any of the governments that came to power as legitimate. Moreover, the international community still will not allow grass roots involvement by the Somali people

¹⁴² Lone, Salim. “Inside Africa’s Guantanamo” The Guardian Online. 28 Apr. 2007 (01). <<http://www.guardian.co.uk/commentisfree/2007/apr/28/comment.comment>>

¹⁴³ Lone, Salim. “Destabilizing the Horn” The Nation. 4 Jan. 2007. (02). <<http://www.thenation.com/doc/20070122/lone>>

¹⁴⁴ Thurer, Daniel. “An Internal Challenge: Partnerships In Fixing Failed States.” *Harvard International Review*. 29.4 (Winter 2008). (45).

when establishing these transitional governments, fueling anger over the denial of Somalis' rights to self-sovereignty. Teenagers who have lived their entire lives without the auspices of working institutions overload the streets, where they are easily recruited to carry out the dirty work of warlords and radical Islamist groups, since there are no schools for them to attend, and no jobs available besides being a pirate or a gun-for-hire in local militias. Upwards of eight billion dollars in aid, spent since 1991, has done little to effect minimum standards of public health¹⁴⁵. Mortality rates have increased, vaccinations are only available on the black market (where medicines that are sold are often expired)¹⁴⁶, while proper sanitation systems and clean drinking water remain a pipe dream. Shelter is limited- refugee camps are overloaded and are often so unsanitary that they become little more than centers of disease and death.

Unfortunately, little can be done to overturn these consequences that resulted from the past twenty years of humanitarian failures. The only recompense must be in the lessons that the international community may glean from its losses. What must be recognized is the fact that humanitarian interventions, despite their well-intentioned causes, cannot be separated from the politics of all of the countries involved (both those that give and those that receive the aid). It is unrealistic to expect that humanitarian forces will not come into direct conflict with government and/or non-state actors that presently occupy the power vacuums left over by the void of state failure pre-intervention. Furthermore, clear and unchanging goals, and those who are responsible for enacting and achieving those goals, must be established from the very beginning. While it is

¹⁴⁵ Dirie, Nuradin. "Somalia and the Cost of State Failure: Speech Given at the Centre for African Studies at the University of Copenhagen, Denmark" *Hiiraan Online*. (Jan. 2010) (01). <http://www.hiiraan.com/op2/2010/jan/Somalia_and_the_cost_of_state_failure.aspx>

¹⁴⁶ De Torrente, Nicolas and Fabrice Weissman. "A War Without Limits: Somalia's Humanitarian Catastrophe" *Harvard International Review* 30.4 (Winter 2009). (16).

understandably difficult to find trustworthy leaders with which to engage in a failed state, natives must play key roles in humanitarian intervention. Without this, countries supplying the aid run the risk of being viewed as a “colonizer,” or an international body that wishes to impart its rule despite the inherent sovereignty of the receiving nation. Lack of support from locals breeds lack of trust, resulting in a vast array of security issues. Just as Clausewitz suggested, military intervention is akin to war, even if undertaken for humanitarian purposes; it is little more than “policy by different means.”¹⁴⁷

¹⁴⁷ Carr, Caleb. “The Consequences of Somalia” *World Policy Journal* 10.3 (Fall 1993). (02).

**“NOBODY HIRES A CHAUFFER WHO CANNOT DRIVE
BECAUSE OF CLAN PREFERENCE, WHY SHOULD WE ENTRUST
THE LEADERSHIP OF OUR OWN NATION OTHER THAN
THE RIGHT PERSON FOR THE JOB¹⁴⁸”**

CHAPTER THREE

**“Mr. Prime Minister, a government by the warlords, for the warlords; a
government for the middlemen by the middlemen, cannot be for its people.¹⁴⁹”**

Illegitimate Transitional Federal Governments

Despite being appointed in 2003, the TFG under President Abdullahi Yusuf remained in exile for five years, unable to exert any form of control over Somalia. When President Yusuf and his bureaucracy first attempted to enter the capital city in 2004, an immediate assassination attempt was made on the Interim Prime Minister Ali Mohammed Ghedi¹⁵⁰. Members of the TFG’s bureaucracy held little to no legitimacy in the eyes of the Somali populace. It was widely known that many officials came to power through bribes or threats, most lacked experience and education, and some had been sworn in despite disqualification by an Advisory Committee because of individuals’ record for human rights violations and war crimes¹⁵¹. President Yusuf himself had a history of being a militant dictator who, during his reign as President of the semi-autonomous Puntland

¹⁴⁸ Dool, Abdullahi. “Has the TUG Become the Somali Story: *ii shub, iishid, ii sheeke?*” Wardheernews. 20 July 2009. (03). <http://wardheernews.com/Articles_09/20_somali_story_dool.html>

¹⁴⁹ Bahal, Nur. “There Is No Circular Logic in Honesty: In Response to the Letter of the Prime Minister of Somalia” Hiiraan. 21 Jan. 2010. (04). <http://www.hiiraan.com/op2/2010/jan/there_is_no_circular_logic_in_honesty.aspx>

¹⁵⁰ Hogg, Annabel Lee. “Timeline: Somalia, 1991-2008.” *The Atlantic Magazine*. (Dec. 2008). (02).

¹⁵¹ Rigol, Natalia. “Clash of Clans: Challenges to Somali Government” *Harvard International Review*. 27.2 (Summer 2005). (08).

area, refused to leave office after successfully eliminating all political opposition to his regime. In fact, he left only when the internationally sponsored Peace and Reconciliation Conference in Kenya elected him President of Somalia¹⁵². During his reign in Puntland, he also established questionable relationships with the Ethiopian government, prompting fear amongst locals¹⁵³. Interim Prime Minister Ghedi's politics were also pro-Ethiopian; supposedly Ghedi told the Ethiopian government during a visit to Addis Ababa that the previous five hundred years of fighting represented little more than "an artificial misunderstanding."¹⁵⁴

Even upon the TFG's return to Mogadishu, they were unable to establish control past the distance of a few blocks, and remained sequestered in Villa Somalia, heavily guarded by U.N.-sponsored Ugandan and Burundi military men. The TFG did little to rectify state failure, did not collect taxes, provide goods or social services, or establish civilian law enforcement organizations. The TFG could hardly claim to speak on the behalf of Somalis who detested its very existence- instead the international community at large provided the TFG with the legitimacy it lacked from its own people. It was hard to deny that the lives of the Somali people became considerably worse after the ICU was driven underground in 2006. For example, by the spring of 2007, there were no hospital beds left in Mogadishu, and all forms of legal commerce had halted¹⁵⁵. Furthermore, some ministers within TFG ranks allegedly joined a rival quasi-government group called

¹⁵² Hagmann, Tobias and Markus V. Hoehne. "Failures of the State Failure Debate: Evidence From the Somali Territories" *Journal of International Development*. 21.1. (24).

¹⁵³ Rigol, Natalia. "Clash of Clans: Challenges to Somali Government" *Harvard International Review*. 27.2 (Summer 2005). (08).

¹⁵⁴ Nuurre, A /Rasaq H. "Ethiopian Invasion of Somalia: Retaliation For 'Conquest of Abyssinia'" Alldaka.com. 24 Oct. 2007. (04). <<http://www.alldaka.com/Ethiopian%20Invasion%20of%20Somalia.htm>>

¹⁵⁵ Stevenson, Jonathan. "Risks and Opportunities in Somalia" *Survival*. 49.2 (June 2007). (12).

the Somali Rehabilitation and Redemption Council (SRRC), a group whose ideology often differed from that of the TFG, all the while refusing to resign from their internationally appointed posts in the TFG¹⁵⁶.

Just as the warlords had done during the Somali civil wars of the past, the TFG carried out violence against its own people. An independent investigation led by Germany's ambassador to Somalia, Walter Lindner (highly important at the time, since Germany also held the European Union presidency) found that TFG officials carried out air strikes using forms of heavy artillery in highly populated civilian areas, bombed hospitals and schools, raped hundreds of women, and continuously blocked humanitarian supplies from reaching its intended recipients- either by looting or demanding high fees at illegally established roadblocks¹⁵⁷. While the West publicly maintains that it abhors these actions, they have done little to attempt to punish officials involved or attempt to institute change. Denying responsibility for the atrocities neglects the fact that the TFG forces were trained by, and received their salaries from, the U.N. Development Program¹⁵⁸. Regardless of their lack of control on the ground, the international community lauded the TFG as the only 'real solution' for the failed state. Thus, many Somalis rejoiced when the terms of the TFG mandate expired in January 2009, and another international conference was commissioned in Djibouti to create the next transitional government.

¹⁵⁶ Ibid. (10).

¹⁵⁷ Ibid. (01).

¹⁵⁸ Menkhaus, Ken. "Somalia: 'They Created a Desert and Called It Peace(Building)'" *Review of African Political Economy* 36.120 (June 2009). (231).

“The country exists more on paper and in the eyes of the State Department than in reality. The internationally recognized ‘government’ can only dream of having so much authority.¹⁵⁹”

Transitional Federal Unity Government; Equally A Failure?

Initially, the TFUG enjoyed some support from Somalis after former Islamic cleric Shiekh Sharif Ahmed was chosen as the new president¹⁶⁰. Interestingly, the international community also celebrated his election, despite Ahmed being a former leader in the ICU’s ranks, which four years ago the U.S. and Ethiopia had dismantled and run underground. Many believed that Ethiopian support was given to the new government only after a good number of pro-Ethiopian leaders occupied positions in the transitional presidential bureaucracy and Parliament, allowing the Ethiopian government to maintain control in Somalia without having to allocate funds for occupation in Mogadishu (which it could no longer afford)¹⁶¹. Despite its pro-Ethiopian agendas, for the first time in the fifteen attempts by the international community to create transitional governments for Somalia, the Somali people attempted to throw support behind the new government out of respect for the Islamic leader and desperation for peace¹⁶².

¹⁵⁹ Pham, Peter J. “Do Not Resuscitate.” *The National Interest*. 94 (Mar.-Apr. 2004). (21).

¹⁶⁰ The Arabic word “*sharif*” translates to “dignified or honored man,” a title that Somalis usually give to those whose families are believed to be the ancestors of the Prophet Muhammad. The next Arabic title in Ahmed’s name “*sheikh*” is one that is used to connote a Muslim cleric, and sometimes for respected clan elders. Yahya, Dr. Mahamud M. “President Sheikh Sharif: One Year Later” Hiiraan. 3 Mar. 2010. (01-05). <http://www.hiiraan.com/op2/2010/mar/president_sheikh_sharif_one_year_later.aspx>

¹⁶¹ Uluso, Mohamud M. “UN Envoy For Somalia Blasts Experts For Their Reality-Based Assessments” Wardheer News. 7 July 2009. (01). <http://wardheernews.com/Articles_09/July/08_assesment_uluso.html>

¹⁶² Dool, Abdullahi. “Has the TUG Become the Somali Story: *ii shub, iishid, ii sheeke?*” Wardheernews. 20 July 2009. (01). <http://wardheernews.com/Articles_09/20_somali_story_dool.html>

However, this feeling quickly subsided once the new leaders returned to Mogadishu from the conference in Djibouti. Unlike the former TFG president that was forced into exile, President Sheikh Sharif prefers to spend the majority of his time outside of the country, most often perusing foreign lands begging for aid¹⁶³. The money is distributed amongst the president and bureaucratic ministers' entourages, used on lavish hotels and other travel expenses, and never finding its way into Somalia's war-torn economy. The lack of TFUG presence in the capital has resulted in the loss of at least half of the few blocks that the previous TFG had fought and won control over¹⁶⁴. While President Sheikh Sharif insists in all of his global petitions that Somalia is *not* a failed state¹⁶⁵, he hardly spends enough time within the country to make an educated guess about the situation on the ground. Instead, there is an expectation that the international community is responsible for mollifying the ever-present humanitarian emergencies resulting from massive starvation and displacement. The Somali public now views the TFUG as one dependent on others to do its job¹⁶⁶, even if it means allowing foreign intervention and giving away state sovereignty to the highest bidder.

