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Reassessing Maritime Law and Order Strategies in the Gulf of Aden: Are There Sustainable Policy Solutions?

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Abstract

The resurgence of piracy off the coast of Somalia indicates important limitations of counter-piracy strategies, which have prioritized militarized deterrence over addressing the root issues of modern-day piracy. These issues are ingrained in a legacy of colonial exploitation, Cold War geopolitics and environmental degradation. This analysis examines historical context, socio-economic factors and a critique of the dominant counter-piracy methods in place. Geospatial analysis of piracy reveals distinct patterns of nearshore attacks clustered around non-commercial ports and coastal communities, highlighting the local and opportunistic nature of piracy. Carceral approaches have failed to rehabilitate offenders, instead creating breeding grounds for extremism. A sustainable solution requires a development-focused strategy that strengthens governance and the rule of law, invests in economic infrastructure, protects Somali waters from illegal exploitation and implements effective justice programs.

Keywords: Counter-piracy; illegal fishing; maritime security; Somali piracy; maritime law.

Introduction

The waters off the Horn of Africa are once again a pivotal point of global maritime insecurity. Somali piracy has led to the capture of people from more than 125 nations across all continents (World Bank, 2013). Under UNCLOS Article 101, maritime piracy is defined as illegal acts of violence, detention or depredation committed on the high seas or outside the jurisdiction of any state (UNCLOS, 1982, art. 101). Similar conduct in territorial waters is ordinarily classified as armed robbery at sea or prosecuted under the applicable coastal state's domestic law. The Gulf of Aden and the Red Sea feature narrow geographical corridors where opposing and adjacent coastlines create overlapping Exclusive Economic Zone (EEZ) claims under UNCLOS, further complicated by regional instability and disputed island sovereignties (Humran, 2024).

In late 2023, after years of relative calm, Somali pirates executed the first successful hijacking of a commercial vessel (the MV *Ruen*) since 2017, signaling a troubling revival of a threat that once significantly impacted international shipping. By early 2025, reports of multiple hijackings, including the seizure of a Yemeni fishing boat and a seven-week standoff involving a Chinese vessel, confirmed that the danger of piracy had returned to the region (Associated Press, 2025). In April 2026, the European Union naval force took control of a hijacked Iranian boat off Somalia. The new wave of attacks represents a renewed opportunity for the pirate economy, targeting a range of vessels from small fishing dhows to larger bulk commercial carriers; this demonstrates that the pirate networks in Somalia remain active and capable of orchestrating successful piracy operations. The timing is likely not coincidental: regional instability, particularly the Red Sea Crisis linked to the Israeli–Gaza conflict and Houthi involvement, has diverted international naval attention, creating a security vacuum that opportunistic pirates can exploit (Janardhan, 2024).

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In 1991, one of the first recognized modern Somali piracy incidents occurred, when the MV *Naviluck* was attacked on 12 January (Westberg, 2015). The peak era of Somali piracy, from roughly 2005 to 2012, saw over 1000 hostages taken and more than 100 deaths, costing the global economy an estimated US$18 billion annually at its height (Apps, 2012). In response to the uptick in piracy in the region, an unprecedented international naval alliance was created, including NATO's Operation Allied Protector & Operation Ocean Shield, employing an overwhelming military force to patrol the Gulf of Aden – a critical route for global trade through the Suez Canal (Murdoch & Guilfoyle, 2013). Operating this naval fleet was financially unsustainable; the estimated cost was US$1.7 billion, excluding funds for rebuilding Somalia and addressing underlying issues (Lindley, 2020).

A critique of the international response to piracy was its narrow focus on the symptoms at sea rather than also addressing the causes on land (Affi et al., 2015). The international community has traditionally treated piracy as a purely maritime issue, failing to recognize it as a rational economic adaptation to state failure, systemic poverty, and neglected grievances stemming from exploitation (Lindley, 2020). By 2025, Somalia was ranked the hungriest country in the world according to the Global Hunger Index (Concern Worldwide, 2025).

This research examines the factors leading to piracy and its evolution. A geospatial analysis of piracy incidents illustrates the localized nature of the threat; the international response, including its militarized, legal and carceral strategies, is critiqued; and a framework for a long-term, holistic solution that incorporates economic development, environmental justice and institutional reform is proposed.

Literature Review

Existing scholarship locates contemporary Somali piracy within a longer history of colonial exploitation (Dua & Menkhaus, 2012). The collapse of the Somali state in 1991 resulted from a historical trajectory that began with European colonialism and was aggravated by Cold War rivalries. Somalia was eventually abandoned by the international community once it was no longer strategically relevant, contributing to increased violence, poverty and starvation (Ahmed, 1999).

