



Fisheries, ecosystem justice and piracy: A case study of Somalia



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ABSTRACT

It has been argued that a possible root cause of Somali piracy is the (illegal) overfishing that has been taking place in the country's waters, which has deprived local fishers of their livelihoods, and which may be considered as another form of 'piracy'. In this paper, we explore the origins of this argument using both historical and ecosystem justice frameworks, and argue that the origin of piracy in Somalia is a result of a combination of state failure, IUU fishing, toxic waste dumping and its impact on the ecosystem. We then present some potential resolutions to the problem of piracy, which requires a multifaceted approach, including (i) the establishment of a viable Somali state where the rule of law is the order of the day; and (ii) action taken to prevent illegal fishing and toxic waste dumping to provide support for the local fishing industry.

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1. Introduction

Fisheries are embedded in ecosystems, the concept of ecosystem justice implies that the whole ecosystem should be taken into consideration by fishing enterprises. This means that the relative effects of fishing on the health of the total system, the legitimacy of the claims of all parts of it, must be understood, integrated into management and fishing decisions (Sumaila and Bawumia, 2000). The ecosystem concept implies interdependency among its various constituent parts, this interdependency has logical, ethical, as well as natural biological consequences. Thus, the value of a particular species, or physical habitat, in a fishery should not be determined solely, or even primarily, by its economic value as a commodity. It also follows that non-target species, habitats have value (or claims upon the system) insofar as they are essential to the flourishing of the ecosystem as a whole and hence the flourishing of the target species (Coward et al., 2000). We must, therefore, be concerned about how devaluing any critical member of the ecosystem (e.g. through piracy) devalues the whole, since that must also affect the fishery in which we are commercially interested.

The very point of such an ecosystem perspective is to focus on the relationships among all the interdependent members of the system. It follows that an ecosystem justice perspective will focus on the morality of sustaining the relationships among system

members thereby making sure that the relationship between all parts of the system continues to flourish and that the system as a whole, therefore, remains viable (Dallmeyer and Ike, 1998, Brunk and Dunham, 2000). This in turn implies that any claims to the resources of the ecosystem put forward by fishing communities need to be evaluated ethically in terms of the nature and extent of the dependency that he or she has upon the system, as well as the nature and extent of the positive or negative contributions such a person makes to its wellbeing. Different human communities have different levels and kinds of dependency on fisheries, both market and non-market related, and both should also be taken into consideration (Sumaila and Bawumia, 2000). In effect, the principles of fairness and equity in access to the fishery and its resources are important components of the concept of ecosystem justice. Under this rubric, the legitimacy of traditional communal rights of access and participation, which is undermined by piracy, needs to be re-asserted (Brunk and Dunham, 2000). We argue here that a potential reason for the explosion of piracy in Somali waters recently is that ecosystem justice as it relates to equity and fairness to local fishers in Somalia has been lacking.

Piracy is not a modern phenomenon. The Act of robbing ships dates back over 2000 years to Ancient Greece, when it was recognized that the valuable cargo carried by ships could lead to huge gains being made from successful pirate raids. Roman ships were attacked for their cargoes of grain and olive oil (Murphy, 2007). Between the 16th and 19th centuries, Governments licensed pirates known as 'privateers' and issued them with 'letters of marque' to attack and plunder enemy country ships, the spoils of which were shared with the pirates. The United States Constitution of

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Table 1
Locations with most incidents of piracy 2003–2007.

Location	Year				
	2003	2004	2005	2006	2007
Indonesia	121	94	79	50	43
Malacca straits	28	38	12	11	7
Malaysia	5	9	3	10	9
Bangladesh	58	17	21	47	15
India	27	15	15	5	11
Nigeria	39	28	16	12	42
Gulf of Aden/Red Sea	18	8	10	10	13
Somalia	21	10	45	20	44
Tanzania	5	2	7	9	11

Source: International Maritime Bureau (2007).

1787 specifically authorized Congress to issue 'letters of marque'. From the 13th century, Wokou pirates based in Japan began operations in East Asia that were to last for 300 years. With the growth in global trade, the struggle against piracy was a constant concern of merchant countries with lots of profit at stake. Organized piracy was formally ended in the 19th century when the majority of maritime nations signed the Declaration of Paris in 1856. 'Privateering' was outlawed and navies of each country were used to enforce this law. This resulted in the virtual disappearance of piracy by 1990.

Piracy worldwide has, however, made a comeback since the 1990s and remains an important issue today with estimated losses from the act at around \$13–\$16 billion per year concentrated in the waters between the Red Sea and the Indian Ocean, off the Somali Coast, the Strait of Malacca and Singapore (Burnett, 2002; Dillion, 2000).

Table 1 shows the geographical distribution of locations in the world with the most incidents of piracy between 2003 and 2007. Indonesia recorded the most pirate incidents over this period with a high of 121 pirate attacks in 2003, declining gradually to 43 incidents by 2007. Generally, Table 1 reveals that pirate attacks in Southeast Asia have been on the decline while pirate attacks in Africa (particularly Nigeria, Tanzania and Somalia) are on the increase.