The TFUG will not even collaborate with local governments' leaders who wish to actively engage in national politics. When the semi-autonomous region of Puntland attempted to co-opt the TFUG government for cooperation in its fight against the rampant

¹⁶³ Uluso, Mohamud M. "Political Exclusion Creates Cause For Armed Conflict in Somalia" Wardheer News. 11 June 2009. (01). <http://wardheernews.com/Articles_09/June/Uluso/11_political_exclusion_creates_cause_for_conflict.html>

¹⁶⁴ Nuurre, A /Rasaq H. "Somalia: A Failed State Or a Weak State?" Hiiraan. 15 Feb. 2010. (02). <http://www.hiiraan.com/op2/2010/feb/Somalia_a_failed_state_or_a_weak_state.aspx>

¹⁶⁵ Ahmed, President Sharif Sheikh. "Somalia Is Not A Failed State" Hiiraan. 7 Mar. 2010. (01). <http://www.hiiraan.com/op2/2010/mar/Somalia_is_not_a_failed_state.aspx>

¹⁶⁶ Dool, Abdullahi. "Has the TUG Become the Somali Sotry: *ii shub, iishid, ii sheeke?*" Wardheernews. 20 July 2009. (02). <http://wardheernews.com/Articles_09/20_somali_story_dool.html>

piracy in Somalia's north shore, TFUG cabinet members annulled their agreement and decided that they would rather collaborate with Djibouti instead¹⁶⁷. TFUG leaders balk at the thought of having local leaders involved in government programs and decisions, only further tarnishing what little legitimacy they may have had when first appointed. Moreover, President Sheikh Sharif, a former Islamic cleric, admitted that ninety-five percent of the TFUG's forces did not have Islamic knowledge¹⁶⁸, despite operating in the most homogenous Muslim country in the world. Thus few were surprised that the government's militia often operated in tiny independent units, more loyal to one government warlord than the overall establishment¹⁶⁹, and a contingent that had a near eighty three percent desertion rate. To make matters worse, the few that did stay were accused of human rights abuses and war crimes.

Yet the militia is still effective enough to wield terror against Somali citizens. Local Somali news media supposedly has collected footage of government officials intentionally shooting at civilians. Another report claimed that instead of transporting wounded children to hospitals during combat situations, they are driven to unknown areas from which they do not return¹⁷⁰. After a recent roadside bomb explosion outside of a school in Mogadishu, TFUG forces raided the school, violently evacuated students and

¹⁶⁷ Yahya, Dr. Mahamud M. "President Sheikh Sharif: One Year Later" Hiiraan. 3 Mar. 2010. (02). <http://www.hiiraan.com/op2/2010/mar/president_sheikh_sharif_one_year_later.aspx>

¹⁶⁸ Uluso, Mohamud M. "Political Exclusion Creates Cause For Armed Conflict in Somalia" Wardheer News. 11 June 2009. (01). <http://wardheernews.com/Articles_09/June/Uluso/11_political_exclusion_creates_cause_for_conflict.html>

¹⁶⁹ Dickinson, Elizabeth. "Arming Somalia" Foreign Policy Online. 10 Sept. 2009. (02). <http://www.foreignpolicy.com/articles/2009/09/10/arming_somalia?page=0,2>

¹⁷⁰ Gizaw, Girma. "Somalia: A Convenient Cash Cow For All" Hiiraan. 26 July 2009. (02). <http://www.hiiraan.com/op2/2009/july/Somalia_a_convenient_cash_cow_for_all.aspx>

teachers from the building, and then burned half of it to the ground¹⁷¹. Public disorder seems to be a favorite of the TFUG militia, who often wage air strikes in the crowded Bakara Market, insisting that the market is used to harbor terrorists¹⁷². Similarly, TFUG forces are most often responsible for the disruption of food aid, erecting hundreds of roadblocks where their armed cronies demanded as much as \$500 (U.S.) per vehicle in order to pass. NGO workers are kidnapped and held for ransom, while others are simply detained in prisons without trial¹⁷³.

“Not to mention the numerous TFG regimes, comprising of uncommitted office seekers at best, and certifiable Ethiopian agents at worst, consistently failing to discharge even the most basic of their responsibilities to the public.”¹⁷⁴”

Why Have Fifteen Attempts to Institute A Government Failed in Somalia?

Which factors explain why Somalia has been unable to maintain a central government has been the million-dollar question in the area for the past twenty years. This case study finds that there are three reasons for the prolonging and enduring government failure: it was created by the international community without local input; it still manages to put infamous and dangerous people into positions of power; and, structural faults in the institutions themselves promote failure. First, every government instituted after the fall of the Siad Barre regime in 1991 has been commissioned, chosen and implemented by the international community with little to no consultation or

¹⁷¹ Warsameh, Abdurrahman. “In Somalia Students Brave Gunfire To Reach Struggling Schools” *African Times*. 21.13 (1-15 July 2008). (13).

¹⁷² Mushtaq, Najum. “Economy-Somalia: How Warlords Stay In Business” *Somaliland Times* 356. 15-22 Nov. 2008. (04). <<http://somalilandtimes.net/sl/2008/356/40.shtml>>

¹⁷³ Menkhaus, Ken. “Somalia: ‘They Created a Desert and Called It Peace(Building)’” *Review of African Political Economy* 36.120 (June 2009). (227-228).

¹⁷⁴ Keynan, Shabeel. “Ahlu-Sunna – The New Kid In the Block” *Hiiraan*. 25 Jan. 2010. (04). <http://www.hiiraan.com/op2/2010/jan/ahlu_sunna_-_the_new_kid_in_the_block.aspx>

participation from the Somali public. Peace conferences often take place in nearby countries, such as Kenya and Djibouti, where their government officials have more say over leadership than the natives that will be put under their command. International efforts assume sovereignty and set up puppet and proxy governments that often prove more in-tune to the interests of the international community that fills its coffers. Finally, transitional governments are often subject to short term-limits, allowing the international community to ally itself with new actors nearly every two or more years.

The second reason- that dangerous people easily attain positions of power- is driven by the insatiable greed of local warlords. Acquiring political status allows them to easily extort funds while using violence and the suppression of humanitarian aid to attempt a monopoly of coercion. Constantly changing regimes have allowed Villa Somalia to become a revolving door for warlords who easily bribe their way into the ministries. Moreover, the international community has promoted leaders with little experience or education to high positions. Expecting such leaders to rectify the conditions of a state in failure or collapse is truly asking them to perform a task well beyond their means. Even current President Shiekh Sharif proved ill-prepared for the task, prompting an official who works in his administration to report to the Somalia media (anonymously) that, “Selecting Sheikh Sharif to run shattered Somalia is like asking one of us ordinary folks to run America’s space agency, NASA. He simply has no clue about what he’s really supposed to do.”¹⁷⁵

Finally, structural faults inherent in transitional governments make it difficult for little-experienced leaders to overcome collapse. For instance, the TFUG has a parliament

¹⁷⁵ Yahya, Dr. Mahamud M. “President Sheikh Sharif: One Year Later” Hiiraan. 3 Mar. 2010. (03). <http://www.hiiraan.com/op2/2010/mar/president_sheikh_sharif_one_year_later.aspx>

that is based on clan-representation, called the 4.5 System. This means that the four main clans are allotted equal representation in parliament, about sixty-four seats a piece. The “.5” part represents the minority clans, which are given half representation, averaging around thirty-two seats per clan. This apportionment system caused the Parliament to swell to a whopping five hundred fifty members, one of the largest in the world¹⁷⁶. To put this number in perspective, the United States has a population that is seventy-five times larger than Somalia’s, with about 430 members of Congress¹⁷⁷. Many view the 4.5 System as highly discriminatory, as Somalis from the four largest clans count as 100% of a person, while those from minority clans count as half. Furthermore, maintaining enough security to allow five hundred fifty bureaucrats to meet in one location is a Herculean task hardly ever undertaken; parliament positions actually exist more in name than real function. Since the current TFUG mandate will expire at the end of 2011, one can only imagine how large the bureaucracy may become.

“The whole country has become a breeding ground for warlords, pirates, kidnappers, bomb makers, fanatical Islamist insurgents, freelance gunmen, and idle, angry youth with no education and way too many bullets.”¹⁷⁸”

Non-State Actors Wield Power in Failed States When Defunct Governments Cannot

Non-state actors (NSAs), as defined by the Geneva Convention, are any “organized armed groups which, under responsible command, exercise such control over

¹⁷⁶ Ali, Abdi Mohamed. “Selling Itself Cheap: Was Ahlu Sunnah Also After Positions?” *Hiiraan*. 19 Feb. 2010. (01). <http://www.hiiraan.com/op2/2010/feb/selling_itself_cheap_was_ahlu_sunnah_also_after_positions.aspx>

¹⁷⁷ Obsiye, Aman H.D. “Why the TFG Will Fail and Fall in 2010” *Hiiraan*. 14 Feb. 2010. (02). <http://www.hiiraan.com/op2/2010/feb/why_the_tfg_will_fail_and_fall_in_2010.aspx>

¹⁷⁸ Gettleman, Jeffrey. “Axis of Upheaval: Somalia: The Most Dangerous Place in the World.” *Foreign Policy*. 171 (Mar.-Apr. 2009). (62).

a part of its territory as to enable them to carry out sustained and concerted military operations.¹⁷⁹” The cornerstone of NSAs is the use of force to achieve quasi-political objectives, even if only for selfish means. Without the confines of a working state, many types of NSAs will appear, all claiming the legitimate right to exercise violence as a means of control. Groupings of these actors may include militias, gangs, agents of regional bureaucrats, warlords and other clan leaders, pirates, some fundamentalist groups, and sometimes, defaulted state police or military units. At times these groups are driven to work together, uniting under a shared front, often against international occupation or aggression¹⁸⁰. States that have collapsed, or are nearing failure, lack functioning judicial and security systems; people must forge alliances with NSAs to guarantee their security under protection rackets, which is not to say that NSAs do not brandish violence of their own against the people.

Protection rackets flourish in areas like Somalia, where military ammunition and freelance gunmen are bought and sold like market commodities¹⁸¹. Since protection rackets often constitute the main source of NSAs’ income, they have a great incentive to acquire weapons in large amounts. A classic example of protection rackets in Somalia is the hundreds of ‘roadblocks’ that line the streets, and especially target foreign and humanitarian vehicles. Armed thugs guard each roadblock, managing to extort hundreds of dollars in ‘fees’ and ‘taxes’. Non-compliance with the payments can result in kidnapping, beatings, and sometimes death. Other ways to bankroll NSAs’ activities

¹⁷⁹ Zeender, Greta. “Engaging Armed Non-State Actors on Internally Displaced Persons Protection” *Refugee Survey Quarterly*. 24 (2005). (96).

¹⁸⁰ Onyango-Obbo, Charles. “Somalia: Medical School In Mogadishu Can Teach You Anatomy of State Failure” *The East African* 22 June 2009. (02). <<http://allafrica.com/stories/printable/200906220868.html>>

¹⁸¹ Thompson, Janice E. *Mercenaries, Pirates and Sovereigns*. Princeton University Press, New Jersey: 1994. (03).

include the trade of illegal goods, piracy and human trafficking. Just as the modern state gained supremacy by efficiently providing public security¹⁸², NSAs acquire greater power with the higher amounts of security it is able to provide when the state is absent.