The Colonial Legacy and Disrupted Institutions

Somalia's encounter with colonialism in the late nineteenth century significantly altered the country's society, traditional institutions and social control mechanisms. The territory was partitioned between various foreign empires, including the British, French and Italian, which imposed arbitrary borders that disregarded traditional clan territories and nomadic pastoral routes, disrupting long-standing economic and political structures (Ali, 2023). The local resistance to colonization was met with violent suppression, leaving a legacy of mistrust and resentment towards external powers (Dawdy, 2011).

The colonial powers employed a strategy that weakened and marginalized Indigenous systems of governance that had ensured social cohesion for centuries. Somali society had been organized for many generations around a decentralized pastoral democracy, where clan Elders held authority through community assemblies (*shir*) (Morrow, 2014). Within this framework, social conduct was regulated by an intricate, unwritten customary law known as *Xeer*. *Xeer* was not a static code like Western law, but a dynamic, orally transmitted system of case law and precedent. It governed everything from marriage contracts and property rights to resource distribution and *diya* payment to compensate victims or their heirs for violence or death, serving as an alternative to punitive sanctions (Contini, 1971; Le Sage, 2005). This system ensured a mechanism for inter-clan conflict-resolution.

European administrators, viewing these Indigenous structures as primitive, displaced them with a rigid, centralized, bureaucratic state model based on Western legal principles. They empowered a new class of leaders who often lacked traditional legitimacy, creating a fundamentally unstable political structure that was unfamiliar to Somali cultural knowledge and history (Panjabi, 2009). The implementation of a top-down state fundamentally severed the traditional social contract.

The colonial economic policies were thoroughly extractive, failing to establish sustainable infrastructure or a diversified economy beyond a few traditional systems, such as subsistence pastoralism and small-scale fishing (Collins, 2016). When Somalia gained independence in 1960 and unified the territories, it inherited a fragile state with weak institutions, a shattered national identity and a lack of sustainable economic structures or industries. The former colonial powers have rejected requests for reparations for the harm caused during this period, but little has been done to rectify these harms (Bufalini, 2017).

The Cold War Pawn

In the post-colonial era, Somalia's strategic location at the mouth of the Red Sea made it an advantageous pawn in the Cold War rivalry between the United States and the Soviet Union. Following a 1969 military coup, General Mohamed Siad Barre aligned the country with the Soviet Union, which proceeded to build one of the largest armies in sub-Saharan Africa, supplying it with many different types of military aid, including tanks, artillery and MiG fighter jets, in exchange for strategic access to areas in Somalia, notably the naval facilities at the port of Berbera (Payton, 1980). This relationship began to erode in the late 1970s, when the Soviets shifted their allegiance to the larger and more strategically important neighboring nation, Ethiopia, during the Ogaden War (Brind, 1983).

After the Soviets withdrew from Somalia, the United States stepped in, propping up Barre's increasingly oppressive regime with hundreds of millions of dollars in military and economic aid to counter Soviet influence in the region (Menkhaus, 1997). This foreign support did not advance genuine development; instead, it empowered a dictatorial government and contributed to the militarization of Somalia. Barre used the aid to build up his feared intelligence agency, the National Security Service (NSS), and to implement a "divide and rule" policy. He armed clans perceived as loyal while violently suppressing others, aggravating the clan tensions that fueled continued fighting and collateral damage (Fellin, 2013). When the Cold War ended and the Soviet Union collapsed, Somalia's strategic importance to the United States faded away, and in 1991 rebel groups, primarily the United Somali Congress (USC), overthrew the government, leading the country into a devastating civil war (Nur, 2016).

State Collapse and International Abandonment

The fall of Barre led to the collapse of the state. The USC was split along clan lines, with factions led by Mohamed Farrah Aidid and Ali Mahdi Mohamed fighting for control of the nation – especially the capital, Mogadishu. The absence of functioning state institutions led to a devastating famine and humanitarian crisis. Hundreds of thousands died from violence between militias vying for power, disease and starvation, and over a million people were displaced (Menkhaus, 2014).

Multiple intensive interventions failed to support state-building in Somalia following the collapse of the Djibouti Talks of June and July 1991. At those talks, Ali Mahdi was declared interim president, but General Mohamed Farrah Aidid rejected the agreement. Aidid then led an armed campaign against Mahdi's faction, prompting the United Nations to establish the United Nations Operation in Somalia I (UNOSOM I) in 1992.

The Unified Task Force (UNITAF), also known as Operation Restore Hope, was a mission led by the United States, established in late 1992 to replace UNOSOM I (Lofland, 2002). In March 1993, the Addis Ababa National Reconciliation Talks, the UN intervention in Somalia intended to create an interim government, failed after an armed conflict between the Generals' faction and the United Nations. By May 1993, UNITAF had ended, and its responsibilities were transferred to the United Nations Operation in Somalia II (UNOSOM II), a broader UN-led mission. This operation concluded with the infamous October 1993 Battle of Mogadishu (the "Black Hawk Down" incident), which resulted in the deaths of 18 American soldiers and hundreds of Somalis (Dotson, 2016). The United States rapidly withdrew its forces and the UN peacekeeping mission that followed also departed by 1995, alluding to the escalating violence and lack of political progress in the country (Daze & Fishel, 2019).