However, by 2008 pirate attacks in Africa (dominated by Somalia) surpassed every other region in the world (Fig. 1).

In the next section, we discuss the causes of piracy using Somalia as a case. IUU fishing is the topic of Section 3. We suggest possible ways to tackle Somali piracy in Section 4. We conclude in Section 5.

2. Causes of piracy with a focus on Somalia

By 2008, efforts to reduce piracy saw significant declines in reported attacks across the world except in Africa where piracy

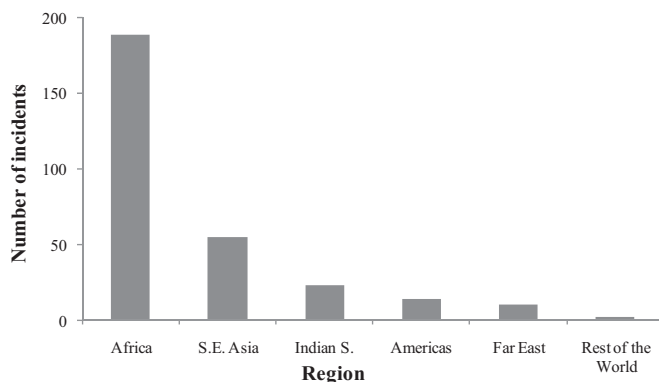


Fig. 1. Pirate incidence by region of the world (Indian S. refers to the Indian sub-continent). Source: IMB (2009).

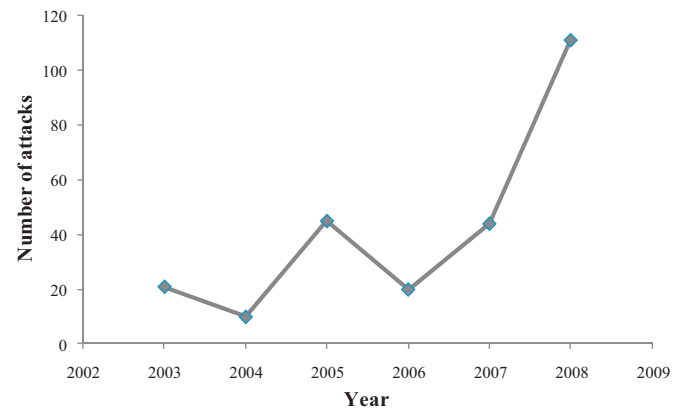


Fig. 2. Actual and attempted pirate attacks in Somalia. Source: IMB (2009).

has been on the rise and Somali piracy accounted for 111 of the 189 incidents reported. Piracy in the Gulf of Aden and Indian Ocean off the Somali Coast reached unprecedented levels in 2008, with the number of attacks increasing 152 percent from 2007. Somali pirates hijacked 42 vessels in 2008, taking 815 hostages (International Maritime Bureau (2009)). The IMB defines piracy as “an act of boarding or attempting to board any ship with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act” (IMB (2005)). Its data is based on this definition (Fig. 2).

The Somali piracy attacks have not only increased in numbers but also in sophistication. Toward the end of 2008 Somali pirates hijacked two ships carrying important cargo, the *MIV Faina* (an Ukrainian vessel loaded with Soviet era tanks and ammunition) and the *MIV Sirius Star* (a massive Saudi oil tanker laden with a billion dollars' worth of crude oil. Lennox (2008) notes that these high profile attacks as an indication that the pirates have a wide network of spies in ports to alert them of promising targets. “They have been trained in and thought seriously about tactics required to take hostage vessels that are multiple stories their height”. They also have skilled negotiators, spokesmen, financiers, and an extensive money laundering network. The *MIV Sirius* was released after a ransom of \$3.5 million was paid in used notes. On April 8, 2009, Somali pirates seized the U.S. flagged vessel *MV Maersk Alabama* (which was contracted by the World Food Programme to deliver USAID food assistance to Somalia) and held its 20 member crew hostage until U.S. Special Forces mounted a successful rescue operation on April 11, 2009 (Lennox, 2008).

The average pirate attack is launched by a cell of 10 armed pirates typically divided into three skiffs powered by 40–50 horsepower outboard engines. Coordinated attacks involving three to five boats are used to distract, unsettle and attack targeted vessels until one gang is able to board. The pirates are kitted with grappling hooks, aluminum ladders, rocket-propelled grenades, satellite phones, global positioning systems, knives, rifles and fishing lines. Vessels are fired upon, compelled to slow down, boarded by the pirates and sailed to anchorage off a friendly local town while ransom negotiations take place. Pirates rarely harm their hostages. In this regard, Somali piracy is different from piracy in the Straits of Malacca or Nigeria where ships are boarded to take the vessel or its contents. Somali pirates are in the business purely for the ransom money. The average ransom is estimated to be between \$500,000 and \$2 million. According to Murphy (2007), the aim of Somali pirates is to exploit the difference between the marginal value placed on human life in Somalia and its value in the outside world.

Somali pirates operating in the Gulf of Aden or the Indian Ocean accounted for nearly 60 percent of worldwide piracy in the first

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