In places like Somalia, where weak governments exist but cannot claim a monopoly of coercion, NSAs often rival state authorities with better resources and capabilities. The state is a burden to NSAs who must compete with its apparatuses for coercive control. Ground conditions in a failed state, such as the expansion of a hidden economy and porous borders¹⁸³, are all advantageous features for NSAs who “increase [their] odds of survival” by keeping their actions under the radar¹⁸⁴. Unfortunately, state failure gives rise to NSAs who have an interest in the continuance of chaos and state collapse. Since the very atmosphere of statelessness has been a means for greatly expanding control, NSAs often have more to gain when and where the state no longer exists. Furthermore, while most NSAs want to expand their power, they hardly want to be responsible for the public at large, especially with responsibilities of governing such as legislating¹⁸⁵. Moreover, states participate in the international community at large, where their actions may be criticized as well as threatened by others¹⁸⁶. While it may be relatively easy for two states to fight one another, it is much harder for a sovereign state to fight against a stateless group whose leaders operate across multiple borders, making it easy to hide.

¹⁸² Grygiel, Jakub. “The Power of Statelessness” *Policy Review*. 154 (Apr./May 2009). (35).

¹⁸³ Eizenstat, Stuart, John E. Porter and Jeremy Weinstein. “Rebuilding Weak States” *Foreign Affairs*. 84.1 (Jan./Feb. 2005). (136).

¹⁸⁴ Grygiel, Jakub. “The Power of Statelessness” *Policy Review*. 154 (Apr./May 2009). (37).

¹⁸⁵ *Ibid.* (35).

¹⁸⁶ *Ibid.* (41).

Yet is it correct to assume that all NSAs worsen the already strained conditions of failed states, or is it possible that some may use their power to rebuild state structures? One need only look to the so-called ‘moneylords’ (big-business owners) of Somalia, who utilized their powers to deliver goods and services that the government had been unable to provide for over a decade. As discussed in the first chapter, the black market was actually relatively stable- despite years of civil warfare, the Somali shilling held a steady exchange rate for nearly eleven years¹⁸⁷, until warlords printed their own currency. In response, the moneylords established efficient systems of barter; where transactions could be simplified, competition thrived¹⁸⁸. The moneylords knew better than to trust in the corrupt protection rackets provided by local warlords, so the businessmen banded together to create their own system of security based on reciprocity and the trust of mutual protection¹⁸⁹. Once their territories were secure, moneylords extended portions of their profits to the bettering of their communities without taxing locals. Within a few years the moneylords had created small but impressive basic systems of healthcare, education, telecommunication and even transportation in certain areas. Other accomplishments include the creation of power plants, private mail systems, and even a grandiose initiative to mend and rebuild the roads of Mogadishu¹⁹⁰.

¹⁸⁷ Webersik, Christian. “Mogadishu: An Economy Without a State” *Third World Quarterly*. 27.8 (2006). (1466).

¹⁸⁸ Nevin, Tom. “A Failed State That Functions” *African Business*. 333 (July 2007). (52).

¹⁸⁹ Webersik, Christian. “Mogadishu: An Economy Without a State” *Third World Quarterly*. 27.8 (2006). (1465).

¹⁹⁰ Gettleman, Jeffrey. “Axis of Upheaval: Somalia: The Most Dangerous Place in the World.” *Foreign Policy*. 171 (Mar.-Apr. 2009). (64).; E61. (1463).; E65. (1465).

“We live in a situation where chaos is stability as both the TFG and the insurgents cannot survive without the sound of mortar bombs. A day of no shooting can evoke terror in their minds as they lose ground once peace dawns in Somalia.”¹⁹¹”

Radical Islam and the New NSAs Enjoying Power in Somalia

Unfortunately, the Somali story of NSA power hardly ends with the ‘good-cop-bad-cop’ power struggle between moneylords and warlords. The U.S.-backed Ethiopian intervention in 2006 drove yet another NSA group to power- factionalized radical Islamists. While the U.S. had incorrectly assumed that the ICU was a terrorist organization, the splinter groups that emerged after the Ethiopian military drove the ICU from power may certainly be labeled as such today. The most notorious of these groups is al-Shabaab, which roughly translates as “the youth”, originally formed in opposition to the TFG¹⁹². After Ethiopian occupation, the group exploded into the south and central regions of Somalia, where it now enjoys power over exponentially larger swaths of land than the current TFUG government. Just as NSAs often benefit from the status quo of collapsed and failed states, al-Shabaab is constantly reinforced by Ethiopian threats and international involvement.

On the one hand, foreign presence in Somalia provided the radicals with a powerful recruitment tool, both domestically and abroad. Al-Shabaab welcomed *jihadists* from all over the globe, while attempting to engage the Diaspora to come back to their home country and join the fighting ranks¹⁹³. On the other hand, it allowed Ethiopia to justify the 2006 intervention, and portray itself to the international community as the

¹⁹¹ Mohamed, Abdi-Noor. “Would You Be My Father?” *Hiiraan*. 20 Aug. 2007. (02). <http://www.hiiraan.com/op2/2007/aug/would_you_be_my_father.aspx>

¹⁹² Bruton, Bronwyn. “In the Quicksands of Somalia: Where Doing Less Helps More” *Foreign Affairs* 88.6 (2009). (82).

¹⁹³ *Ibid.* (85).

Christian mainstay of the African continent¹⁹⁴. Al-Shabaab soon cemented this image, as they declared their intent to widen the *jihad* to include both Westerners in Somalia and Somalis who worked for or with the West. These threats were made in direct response to the U.S. who, in March of 2008, designated al-Shabaab as an international terrorist organization, providing instant infamous legitimacy¹⁹⁵. What is extremely frustrating for local Somalis, is that al-Shabaab is a radical group that is “not a Somali organization by its tradition, outlook, political goals or agenda, or even religious faith;” the group itself refuses to recognize Somalia as a nation and/or a state¹⁹⁶. In fact, its very presence is a double-edged sword; al-Shabaab carries out violence against the Somali people while at the same time ensuring the presence of international actors in Somalia’s domestic affairs because of their ties to terrorism and the wide-ranging threats that they make against the West as a whole, as well as NGOs with ties to the West.

In 2009, al-Shabaab contingents forced the U.N. World Food Program (WFP) to withdraw from southern Somali cities, unless they acquiesced to a series of demands made to their organization- such as \$20,000 in protection racket payments every few months, firing every female employee unless they worked in health centers¹⁹⁷, and to purchase all food aid locally¹⁹⁸. Forcing NGOs to withdraw was not enough though, so

¹⁹⁴ Keynan, Shabeel. “Ahlu-Sunna – The New Kid In the Block” *Hiiraan*. 25 Jan. 2010. (05). <http://www.hiiraan.com/op2/2010/jan/ahlu_sunna_-_the_new_kid_in_the_block.aspx>

¹⁹⁵ Menkhaus, Ken. “Somalia: ‘They Created a Desert and Called It Peace(Building)’” *Review of African Political Economy* 36.120 (June 2009). (229).

¹⁹⁶ Yusuf, Hussein. “What’s Next For Somalia?” *Foreign Policy In Focus*. (2009). (06-07).

¹⁹⁷ Houreld, Katharine. “U.S. Aid Restrictions Hurting Hungry Somalis, U.N. Says” *The Washington Times Online*. 18 Feb. 2010. (01). <<http://www3.washingtontimes.com/news/2010/feb/18/us-aid-restrictions-hurting-hungry-somalis-un-says/print/>>

¹⁹⁸ Parke, Natalie. “Aid to Somalia: The Best and Only Option.” *Journal of International Peace Operations*. 5.4 (Jan./Feb. 2010). (13).

some local aid workers turned up beheaded¹⁹⁹, while organizations who attempted to fight back and protect themselves were met with al-Shabaab troops who fired at them from behind civilian human shields taunting the groups to return fire²⁰⁰. Fearing the spread of al-Shabaab's terror over the border, Kenya has publicly vowed to "bloody al-Shabaab's nose" if the group attempts to attack citizens or NGOs within the country²⁰¹. While al-Shabaab is undoubtedly a local terrorist organization wielding violence in Somalia, it is not a transnational organization with goals to create a united Islamic state consisting of the entirety of Muslim countries. Furthermore, despite establishing their supremacy in the southern areas of Somalia, al-Shabaab does not so much control the political landscape, but rather just occupies the territory occasionally committing violence in the street for their cause²⁰². Even within the group forces are weak and divided, while resources in the form of money and manpower are waning²⁰³.

The only real power that al-Shabaab has against Somalis is implementing fear, and natives are most often the target of the *jihad*. In a disturbing incident that made international headlines last year, al-Shabaab half-buried a young girl in a public square and then stoned her to death, later publishing a video of the incident on YouTube©. The

¹⁹⁹ Griswold, Eliza. "Somalia Revisited" The Atlantic Monthly. 22 Dec. 2008 (01). <<http://www.theatlantic.com/doc/200812u/Somalia>>

²⁰⁰ Warsameh, Abdurrahman. "Somalia: Counting the Cost After Ethiopia Withdraws" Inter Press Service. 31 Jan. 2009. (02). <<http://isnews.net/Africa/nota.asp?idnews=45619>>

²⁰¹ Onyango-Obbo, Charles. "Kenya Should Thank God For Its Somali Troubles" The Daily Nation. 4 Feb. 2010. (01). <http://www.hiiraan.com/op2/2010/feb/Kenya_should_thank_god_for_its_somali_troubles.aspx>

²⁰² Bruton, Bronwyn. "In the Quicksands of Somalia: Where Doing Less Helps More" *Foreign Affairs* 88.6 (2009). (87-88).

²⁰³ Yuusuf, Muuse. "Somali 'Islamists' and Taliban Are Retreating Because of a Chronic Fatigue...!" Hiiraan. 19 Feb. 2010. (01). http://www.hiiraan.com/op2/2010/feb/Somali_islamists_and_taliban_are_retreating_because_of_a_chronic_fatigue.aspx>

“crime” for which she was killed was “her audacity to seek justice against her rapists,”²⁰⁴ after multiple al-Shabaab militiamen in the town of Kismayo raped her without any form of punishment or justice after the fact. While dramatic horror stories like these quickly spread to the media, the daily violence impressed upon the population is simply ignored. It is not uncommon for an Al-Shabaab contingent to assassinate community nobles, elders, educators or reporters. Anyone who questions their actions, or is “not being enthusiastic enough about their organization,” may become a marked target. Youth assassins are tasked with following targets, and eventually told to murder them in public after they emerge from praying in the mosques²⁰⁵. Inasmuch that al-Shabaab masked militiamen launch gruesome attacks against those it deems ‘criminal’ or ‘immoral’, as well as those who do not offer their full support to their cause, it subsequently does not defend or protect a single Somali city from outside force²⁰⁶. It does not have a political agenda for Somalia past its current violent public demonstrations. Thus, considering al-Shabaab to be the quasi-government in control of the southern regions of Somalia fails to recognize that this is a role that not even al-Shabaab wants.

“A Truth That’s Told With Bad Intent Beats All the Lies You Can Invent...”²⁰⁷”

In fact, the Islamists May Be the Only Solution To Somalia’s Problems

Al-Shabaab’s inability to initiate a political agenda, or obtain a monopoly of coercion past taking its enemies into public squares to torture and kill them, suggests that dismantling the group may prove to be easier than currently thought. One group heading

²⁰⁴ Keynan, Shabeel. “Ahlu-Sunna – The New Kid In the Block” *Hiiraan*. 25 Jan. 2010. (03). <http://www.hiiraan.com/op2/2010/jan/ahlu_sunna_-_the_new_kid_in_the_block.aspx>

²⁰⁵ Ibid. (03).

