



ATLANTIC MEMO #16

Somalia: Prosecuting Pirates and Ensuring a Viable Economy

The continuing bout of piracy in the Gulf of Aden has inspired vigorous debate amongst our members, who deem the current response an inefficient patchwork of regional and national initiatives that will merely yield temporary solutions. In their search for long-term solutions, Atlantic Community members highlighted policy priorities aimed to protect lives, property, and offer incentives for Somalis to cease pirating.

1. Establish an international court for piracy

Since piracy currently falls under criminal law, and thus under national law, there is a weak, uncoordinated legal response to the problem. Our members suggested approaching piracy as organized crime (Corneauster); others proposed using legal options to freeze and confiscate pirates' assets (Arman). Creating stronger, more harmonized prosecution capabilities could take the form of an "International Court for Acts of Piracy." A new international "piracy court" should be modeled on the International Criminal Court, ensuring efficiency and enjoying the support of the international community (Dixon). Furthermore, our readers emphasized the necessity to work with the Somali government to improve their internal law enforcement capacities (Pilic). International aid and know-how could help build state institutions like courts, police, a functioning military and a penitentiary system (Kuhne).

2. The African Union and Arab states must aid the Somali government.

Any international effort to combat piracy in Somalia must take care to distance itself from previous foreign engagements in the region, many of which left Somalis with a bitter taste for international intervention in their country (Arman). Building on new regional partnerships would address the pressing need for skilled human resources and economic investment in Somalia. The African Union's successful mission in Somalia under AMISOM proves it to be a strong partner in cooperating with Somalis. Since Somalia is a member of the Arab League, the latter would be a good partner in the search for investment (Dixon).

3. Cease over-fishing and toxic dumping to restore economic opportunity.

Atlantic Community members agree that the underlying instability in Somalia is in part due to the destruction of sea resources and the livelihood of coast-based Somalis. Any long-term strategy must include stabilizing the Somali economy (Kuhne) and enforcing an end to over-fishing and toxic waste dumping, which affect both food supplies and the environment (Moran). Such cessation could be achieved by implementing the "polluter pays principle" (Fadili), and some members suggest introducing a UN resolution banning the dumping of chemical waste and hyper-fishing. Such a resolution must also mandate an international effort to clean up the countless barrels and containers of radioactive material already dumped in Somali waters (Arman).

4. Use superior technology at sea to stymie piracy.

A variety of sophisticated technology could help merchant vessels better navigate pirate infested waters and aid the international community in quelling piracy. Fast response vessels, equipped with hydrofoils and ground effect propulsion systems and crewed by individuals with police or military training, could prevent pirates from boarding commercial ships. Furthermore, creating designated shipping routes for transport would limit the area that needs to be secured (Moran). Legal vessels should carry transponders that emit a unique signal. Vessels that do not emit an acceptable code should be forced to leave international waters. Ships should also be equipped with technology that allows for recapture with minimal use of violence: remotely operated security systems, which would include automatic hatch locks, or a remote system to disable the main engines and/or critical navigation equipment (Dubh). Our readers warned that arming merchant vessels - currently illegal - may lead to an arms race and will not stop pirates from pursuing a lucrative business (Dixon).

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