²⁰⁶ Yusuf, Hussein. “What’s Next For Somalia?” *Foreign Policy In Focus*. (2009). (06-07).

²⁰⁷ Blake, William. “Auguries of Innocence.” *English Poetry II*. <<http://www.bartleby.com/41/356.html>> (Lines 53-54).

this initiative is a moderate Islamic faction in Somalia called Ahlu Sunnah Wal Jama. This native Somali organization, often just called Ahlu Sunnah for short, is a volunteer force largely drawn from the local clans and communities that it is currently protecting, and has been present in Somalia for years²⁰⁸. They are a non-militant spiritual group that also strongly opposes bloodshed, and is disgusted by the spread of violence for the purpose of political gains, especially terror that is supposedly carried out under the guise of Islam²⁰⁹. The emergence of armed factions of Ahlu Sunnah proves how desperate the situation on the ground really is, as these contingents maintain that they only began arming themselves out of desperation, and they employ full-fledged armed militias for the self-defense of Ahlu Sunnah members and the communities that it currently protects²¹⁰. Ahlu Sunnah is also trying to negotiate collaboration with the TFUG, asking for a handful of ministry positions and ambassadorships in return for the attempted silencing of al-Shabaab²¹¹. As usual, President Sheikh Sharif refuses to collaborate with native Somalis for support and Ahlu Sunnah's requests remain unanswered²¹². Despite the lack of collaboration, the group does not seek to depose or replace the TFUG, they say they will continue to support the government regardless of its decisions to

²⁰⁸ Keynan, Shabeel. "Ahlu-Sunna – The New Kid In the Block" Hiiraan. 25 Jan. 2010. (07). <http://www.hiiraan.com/op2/2010/jan/ahlu_sunna_-_the_new_kid_in_the_block.aspx>

²⁰⁹ Alas, Abdirahman. "Somalia: Victim of Islamophobia and Feckless Interventions" Hiiraan. 29 Apr. 2009. (03). <http://www.hiiraan.com/op2/2009/apr/Somalia_victim_of_islamophobia_and_feckless_interventions.aspx>

²¹⁰ Keynan, Shabeel. "Ahlu-Sunna – The New Kid In the Block" Hiiraan. 25 Jan. 2010. (01-02). <http://www.hiiraan.com/op2/2010/jan/ahlu_sunna_-_the_new_kid_in_the_block.aspx>

²¹¹ Ali, Abdi Mohamed. "Selling Itself Cheap: Was Ahlu Sunnah Also After Positions?" Hiiraan. 19 Feb. 2010. (01). <http://www.hiiraan.com/op2/2010/feb/selling_itself_cheap_was_ahlu_sunnah_also_after_positions.aspx>

²¹² Yahya, Dr. Mahamud M. "President Sheikh Sharif: One Year Later" Hiiraan. 3 Mar. 2010. (03). <http://www.hiiraan.com/op2/2010/mar/president_sheikh_sharif_one_year_later.aspx>

collaborate, while politics in general still remains very low on the group's agenda. Their main tenet is to ensure the freedom for Somalis to be able to worship in peace²¹³.

The presence of Ahlu Sunnah must serve as a lesson as well to the international community that often lumps all Islamist groups with some form of political ties under the 'terrorist organization' heading, which is exactly what had happened to the ICU in 2006. Not every Islamist group consists of "extremists" or "*jihadists*," nor does every group have the political agenda to wage terror in order to fight for its cause. If anything, the ICU proves that the Islamists are the potential solutions for peace in Somalia, since *shari'a* law is one tenet that the many different clan factions have been able to agree on. Finally, groups like Ahlu Sunnah have consistently remained the most trusted form of protection for the Somali people. They do not wage violence against the citizens, nor do they attempt to extort them of funds in exchange for security.

"In the streets of Mogadishu, grazing cows and children sniffing glue compete to eat from piles of garbage."²¹⁴

Who Is Supporting the Current Youth Generations of Somalia?

Despite the immense amount of information expressed earlier in this chapter about NSAs, one question remains largely unanswered- who is left in Somalia to help the youth generations that will one day become the country's leaders? Statistical information suggests that children have been harmed the most by the consequences of state failure. Starvation and the unsanitary living conditions of forced mass migration has claimed the lives of three quarters of Somali children before they even reach the age of five. Over

²¹³ Keynan, Shabeel. "Ahlu-Sunna – The New Kid In the Block" *Hiiraan*. 25 Jan. 2010. (07). <http://www.hiiraan.com/op2/2010/jan/ahlu_sunna_-_the_new_kid_in_the_block.aspx>

²¹⁴ Griswold, Eliza. "Occupational Hazard" *New Republic*. 237.3 (6 Aug. 2007). (12).

half a million children have already perished in the conflict of the past twenty years, amounting to the literal loss of an entire generation²¹⁵. The vulnerability of children living in warfare, combined with the sheer number who are simply abandoned by their parents and extended families, makes youth easy targets for soldiers and NSAs to recruit from, and at the same time represents the demographic that is the most difficult for NGOs and humanitarian aid agencies to reach.

There are no schools for children to attend. There are no vaccinations available for immunization against basic and treatable common childhood diseases²¹⁶. Katherine Grant, the child protection specialist for the world-renowned humanitarian group UNICEF, reported in 2008 that upwards of 12,000 children would gather outside UNICEF's offices on a daily basis needing emergency help²¹⁷. The issues UNICEF were then tasked to deal with were problems faced by thousands of other street children in Somalia- "issues of family separation, child labor, [lack of] schooling, and the chronic poverty" that resulted in most going to bed hungry every night²¹⁸. Children were forced onto the street because of mass refugee flows throughout the country, and many families are forced to abandon their children because the aid necessary to care for them is simply

²¹⁵ Clark, Jeffrey. "Debacle in Somalia. (America and the World 1992/93)" *Foreign Affairs* 72.1 (Winter 1993). (109).

²¹⁶ Mohamed, Abdi-Noor. "Would You Be My Father?" *Hiiraan*. 20 Aug. 2007. (01). <http://www.hiiraan.com/op2/2007/aug/would_you_be_my_father.aspx>

²¹⁷ Atadika, Novisi. "Adapting To Anarchy" *Harvard International Review*. 18.4 (Fall 1996). (43).

²¹⁸ Anonymous. "Somalia's Street Children Fend For Themselves" *African Times*. 1-15 Sept. 2009. 22.17 (05). <<http://proquest-umi-.com/pqdweb-?did=1873935951-&sid=1=&Fmt=3-&clientId=7750-&RQT=309-&VName=PQD>>

unavailable²¹⁹. Life on the streets also makes children easy targets for crimes like sexual abuse, assault and general exploitation²²⁰.

“We are talking about teenagers who never knew anything but conflict and have never seen how a stable state functions. Youth who never had the opportunity to go to school now promulgate *fatwahs*.”²²¹”

Youth Fall Prey to Radical Islamic Factions and Pirate Gangs

Absence of educational opportunities, massive unemployment and little hope for the future make young men the easiest targets for recruitment to radical Islamic contingents and pirate gangs. One may recall from the last chapter that the very name “al-Shabaab” roughly translates to “the youth”. Warlords and criminals are looked up to as role models, since in the few remaining Somali villages, as well as in refugee camps, they are the only adults who bother with Somali children, albeit for self-interested reasons²²². Thousands of youths attend *jihadist* training camps- the only schooling realistically available to them²²³. Even children living in Somali Diaspora communities are being tapped to fight in radical groups. Reports from senior counterterrorism officials in the United States allege that fifty or more children of Somali immigrants have left the U.S. to

²¹⁹ Mushtaq, Najum. “Somalia: Famine Looms As Aid Workers Flee” [Allafrica.com](http://allafrica.com/stories/200807260001.html). 25 July 2008. (02). <<http://allafrica.com/stories/200807260001.html>>

²²⁰ Anonymous. “Somalia’s Street Children Fend For Themselves” [African Times](http://proquest-umi.com/pqdwweb/?did=1873935951-&sid=1=&Fmt=3-&clientId=7750-&RQT=309-&VName=PQD). 1-15 Sept. 2009. 22.17 (05). <<http://proquest-umi.com/pqdwweb/?did=1873935951-&sid=1=&Fmt=3-&clientId=7750-&RQT=309-&VName=PQD>>

²²¹ Dirie, Nuradin. “Why I Fear For Somalia” [Guardian.co.uk](http://www.guardian.co.uk/commentisfree/2009/aug/11/Somalia-islamic-radicalisation-children). 11 Aug. 2009. (01). <<http://www.guardian.co.uk/commentisfree/2009/aug/11/Somalia-islamic-radicalisation-children>>

²²² Graham, John. “Pirates and Poverty” [Michigan Chronicle](http://www.michiganchronicle.com), 5 May 2009. 72.33. (A6).

²²³ Uluso, Mohamud M. “Political Exclusion Creates Cause For Armed Conflict in Somalia” [Wardheer News](http://wardheernews.com/Articles_09/June/Uluso/11_political_exclusion_creates_cause_for_conflict.html). 11 June 2009. (01). <http://wardheernews.com/Articles_09/June/Uluso/11_political_exclusion_creates_cause_for_conflict.html>

fight in Somalia, “including one who earned the horrific distinction in the fall of 2008 as being the first American suicide bomber.²²⁴”

Once these groups have successfully recruited and trained children to fight for their cause, the youth are then tasked out to become freelance murderers and “guns-for-hire” for warlords. Furthermore, many are given the responsibility of “child judges”- teenagers who must issue verdicts and deliver punishments such as “beheadings, stonings and amputations.²²⁵” Youth are ushered to the front row when radical factions engage in public displays of terror, such as the “trials” often given by al-Shabaab for thieves, murderers and rapists. While smaller radical groups and al-Shabaab publicly claim that the inclusion of children amongst their ranks is their way of “empowering youth,” the reality is that they train children as young as nine-years-old to carry heavy weaponry, and prompt them to use these weapons against their own people²²⁶. These groups are also infamous for introducing children to the popular stimulant drug *khat*, which is highly addictive, and involve them in the process of running *khat* (which is technically illegal in all of East Africa) back and forth across the borders to Kenya.

Though little better than the radical factions that recruit children to fight amongst their ranks, pirate gangs are now tapping disgruntled and abandoned youth for use in the hijacking of various international ships off the coast of Somalia. Viewing piracy as one of the only forms of employment in the area, many young men are attracted by stories of the

²²⁴ Kaplan, Seth. “Rethinking State-building in a Failed State.” *The Washington Quarterly*. 33.1 (Jan 2010). (81).

²²⁵ Dirie, Nuradin. “Why I Fear For Somalia” [Guardian.co.uk](http://www.guardian.co.uk/commentisfree/2009/aug/11/Somalia-islamic-radicalisation-children). 11 Aug. 2009. (01-02). <<http://www.guardian.co.uk/commentisfree/2009/aug/11/Somalia-islamic-radicalisation-children>>

²²⁶ *Ibid.* (02).

tempting riches of previous spoils²²⁷. Desperate for a way out of poverty, many youth seek out pirate gangs in hopes to join their contingents. Older pirates see that they have little to lose from employing young and inexperienced men among their ranks. They can use the youth to perform tasks that the older pirates do not wish to do, the youngest pirates are often short-changed during the share of ransoms after ships have been successfully hijacked²²⁸, and though they may not have experience in piracy, most have already become well acquainted with the use of weapons from the war-torn anarchy that they grew up in²²⁹.

The sad truth is that most youths have already accepted the fatalistic reality that they will die soon regardless of their actions; whether they die from civil war and fighting on the streets, from endemic poverty with no hope for employment and questionable access to future aid, or while spending a few weeks in the water trying to hijack a ship in the hopes of gleaning a profit that most Somalis would be unable to make over the course of a few years. As described by Somali journalist Ali Osman, “Hijacking a ship is the better choice,” when choosing between attempting to survive on the streets, or joining a pirate gang. “There is no guarantee in either choice that they would make it alive, but at least if they hijack a ship there will be a pay day.²³⁰” The expectation of any hopeful

²²⁷ Ahmed, Mohamed. “Somali Sea Gangs Lure Investors At Pirate Lair” Reuters. 1 Dec. 2009. (02). <<http://www.reuters.com/article/idUSTRE5B01Z920091201>>

²²⁸ Adow, Mohammed. “The Pirate Kings of Puntland” Al Jazeera English Online. 17 June 2009. (02). <<http://English.aljazeera.net/news/Africa/2009/06/2009614125245860630.html>>

²²⁹ Hassan, Yusuf M. and Robert S. Weiner. “Contain Somalia’s Problems to Spare Yemen” Hiiraan. 15 Feb. 2010. (02). <http://www.hiiraan.com/news2/2010/feb/contain_somalia_s_problems_to_spare_yemen.aspx>

²³⁰ Osman, Ali. “Somali Piracy: Chickens Come Home to Roost” Hiiraan. 24 Nov. 2009. (01). <http://www.hiiraan.com/op2/2009/nov/Somali_piracy_chickens_come_home_to_roost.aspx>

future in Somalia rest on the shoulders of these children- the same generations who have gone their entire lives without a clue of what government is or how it should function²³¹.

“Aid to Somalia has been part of the problem, not part of the solution.”²³²”

Humanitarianism As Party to the Conflict

Unfortunately as the situation on the ground worsens, children are not the only ones drawn to seek employment from non-state actors. Since the TFUG has been unable to exert any form of control or stability in Somalia, public officials are abandoning the government’s ranks to take on similar jobs from warlords and radical Islamist factions. The TFUG military forces have openly complained about lack of food, supplies, and long periods of time for which they remain unpaid for their services, despite ample funding for the forces provided to the TFUG by the international community²³³. To make matters worse, funding that has been spent on training, and on weaponry given to these troops instead proves more beneficial for groups like al-Shabaab, who seek out unpaid government officials to join their ranks since they can guarantee a paycheck²³⁴. Others become freelance gunmen for warlords who promise a share in their plunder, while many sell their government-issued equipment on the black market because they do not have enough money to survive when salaries go unpaid²³⁵. Consequently, a good portion of international aid money goes to indirectly training troops for the warlords or al-Shabaab,

²³¹ Gettleman, Jeffrey. “Axis of Upheaval: Somalia: The Most Dangerous Place in the World.” *Foreign Policy*. 171 (Mar.-Apr. 2009). (69).

²³² de Waal, Alex. “The Shadow Economy” *Africa Report*. 38.2 (Mar./Apr. 2003). (28).

²³³ Hassan, Mohamed Olad and Katharine Houreld. “Delays Plague Somali Offensive Against Islamists” [Boston Globe Online](http://www.boston.com/news/world/Africa/articles/2010/02/07/delays_plague_somali_offensive_against_islamists/). 7 Feb. 2010. (01). <http://www.boston.com/news/world/Africa/articles/2010/02/07/delays_plague_somali_offensive_against_islamists/>

²³⁴ Osman, Ali. “TFG 300 Days In Office” [Gedonet](http://www.gedonet.com/index.php?news=148). 29 Nov. 2009. (01). <<http://www.gedonet.com/index.php?news=148>>

²³⁵ Dickinson, Elizabeth. “Arming Somalia” [Foreign Policy Online](http://www.foreignpolicy.com/articles/2009/09/10/arming_somalia?page=0,2). 10 Sept. 2009. (02). <http://www.foreignpolicy.com/articles/2009/09/10/arming_somalia?page=0,2>

while men are forced to join the very ranks of those who they were trained to fight against, in order to survive²³⁶.

When viewed through this lens of necessity, it is possible to conclude that more often than not humanitarianism becomes a party to the conflict and a source of state failure, rather than an avenue for salvation. Foreign-policy mishaps have radicalized the population, garnering pools of support for non-state actors and radical Islamist factions²³⁷. Deep mistrust and insecurity from state-sponsored famine, human rights violations and war crimes gone unpunished, and millions who have been forced to flee their homes and live in refugee camps that are little more than cesspools of disease tarnish the image of the United States and other member states of the United Nations beyond the point of repair. Consistent support for corrupt government officials, unrecognized as legitimate leaders by the Somali populace, furthers the rift between the international community and natives of East Africa. Put bluntly by Somali journalist Abdullahi Dool, “The Somali people are agonizing [over] the fact that Somalia is being treated as though it belongs to no one.”²³⁸

Humanitarian engagements have even put their own workers in harms way, since the U.N. provides both the salary for NGO workers and the TFUG militia²³⁹, whose forces defect to join the ranks of the warlords and radicals who have made Somalia the most dangerous place in the world for humanitarian workers. The billions of dollars that

²³⁶ Osman, Ali. “TFG 300 Days In Office” Gedonet. 29 Nov. 2009. (01). <<http://www.gedonet.com/index.php?news=148>>

²³⁷ Gettleman, Jeffrey. “Axis of Upheaval: Somalia: The Most Dangerous Place in the World.” *Foreign Policy*. 171 (Mar.-Apr. 2009). (62).

²³⁸ Dool, Abdullahi. “Why Somalia Is In Need of an Effective Government” Wardheer News. 28 July 2009. (01). <http://wardeernews.com/Articles_09/July/Dool/28_why_somalia_is_in_need_of_%20an_effective_government.html>

²³⁹ Griswold, Eliza. “Somalia Revisited” The Atlantic Monthly. 22 Dec. 2008 (02). <<http://www.theatlantic.com/doc/200812u/Somalia>>

have been given to various programs within Somalia could have solved the problems on the ground a few times over, had anyone cared to stop corrupt officials from lining their own pockets with the money. While an in-depth evaluation of the aforementioned and similar consequences will be discussed in chapter five, what is important to recognize here is that despite twenty years of continued intervention, mistakes have not been corrected and situations on the ground have not been pushed to change for the better. It is not simply a matter of failing those who are now stuck under the confines of Somalia's state failure. The issue is with the blatant neglect for children, who will be expected to carry the weight of these problems and fix their institutions in the future, for which they have been given no education or training, and no hope that they will have the power to influence change someday for their children. Those born in the past twenty years have no idea what it is like to live in a country that has a stable government with institutions that provide any form of public goods or services to the people that it is commissioned solely to protect.

**“LOW RISK, HIGH REWARD OPPORTUNITY. FRESH AIR.
SUNSHINE. WORK PART-TIME FROM YOUR BOAT. EARN
50 TIMES YOUR EXPECTED LIFETIME INCOME IN ONE
DAY. LITTLE EXPERIENCE NEEDED. BE THE ENVY OF YOUR
NEIGHBORS²⁴⁰,”**

CHAPTER FOUR

“With the benefits far outweighing the risks, pirates have no incentive to stop the pillaging.²⁴¹”

The Existence of Piracy Off Somalia’s Coast Is Growing Exponentially

The understanding of life within the confines of a failed state, the discussion of foreign-policy mistakes and their consequences, and the assumption of state functions by non-state actors in a political vacuum has finally brought this case study to its very cornerstone- the issue of piracy in Somalia. Pirate activity in Somalia’s territorial waters and into the vast stretches of the Gulf of Aden has more than doubled with each passing year. Writing only three months into 2010, and already Somali piracy in the Gulf area accounts for 42.2% of worldwide attacks this year²⁴². Of those ships taken, pirates are allegedly still holding over one hundred crewmembers while they await ransom

²⁴⁰ Frump, Robert R. “Poverty and Political Instability in Somalia Foster Growth of Piracy” *Shipping Digest*. (12 Jan. 2009). (11).

²⁴¹ Axe, David. “10 Things You Didn’t Know About Somali Pirates” [WSJ.com](http://online.wsj.com/article/SB124060718735454125.html). (2009). (04). <<http://online.wsj.com/article/SB124060718735454125.html>>

²⁴² Drake, John. “Somali Pirates Shift Attacks to ‘Safe’ Regions; Fears That the Arabian Sea and Yemeni Coast Are New Targets” *Lloyd’s List*. (6 July 2009). (10).

payments²⁴³. With the largest international naval armada in history cruising the Horn of Africa in an attempt to intercept hijackings, Somali pirates have become craftier-launched attacks in new locations, attempted bolder hijackings closer to the Gulf of Aden's high transit corridor, all the while enjoying the spoils of rising ransoms with nearly no legal implications. Confident from their successes, pirates spread their control inland, where entire communities survive off of the plunder. It is hard to deny that in the past three years in Somalia, it was **great** to be a pirate.

In general, Somali pirates benefit from being located on one of the largest coastlines in East Africa, which allows them direct access to the critical transit corridors that link the Suez Canal, the Mediterranean, Arabian and Red Seas as well as the Indian Ocean through the Gulf of Aden. More than twenty thousand ships a year sail these corridors carrying all sorts of goods- chemicals, weapons, and an estimated seven to twelve percent of the worlds' oil supply²⁴⁴. While the government of Somalia managed a pittance of funds in what little remains of the state's economy, in 2008 alone experts estimate that Somali pirates gleaned more than eighty million dollars (U.S.) in ransom²⁴⁵. Using this money to increase their capabilities, pirates invested in newer technology as well as better weapons such as rocket-propelled grenades and surface-to-air missiles²⁴⁶. Still using small outboard-powered skiffs, Somali pirates have become savvy enough to board supertankers three times the size of average aircraft carriers; one example of this

²⁴³ Hassan, Yusuf M. and Robert S. Weiner. "Contain Somalia's Problems to Spare Yemen" Hiiraan. 15 Feb. 2010. (01). <http://www.hiiraan.com/news2/2010/feb/contain_somalia_s_problems_to_spare_yemen.aspx>

²⁴⁴ Amr, Hady. "Force Alone Won't Defeat Somali Piracy." Brookings Institute. 24 Apr. 2009 (01). <http://www.brookings.edu/opinions/2009/0424_piracy_amir.aspx>

²⁴⁵ Adow, Mohammed. "The Pirate Kings of Puntland" Al Jazeera English Online. 17 June 2009. (03). <<http://English.aljazeera.net/news/Africa/2009/06/2009614125245860630.html>>

²⁴⁶ Osler, David. "Pirates' Greater Firepower Raises Stakes For Owners and Insurers" Lloyd's List. (29 May 2009). (01).

was the successful hijacking of the massive ‘Sirius Star,’ a Saudi Arabian tanker, allegedly carrying a cargo of upwards of \$100 million in crude oil²⁴⁷. Huge onslaughts of newcomers are desperate to involve themselves in any aspect of piracy in Somalia, furthering the exponential growth of the industry while the international community and shipping industries remain aghast at these operations without any real plans to halt its existence.

“The Poor Man’s Farthing Is Worth More Than All the Gold on Africa’s Shore...²⁴⁸”

Is Piracy an Apolitical Act?

After living for years in strife under anarchy, trapped in the grasp of corrupt officials and failed international policies, pirates have discovered a lucrative avenue for survival while causing uproar and major discomfort to the very international governments who have made awful decisions on Somalia’s behalf for the past twenty years. Frustrated young men with deep-set anger against Somali officials and the international community at large feel that they are responding in kind to past actions. They do not view hijacking ships as “stealing,” inasmuch as they feel that the collections of ransom payments are a mere pittance of what Somalis are truly owed. Harping on double standards, such as the American administrations’ allowance of the growing and cultivating of massive opium fields in the failed state of Afghanistan, Somalis wracked by poverty feel they should be allowed to do what is necessary to make a living²⁴⁹. Hundreds of authors and journalists who claim that Somali pirates are solely driven by greed are missing the linchpin of the

²⁴⁷ Crawley, Bruce A. “Somalis Might Have a Reason to be Pirates” Philadelphia Tribune. 23 Nov. 2008, 8.1. (5A).

²⁴⁸ Blake, William. “Auguries of Innocence.” English Poetry II. <<http://www.bartleby.com/41/356.html>> (Lines 77-78).

²⁴⁹ Mhango, Nkawzi. “Will Piracy Save Somalia?” Hiiraan. 20 Apr. 2009. (01). <http://www.hiiraan.com/op2/2009/apr/_will_piracy_save_somalia_.aspx>

entire operation- piracy is fueled by the ability to demand international attention from the same countries whose blatant indifference only increased desperation in the developing world.

According to the Geneva Convention, “Piracy is defined as any illegal act of violence, detention, or depredation committed for *private* (rather than *political*) ends by crew or passengers of a private ship or aircraft, against another ship, persons or crew.”²⁵⁰ While it is clear that piracy is a crime, since it involves robbery, coercion and could result in harm and/or death for crew members, discovering the intent behind the act (whether it was for private or political means) proves much more difficult. In fact, piracy of the past (especially around the 18th century in Europe) was almost always seen as a political act first, albeit one that had economic incentives for the hijackers²⁵¹. Moreover, the Somali pirates themselves publicly claim that their actions are driven by political reasons- whether to gain international attention for the purpose of acquiring aid, to demand that sovereignty be returned to the people, or as a response to the previous failures of the international community and the double standards often present in the actions that they take towards failed states. However, almost all media accounts of Somali piracy point directly to its private incentives of financial gain; most do not even mention the current living standards, political situation, or the lack thereof. Whether or not one believes that the Somali pirates’ actions are politically motivated, and thus technically cannot be legally deemed ‘piracy’, one could hardly deny that prior to the influx of hijackings of international supertankers, little international attention was paid to Somalia despite

²⁵⁰ Kraska, James. “Coalition Strategy and the Pirates of the Gulf of Aden and the Red Sea” *Comparative Strategy*. 28.3 (2009). (201-202). Emphasis added.

²⁵¹ Thompson, Janice E. Mercenaries, Pirates and Sovereigns. Princeton University Press, New Jersey: 1994. (46).

worsening living conditions and virtual anarchy. Had the ships preyed on smaller boats, or ships whose flag countries were also of little interest, piracy in the Gulf of Aden would have remained a non-issue.

“Or, If Protected From On High, Does That Whole Nation Sell and Buy...²⁵²”

How Does Somali Piracy Work?

The relative simplicity of piracy combined with the ever-growing incentive of spoils, makes piracy a desirable occupation for many in Somalia. On average, it would take an employed Somali, working upwards of sixty hours a week, five years or more to earn the amount that a low-level pirate can yield from just one attack²⁵³. Comparing the hypothetical earnings of the average Somali worker and the pirate at the end of only one year would be nearly the same as comparing the earnings ratio of the owner of a Fortune 500 business with one of its minimum wage part-time workers. Since most Somalis are unemployed, uneducated, starving and homeless even the most honest, peaceful individual could be driven to piracy, as the only means for ending the daily pain of constantly teetering on the brink of death. It is surprisingly easy to become a pirate, and seemingly just as simple for these groups to hijack vessels in the Gulf of Aden.

It requires little funding to send a gang of pirates into the ocean, where they need only wait a short time before finding a potential target to hijack. Contingents of about nine to twelve pirates occupy small outboard-powered skiffs, stuffed with supplies ranging from food to small ammunitions and a ladder, and enough *khat* to keep the pirates occupied during the days where they can do little more than sit around in the hot

²⁵² Blake, William. “Auguries of Innocence.” English Poetry II. <<http://www.bartleby.com/41/356.html>> (Lines 81-82).

²⁵³ Kraska, James. “Coalition Strategy and the Pirates of the Gulf of Aden and the Red Sea” *Comparative Strategy*. 28.3 (2009). (199).

sun. They usually remain in the water for two to three weeks at a time, navigating by the stars or with the use of small GPS devices. Since there is little room for storage on the skiffs, pirates bring as much drinking water as possible, have little room to move around, and rely on lines and nets to catch small fish, which they eat raw²⁵⁴.

While they wait in preparation to board the massive vessels that traverse the area, pirates play a virtual game of “leapfrog” until they have acquired a mother ship from which they can conduct greater operations. With each boat they repossess, most often small fishing boats, they move onto the newer boat to live while the old boat is tied to the back²⁵⁵. When they are tired of the new boat, or if they have the ability to acquire one that is slightly larger, they release the ship in tow and repeat the process over again, living on the new ship with the last boat tied in tow. Even though most pirates still use the small skiffs that they originally sailed out on in the actual grand hijacking itself, they serve to benefit from the acquisition of better small boats that may be used to patrol the waters and alert other pirate gangs of incoming vessels, or of international naval presence in the area. Like the street gangs on land in Mogadishu, pirate groups patrol certain swaths of territory for which they have laid claim.

Increased ransom payments have allowed for some of these gangs to acquire the open-access Automatic Identification Systems used by all vessels in the shipping industry. If a merchant ship is traveling internationally it is required for the vessel to transmit their location through this system. Just as easily as other merchant vessels and

²⁵⁴ Kaplan, Robert D. “The Chilling Innocence of Piracy” The Atlantic Monthly; “The Current”. 1 Oct. 2008. (01). <<http://thecurrent.theatlantic.com/archives/2008/10/pirates.php>>

²⁵⁵ Ibid. (01).

naval forces receive these signals, pirates can use them to hunt down their next victim²⁵⁶. Wealthier pirate gangs bribe informants in the Kenyan port-city of Mombassa, where ships are required to submit paperwork describing all of the information that pirates realistically need- the shipping routes the vessel intends to travel, its ultimate destination, and most importantly a description of its on-board cargo²⁵⁷.

In choosing a vessel to hijack, pirates often give priority to boats from shipping companies or flag-states from which previous ransoms were received. Pirates either shoot flares very close to the ship so that it will stop and allow them to board, or they board secretly with the use of small rope or aluminum ladders. After going through the on-board cargo to determine the amount of ransom that they will ask for, they demand the ship's captain to call the owner and break the news that the boat has been hijacked and will remain under the pirates' control until the ransom has been paid²⁵⁸. Then, the ship is usually brought back into the territorial waters of Somalia, where it can remain close enough to land so that pirates may travel back and forth to their lairs for food and supplies funded either through the "pirate stock exchange"²⁵⁹ or from funds that the gangs have saved from previous ransoms. In the meantime, there is little to do other than sit and wait for the ransom to be paid.

While upwards of 800 passengers of hijacked ships were held for ransom in 2009, statistics from the past five years show that Somali pirates rarely harm their captives. If

²⁵⁶ Kraska, James and Brian Wilson. "Fighting Pirates: The Pen and the Sword" *World Policy Journal*. 25.4 (Winter 2008). (41).

²⁵⁷ Axe, David. "10 Things You Didn't Know About Somali Pirates" *WSJ.com*. (2009). (02-03). <<http://online.wsj.com/article/SB124060718735454125.html>>

²⁵⁸ Rice, Xan and Abdiqani Hassan. "We Consider Ourselves Heroes- A Somali Pirate Speaks" *Guardian.co.uk*. 22 Nov. 2008. (01). <<http://www.guardian.co.uk/world/2008/nov/22/piracy-somalia>>

²⁵⁹ Adow, Mohammed. "The Pirate Kings of Puntland" *Al Jazeera English Online*. 17 June 2009. (02). <<http://English.aljazeera.net/news/Africa/2009/06/2009614125245860630.html>>

anything, keeping passengers alive and in good health proves more beneficial, since each passenger can be worth a few hundreds thousand dollars a piece in ransom. Also, their reputation for civility towards the hostages makes it difficult for governments and shipping companies to initiate strikes on pirates' skiffs or mother ships²⁶⁰. Known pirate Asad 'Booyah' Abdulahi told interviewers that the pirates often befriend their hostages, taking great care to forge trust between captors and their captives. They ensure hostages are well fed and in good health, all the while knowing that they will remain unharmed, and will be freed as soon as ransom has been collected²⁶¹. During the four-month period that the M/V Faina was detained by pirates while awaiting ransom payment, the pirates even allowed the USS Vella Gulf (a U.S. naval warship) to perform multiple health inspections, from a close distance. The hostages would all line up on the top deck of the ship, while the naval contingent three hundred yards away would count the number of crewmen and attempt to make determinations of how they were being treated and fed²⁶².

Most of these groups operate off the shores of Somalia in the fishing communities of the northern Puntland region; the most prominent groups operate in the Eyl district, while smaller groups have known contingents in Bossaso, Qandala, Caluula, Bargaal and Garacad²⁶³. The region is perfect for pirate lairs- vast stretches of coastline that go unpatrolled, since Somalia lacks any functioning law enforcement, and where resentment from living in abject poverty and/or the hate driven from past actions made by the

²⁶⁰ Axe, David. "10 Things You Didn't Know About Somali Pirates" WSJ.com. (2009). (02). <<http://online.wsj.com/article/SB124060718735454125.html>>

²⁶¹ Rice, Xan and Abdiqani Hassan. "We Consider Ourselves Heroes- A Somali Pirate Speaks" Guardian.co.uk. 22 Nov. 2008. (01). <<http://www.guardian.co.uk/world/2008/nov/22/piracy-somalia>>

²⁶² Urkowitz, Todd. "We're Breaking Off" *Approach*. 54.6 (Nov./Dec. 2009). (06).

²⁶³ United Nations Security Council "Report of the Secretary-General Pursuant to Security Council Resolution 1846 (2008)" 16 Mar. 2009 (S/2009/146). (02).

international community easily drives men to want to attack the successful vessels owned by countries that they detest. Along with the pirates, other rogue groups use the area for human trafficking and arms smuggling business ventures²⁶⁴. Though the region is manned by a semi-autonomous government supported by locals, its small and ill-funded police contingent are vastly ill equipped to even attempt to tackle the powerful gangs on the shore. To illustrate this point, the revenue that pirates collected from ransom in 2008 was nearly double the entire budget of the Puntland government in that same year²⁶⁵.

“He Who Replies To Words of Doubt Doth Put the Light of Knowledge Out...”²⁶⁶”

To Stop Illegal Fishing and Toxic Dumping In Their Waters, Somalis Need the Pirates

Giving themselves the title of “coast guards”, pirate cells usually consist of a variety of men ranging from eager teenagers with little experience to seasoned ex-gunmen who were previously the freelance strong-arm of local warlords. Many are former fisherman that have been greatly affected by illegal fishing in the area, to the extent where they could no longer make a living off of their daily catches²⁶⁷. Since the Somali government refuses to take action against the seven hundred reported vessels illegally fishing in its territorial waters²⁶⁸, Somalis feel little incentive to halt their pirating activities. Moreover, the influx of pirate attacks in the area have done more to suspend illegal fishing from its waters than any other undertaking by the Puntland

²⁶⁴ Hansen, Stig Jarle. “Private Security & Local Politics In Somalia” *Review of African Political Economy*. 25.118 (Dec. 2008). (586).

²⁶⁵ Kraska, James. “Coalition Strategy and the Pirates of the Gulf of Aden and the Red Sea” *Comparative Strategy*. 28.3 (2009). (199).

²⁶⁶ Blake, William. “Auguries of Innocence.” English Poetry II.
<<http://www.bartleby.com/41/356.html>> (Lines 93-94).

²⁶⁷ Griswold, Eliza. “The Truth About the Somali Pirates.” *The Atlantic Monthly*. (Apr. 2009). (01).

²⁶⁸ Ikken, Massip Farid. “The Reasons Behind Piracy” *New African*. 486 (1 July 2009). (03).

regime, the TFUG or the international community. When the Puntland regime attempted to implement initiatives against foreign fishing companies, the companies fought back. They challenged the punishments on the basis that the Puntland regime, though it may have been the only functioning authority within Somalia, could not claim to be the sovereign state, and thus could not legally implement its jurisdiction or impose a punishment²⁶⁹. Since no legitimate state really existed in Somalia, there was no single group that could determine legality of fishing zones, so foreign fishing companies could deplete the local stock of fish at their own will.

Despite knowing that the vast majority of Somalis attempted to make a living by fishing its shores, foreign trawlers with much more advanced resources overtook the area, making it impossible for natives to compete. Countless documents detail the foreign companies that abused Somalia's statelessness in this manner, including boats from "Italy, France, Spain, Greece, Russia, Britain, Ukraine, Japan, South Korea, Taiwan, India, Yemen and Egypt."²⁷⁰ A report from the Kenyan news outlet *Democracy Now* claimed that the companies stole "more than \$300 million worth of tuna, shrimp, lobster and other sea-life."²⁷¹ The validity of this account, as well as that of other reports detailing foreign ships that had dumped nuclear waste materials in the territorial waters, were recently confirmed by Ahmedou Ould-Abdallah, the U.N. envoy to Somalia. Despite backing up the probability of these on-going allegations, and confirming that the pleas for help from the Puntland authorities on behalf of the Somali people were justified,

²⁶⁹ Hansen, Stig Jarle. "Private Security & Local Politics In Somalia" *Review of African Political Economy*. 25.118 (Dec. 2008). (587).

²⁷⁰ Kimenyi, Mwangi S. "Fractionalized, Armed and Lethal: Why Somalia Matters" [Brookings Institute](http://www.brookings.edu/articles/2010/0203_somalia_kimenyi.aspx). 3 Feb. 2010 (03) <http://www.brookings.edu/articles/2010/0203_somalia_kimenyi.aspx>

²⁷¹ Waldo, Mohamed Abshir. "Somalia" *African Times*. 22.19 (1-15 Oct. 2009). (02).

the United Nations and the international community collectively decided not to take action. In fact, many did not even respond²⁷². It is no wonder, then, that many pirates publicly exculpate their actions, denying allegations of hijacking for profit, and proclaiming that their actions have been necessary in order to stop foreign trawlers from illegally fishing and dumping toxic waste in the waters that they rely on for survival.

Many Somalis are grateful to the pirates for fighting against the foreigners and their boating companies, since years of illegal activity on their behalf caused massive economic decline and virtually total unemployment in the fishing industry, a market that once employed the majority of working Somalis. One Somali refugee explained the reasoning to a reporter: “If one considers the ransoms pirates are given to the amount of fish stolen from [Somalia’s] waters, [the money constitutes] but a drop in the ocean.”²⁷³ Natives believe that the foreign trawlers are manned by bandits who themselves are pirates. According to Noel Choogn, the director of the International Maritime Bureau’s piracy reporting center in Malaysia, some Somalis employed on fishing boats have had to pretend to be pirates just to ward off the foreign ships from casting their nets²⁷⁴! When the international community openly declared that the actions of the foreign trawlers should go unpunished, Somalis were devastated by the blatant double standard of the U.N.’s reply to local piracy. Numerous resolutions recently passed by the U.N. Security Council resulted in the deployment of a large international naval armada that patrols Somali territorial waters on a daily basis. The Security Council’s resolutions were truly revolutionary, as allowing international ships to take actions (including force) within

²⁷² Ibid. (02).

²⁷³ Mhango, Nkawzi. “Will Piracy Save Somalia?” *Hiiraan*. 20 Apr. 2009. (01).
<http://www.hiiraan.com/op2/2009/apr/_will_piracy_save_somalia_.aspx>

²⁷⁴ O’Brien, Chris. “Shippers Resist Calls to Arm Against Pirates” *The Washington Times*, 21 Apr. 2009. (A01).

Somalia's territorial waters goes against international maritime legal code, inasmuch as it also openly encroaches on Somali's sovereignty on the coast.

“The Lamb Misus'd Breeds Public Strife, And Yet Forgives the Butcher's

Knife...²⁷⁵”

Pirates As Stock Brokers, Robin Hood-Style Community Saviors and the Most Eligible Bachelors in Somalia

On land and at sea, Somali pirates are reshaping their communities in ways that the transitional governments and humanitarian interventionists were never able to do. The influx of million dollar ransoms into struggling local economies has turned small coastline fishing villages into mini cosmopolitan commercial centers where black market dealers now have access to expensive goods, and even the illegal sales of much needed vaccines²⁷⁶. Since pirates often give widely to their community, most natives see them as modern-day Robin Hoods, and this positive reinforcement provides pirates and their safe-havens great protection from outsiders. Illuminating this view, one local Eyl resident Eli Mohamud told foreign reporters, “I know your are here looking for our heroes... I don't call them pirates- they are our marines. They are protecting our resources from those looting them... they are not criminals.²⁷⁷” Just as Mr. Mohamud described the pirates as “marines”, many pirates reiterate this symbol calling themselves “coast guards” or a version of a local police force in the absence of a government body that can police the

²⁷⁵ Blake, William. “Auguries of Innocence.” English Poetry II.

<<http://www.bartleby.com/41/356.html>> (Lines 23-24).

²⁷⁶ Dhana, Rafik Muhammad. “Romance of the Ransom” Mail and Guardian Online. 16 Nov. 2009. (01). <http://www.hiiraan.com/op2/2009/nov/romance_of_the_ransom.aspx>

²⁷⁷ Adow, Mohammed. “The Pirate Kings of Puntland” Al Jazeera English Online. 17 June 2009. (04). <<http://English.aljazeera.net/news/Africa/2009/06/2009614125245860630.html>>

area against the well-documented cases of illegal fishing and even the massive dumping of toxic waste into Somali waters.

Whether or not locals agree with the physical act of hijacking the boats, the business ventures that spawn from the spoils of piracy makes it the only activity financially sound enough to rebuild hollow infrastructure in coastal villages and towns. The Haradheere town deputy-security officer, Mohamed Adam, reported that since the area received a direct percentage of every ransom from ships that were taken, the money was enough to rebuild a hospital and a few public schools²⁷⁸. While this does not sound particularly significant, one must look at the current situation through the perspective of an average Somali. Violence literally breaks out on the street on a daily basis, where weaponry that is typically used in military combat is wielded by children who open-fire on marketplaces without even flinching. Hospitals do not exist in most areas; people can either attempt homemade remedies for the injured, or let them die. The creation of a hospital, regardless of its size, is a *much* better option than sitting at home and waiting to die. Pirates give their communities great reason to appreciate their presence.

By engaging the community indirectly in the act of piracy, huge networks now exist of financiers on land who provide whatever materials they can (supplies, money, weapons, etc.) in hopes for a percentage of ransom returns. This spirit motivated the creation of the ‘pirate stock exchange’, where pirates often appear to schmooze support from the local communities that harbor them. In just a years time, the ‘stock exchange’ has experienced massive growth, now hosting what the exchange calls seventy-two “maritime companies”, with a few that have already successfully hijacked and received

²⁷⁸ Ahmed, Mohamed. “Somali Sea Gangs Lure Investors At Pirate Lair” Reuters. 1 Dec. 2009. (01-02). <<http://www.reuters.com/article/idUSTRE5B01Z920091201>>

ransoms for their ships²⁷⁹. The exchange itself is open twenty-four hours a day, where long lines form outside of the small shack, ranging from wealthy investors to the wives and mothers of pirates currently at sea who gather hoping for news from their loved ones.²⁸⁰ Pirate cells have established clear policies and guidelines for the distribution of ransoms, where financiers (either private or through the stock exchange) receive, on average, thirty percent of the profits. The remaining seventy percent is allegedly split whereby the pirates get fifty percent of the spoils, which they divide amongst themselves, and according to one pirate Jaqraffi, “the remaining 20 per cent is given to the poor and all those who, in one way or another, help the pirates on shore and this includes local government officials who expect bribes from every successful venture.²⁸¹” In this way, piracy flourishes along the shore of Puntland while officials in the area turn a blind eye to the entire venture.

Still, not all locals support piracy. Some are worried about potential future conflict with the international community, whose eclectic navies already patrol the Somali shores daily. Many feel it is only a matter of time before the international community allows some country’s military to engage with force against the pirate lairs on land. Also, regardless of pirates’ financial contributions to their localities, their very existence slows (or halts altogether) the humanitarian aid attempting to reach Somali shores. The majority of food supplies, especially that which is brought in by the World Food Program (the greatest supplier of aid to Somalia), arrive by sea. With the additional costs inherent in providing protection to aid-carrying ships, which now only travel to the

²⁷⁹ Ahmed, Mohamed. “Somali Sea Gangs Lure Investors At Pirate Lair” Reuters. 1 Dec. 2009. (01). <<http://www.reuters.com/article/idUSTRE5B01Z920091201>>

²⁸⁰ Ibid. (02).

²⁸¹ Raghe, Ahmed. “UN Wedge Politics In Somalia Hampers” Hiiraan. 16 June 2009. (02). <http://www.hiiraan.com/op2/2009/jun/un_wedge_politics_in_somalia_hampers.aspx>

area with a naval warship in tow, less money may be allocated for relief supplies. There are already a great number of Somalis who go hungry despite the introduction of food aid in the country, reducing its presence can only prove harmful to those who need it most.

“He Who Shall Hurt the Little Wren Shall Never Be Belov’d By Men...”²⁸²”

Who Should Be Concerned About Piracy?

It is undeniable that the influx of piracy has hurt the shipping industry the most, driving costs of insurance and general shipping operations up nearly \$500 million a year for the past three years. This price hike represents a massive escalation in the cost to insure tankers and voyages, as well as the exaggerated ransom costs which insurance companies do not cover. In 2009, the average insurance rate for a tanker’s single trip through the Gulf of Aden increased from \$500 to a whopping \$20,000²⁸³! Shipping companies have found it harder to maintain crews willing to sail through the region, often having to pay double the average salary to sailors that agree to traverse the area²⁸⁴. Some shipping companies instead choose to extend the voyages themselves, and ships have to sail an extra week or two in order to avoid the region, by re-routing around the Cape of Good Hope. The extension of voyages also serves to greatly increase overall costs, as with each additional day of travel companies must provide higher payments to sailors, increased insurance coverage, and extra supplies for those on board. Circumnavigating

²⁸² Blake, William. “Auguries of Innocence.” English Poetry II. <<http://www.bartleby.com/41/356.html>> (Lines 29-30).

²⁸³ Arman, Abukar. “Piracy, Geopolitics, and Private Security” Huffington Post Online. 8 Feb. 2010. (01). <http://www.huffingtonpost.com/abukar-arman/piracy-geopolitics-and-pr_b_191054.html>

²⁸⁴ Frump, Robert R. “Danger At Sea” *Shipping Digest*. 86.4481 (12 Jan. 2009). (07).

through Southern Africa may add up to sixteen days to the ship's voyage, which costs a shipping company, on average, an additional \$80,000²⁸⁵.

In the same manner, many companies feel mired by the increased need to pay out ransoms in order to re-obtain their expensive cargoes. While the payment not only represents a great cost in and of itself, sometimes a few million dollars for each ship, the act of paying ransoms serves only to increase the piracy conglomeration in the area. Successful payments drive newcomers to piracy, in the form of investors, pirates and other actors, while the amount requested for future ransom payments may also increase due to the rising amounts of ransoms that have already been paid. Thus each time companies acquiesce ransom requests, they inevitably harm themselves at the same time. To retrieve their crew and cargo, they must airdrop the ransom payment, while the payment itself represents an increased probability that the company will have more ships hijacked in the future. Insurance companies refuse to add specific coverage for ransoms and will not cover piracy as a "named risk," fearing that in doing so pirates will request higher ransoms²⁸⁶. Thus, shipping companies must allocate their own means to pay out the millions of dollars demanded for each ship. In the past five years alone, the average ransom payment has increased 6,000%²⁸⁷, which, if this trend continues, can single-handedly bankrupt shipping companies already hurting from the current global recession.

With the international community doing little to prevent piracy or prosecute the hijackers, and the virtual anarchy in Somalia that is unable to address the conflict, pirates

²⁸⁵ Frank, Jerry. "Warning of Escalating Costs of War on Piracy" *Lloyd's List*. (22 June 2009). (01).

²⁸⁶ Osler, David. "Pirates' Greater Firepower Raises Stakes For Owners and Insurers" *Lloyd's List*. (29 May 2009). (01).

²⁸⁷ Meade, Richard. "Security Firms Deny Collusion Over Ransoms" *Lloyd's List*. (2 July 2009). (14).

have no incentive to halt their enterprise. Since by international agreement, merchant vessels are not allowed to carry arms, pirates have little worry that they will be harmed while at sea. This explains the exponential increases in hijacking attempts with each passing year. Since the benefits of piracy remain much greater than any risk involved in the hijackings, the situation will inevitably worsen in the future. While regional authorities and the international community feel they still benefit from their indifference, there are many consequences of piracy for which they should be alarmed.

Despite the fact that crew often remain unharmed during the hijackings, and that cargo is often returned in full once ransoms are paid, the international community still has reason for concern. The corridors of the Gulf of Aden are an area that massive chemical tankers often traverse²⁸⁸, and these ships are easy targets because of their size, which also limits them to travel at relatively slow-speeds. Regardless of intent, if the chemicals were to leak into the waters, or are sold on the black market, the end result could be extremely hazardous. Regional authorities also have reason to be wary of piracy, since international access to the Gulf of Aden and the Suez Canal has been a major source of their respective countries' revenues. Even the Suez Canal Authority is reportedly weary, since its revenue is already in decline as ships take longer routes avoiding the Horn of Africa altogether²⁸⁹. While there remains great disparity between individual governments and private shipping countries over which party should shoulder the brunt of action necessary when ships are under pirate attack, neither group will agree to work together in attempting to halt piracy on the sea or land. Both groups seem to have

²⁸⁸ Hopper, Anna. "Squashing the Skull and Bones: Reforming the International Anti-Piracy Regime" *Harvard International Review*. 29.4 (Winter 2008). (29).

²⁸⁹ Frump, Robert R. "Danger At Sea" *Shipping Digest*. 86.4481 (12 Jan. 2009). (08).

ample suggestions for what the other should be doing to stop piracy, but neither wants to assume the responsibility or go into it alone.

This discrepancy between individual governments and shipping companies points to the greater issues involved in ending piracy in Somalia- the recognition that aid is a business²⁹⁰, and successful businesses must be tended to both by those who manage it and those who rely on its services. When the management fails to address the needs of its customers, the business begins to falter until it is eventually bankrupted. Financing programs that will better the institution will prove to be little more than a band-aid given to a flesh wound- in order to truly change the status quo individuals must have the will necessary to roll up their sleeves and truly work until they see the results of a better tomorrow. If not, the enterprise can do little more than implode.

“What happens if a state fails and nobody notices?”²⁹¹”

Suggestions For the Future

Regardless of whether or not the international community decides to intervene on the ground, it still must learn from its past mistakes and foreign policy blunders. Most importantly, it must understand that actual effort is required to make change- throwing money at the situation will never buy effective governance. It cannot just accept the fact that ninety-five percent of aid never reaches its intended recipients- writing a check to a country in crisis is entirely different from providing actual help. Since the U.S. and international community frequently choose partners that only end up causing harm, great

²⁹⁰ Griswold, Eliza. “Somalia Revisited” *The Atlantic Monthly*. 22 Dec. 2008 (03).

<<http://www.theatlantic.com/doc/200812u/Somalia>>

²⁹¹ Foreign Policy and Fund for Peace. “The Failed States Index 2005” and “Chart” Foreign Policy. 149 (July/Aug 2005). (60). <<http://proxy.bc.edu/login?URL=http://search.ebscohost.com/proxy.bc.edu/login.aspx?direct=true&db=bth&an=17337154&site=BSI-LIVE>>.

care must be taken to ensure those acting in the name of the international community are accountable for their actions. If this were done more often, less money would be errantly wasted, and perhaps foreign actors would not be seen as the enemy- an ideology that fuels non-state actors and radical Islamists. The United States especially needs to consider its actions, and missteps, towards collapsed states. Spending \$600,000 on a missile used to kill **one** alleged terrorist in Somalia²⁹² while three and a half million people are classified as living in a humanitarian emergency does very little for one's public image.

Furthermore, aid money cannot be sent as an end unto itself, it needs to be given with clear goals dictated from start to finish in humanitarian operations- from who it will go to, what they will be doing with it and, finally, those entrusted with the funds must be held accountable if the aid money does not go where it has been intended to. A good start may be to provide food to the near four million people who, without access to humanitarian aid, will die this year from forced famine. Aid needs to be given consistently, and reconstruction projects need to be seen through and completed. It should be unacceptable that still, when asked if the United States would be part of a coalition to establish peace in Somalia, U.S. ambassador to the U.N. Zalmay Khalilzad replied "well, you know that we are quite busy as you know, number one. Number two, that there are always issues with the U.S. leading a coalition."²⁹³ If the international community is being truthful in its claim that it wishes to end the problem of piracy, problems on land

²⁹² Griswold, Eliza. "Somalia Revisited" The Atlantic Monthly. 22 Dec. 2008 (03). <<http://www.theatlantic.com/doc/200812u/Somalia>>

²⁹³ Mushtaq, Najum. "Somalia: Famine Looms As Aid Workers Flee" Allafrica.com. 25 July 2008. (04). <<http://allafrica.com/stories/200807260001.html>>

must be addressed. So long as there remains great incentive without punishment, piracy will continue to grow and flourish.

“But the United Nations lacks the means to carry out its resolutions, and its member states lack the will to do so.”²⁹⁴”

All Caused By the Lack of Political Will?

While shipping companies forked over millions of dollars to pirates, who may have shared a small percentage with their local communities, it is a sad reality that only half of the amount of ransom paid out last year would have been more than enough to rebuild many infrastructural elements of the state. Since many become pirates when they feel there is no other option for employment, the money could have gone to job creation or education. Without the implementation of these positive institutions that will forge reconstruction in the area, it will be difficult for upcoming generations to break out of the cyclical consequences living for years under state failure.

Furthermore, the creation of a government-run security apparatus, that included a non-corrupt police force and judicial system, would allow Somalis to regain trust in the government that, in time, would create legitimacy. It is not enough for the security apparatus to extend itself to the deleterious elements in society; it must also punish international actors who have abused the lawlessness to act as it pleased without repercussion. The government must be cleared of former warlords and other actors who have a history of human rights abuses and war crimes. Similarly, clarity and openness in public spending is a necessity for rebuilding the state- from declaring its funds to publishing how and where they were spent. Moreover, civil servants and the armed forces

²⁹⁴ Mandelbaum, Michael. “The Reluctance To Intervene” *Foreign Policy*. 95 (Summer 1994). (17).

must be paid a steady salary to ensure that they will not defect and aid non-state actors who thrive when the state has collapsed.

It is not enough to rebuild the bombed out buildings that line the streets. The entire “national psyche” must be rebuilt²⁹⁵ - remembering that there are entire generations who have lived without ever having experienced government and its institutions.

Furthermore, the international community should not be so weary about the bottom-up political movements that occur in Somalia, such as the ICU in 2006. Put in perspective, despite only holding real power for six months before they were forced into exile, the ICU successfully won over the support of the people while effectively creating peace. It was also the only time in the twenty years of anarchy that piracy ceased nearly altogether²⁹⁶. Without local collaboration in the creation of government institutions, it will prove very difficult for transitional governments that have been established by the international community to be seen as the legitimate government in the eyes of natives.

Lastly, the Somali experience has proven that preventing further collapse in failing states relies on a commodity that few are willing to extend- political will. Members of the international community are well aware that alleviating the pains caused by years of anarchy will be expensive and will take a substantially long time to heal. They must also understand the weight of their actions in these countries- throwing support behind TFG and TFUG governments despite its lack of responsibility, security and control, only served to make members of the international community seem untrustworthy partners.

²⁹⁵ Gettleman, Jeffrey. “Axis of Upheaval: Somalia: The Most Dangerous Place in the World.” *Foreign Policy*. 171 (Mar.-Apr. 2009). (69).

²⁹⁶ Griswold, Eliza. “The Truth About the Somali Pirates.” *The Atlantic Monthly*. (Apr. 2009). (02).

“It might be by negative example, but Somalia has become one big laboratory experiment in the anatomy of state failure.”²⁹⁷”

The Ultimate Loophole

Regardless of states’ abilities to use its naval power to halt piracy on the seas, the U.N. Security Council’s resolutions do not offer an avenue through which offenders may be prosecuted. It is unclear under international law how jurisdiction would be determined if the international community even tried to put the pirates on trial. Since Somalia does not have a working judicial system or prisons, pirates would have to be extradited for punishment in foreign lands. Moreover, it would be unlikely for alleged pirates to receive a fair trial, as evidence would prove difficult to collect and witnesses would have to travel in order to provide testimony. Since the very states whose naval forces are part of the international contingent charged with patrolling Somalia’s territorial waters are unsure of what to do once pirates are captured, they are often forced to simply return the men to shore, after confiscating their arms. Once the international naval force sails away into the distance, there is little stopping the pirate from re-boarding a skiff and sailing back into the Gulf of Aden, awaiting its next victim for hijacking.

Whether or not they are aware of this, the Somali pirates have managed to wedge themselves in a very interesting legal loophole. Piracy, by its legal definition given by the Geneva Convention, *cannot* be politically motivated. So long as pirates continue to palliate their actions as that of ‘coast guards’ or the ‘protectorate of the Somali coastline’ from the likes of illegal fishing companies and toxic waste dumpers, they abdicate the

²⁹⁷ Onyango-Obbo, Charles. “Somalia: Medical School In Mogadishu Can Teach You Anatomy of State Failure” *The East African* 22 June 2009. (02). <<http://allafrica.com/stories/printable/200906220868.html>>

international community's charge that the pirates are motivated by greed and greed alone. If pirates are put on trial, they may also be able to further exploit their actions through a political tinge. The people of Somalia have lived without a functioning government for twenty years. Though the international community praises the transitional governments as legitimate, it is clear that they hold no control at state-level. There is hard evidence of illegal fishing and toxic dumping, amidst further evidence of a whole host of war crimes and human rights violations. The very pirates whose enterprise flourishes because of the vacuum left in the wake of state failure may be able to justify their actions as performing "a necessary public function in the absence of effective government."²⁹⁸

²⁹⁸ Warbrick, Colin, Dominic McGoldrick and Douglas Guilfoyle. "Piracy Off Somalia: U.N. Security Council Resolution 1816 and IMO Regional Counter-Piracy Efforts" *International and Comparative Law Quarterly*. 57 (2008). (698).