For nearly two decades, Somalia was considered a "failed state" riven by clan warfare. This anarchic condition had a significant impact on its coastline (which is the longest on mainland Africa, spanning over 3000 kilometers) (Carbone & Accordi, 2000). The Somali Navy and other state institutions collapsed, leaving its valuable territorial waters largely unguarded and open to unrestricted exploitation by foreign entities.

Years later, the Sodere Conference of 1996–97 was meant to restore a decentralized federal government, but the Cairo Conference that followed in 1997 aimed to create a centralized government and empower the Clans that had boycotted the Sodere talks. The coalitions formed by revivals led to political divisions and partitions for years afterwards (Menkhaus, 2007). At the turn of the century, the Arta Peace Conference of 2000 was convened by the Djibouti government. This strategy differed because it brought together civic leaders from the main parties and used telecommunications to broadcast the meetings back to Somalia. The outcome was the Transitional National Government (TNG), which empowered Mogadishu-based groups and domestic opponents amid Ethiopian hostility; this never became a stable government.

Next, starting in 2002, the Mbagathi conference, organized by IGAD and based in Kenya, was held after the failed TNG. This was significantly influenced by Kenya and Ethiopia and was largely organized by delegates from militias and political leaders who supported a federalist state. Again, due to divided opinions from the start and a lack of support for the elected President Abdullahi Yusuf, the government failed to achieve much success in stabilizing the society (Menkhaus, 2010).

The Land-Based Drivers of Somali Piracy

The collapse of Somalia led to key land-based drivers that helped create the piracy problem. Problems at sea have direct impacts on those living on land, especially along the coast: worsening environmental exploitation by foreign fleets has driven socio-economic desperation among Somalis. These factors helped transform coastal fishing communities into pirate havens, providing a powerful, influential narrative that framed piracy not as a crime but as a form of resistance and protection of their resources (Bueger, 2013).

Illegal Fishing and Toxic Waste Dumping

With no coast guard to patrol its waters, Somalia's exclusive economic zone became a popular area for international fishing fleets. Illegal, unreported and unregulated (IUU) fishing became widespread, as industrial trawlers from Europe and Asia used highly destructive methods to extract Somalia's marine resources, generating little or no profit for Somalis. These fleets primarily targeted high-value species such as yellowfin tuna, swordfish and spiny lobster, and engaged in the objectionable practice of shark finning (illegal in many nations), which decimated local ecosystems (UNODC, 2023). Reports from organizations such as Secure Fisheries have documented foreign vessels using banned techniques such as bottom trawling, which scrapes the seabed bare, destroying coral reefs and crucial fish breeding habitats. The United Nations and others have estimated that IUU fishing costs Somalia around US$300 million annually, a sum that overshadows the country's entire official budget (fiscal year 2009, around $11 million) and represents a direct theft from one of the world's poorest populations (Omar et al., 2019).

The damage from resource theft was intensified by environmental pollution. The unguarded coastline became an attractive, low-cost dumping ground for hazardous materials. Rather than following proper environmental protocols, foreign companies found it exponentially cheaper to dispose of industrial, chemical and even nuclear waste in Somali waters, at an estimated US$2.50 per ton, compared with over US$250 for legal disposal in Europe (Warsame, 2014). The land-based issues in Somalia stem from this broader international interference.

There was limited media coverage of this issue, and various attempts were made to limit the investigation into these environmental crimes. The assassinated Italian journalist Ilaria Alpi was investigating an alleged "arms-for-waste" trafficking ring involving the Italian Mafia and Somali warlords at the time of her murder in 1994, suggesting a possible criminal conspiracy (Eichstaedt, 2010). Ahmedou Ould-Abdallah, the UN Special Representative for Somalia, confirmed the allegations of serious pollution in Somali waters (Gaas, 2014). The 2004 Indian Ocean tsunami provided physical evidence by exposing years of hidden toxic dumping (Warsame, 2014). Such toxic waste is known to increase the risk of various health problems in coastal communities, including respiratory illnesses, skin diseases, birth defects and heavy metal poisoning from contaminants such as uranium, lead, cadmium and mercury (Eichstaedt, 2010). This practice of wealthy nations using other, poorer, countries as a dumping ground for waste has been labeled "toxic colonialism" (Luzón-Aguado, 2019).

The Coast Guard Narrative and Moral Justification

Many of the locals were greatly impacted by the destruction of their livelihoods and the poisoning of their environment, and with no state or organization to turn to for protection, Somali fishermen began to take matters into their own hands. Many of the first pirates were reportedly former fishermen who armed themselves to confront the foreign vessels they accused of theft (Sone, 2010). This issue gave rise to an influential local narrative that framed their actions as righteous self-defense.

Many of those who engage in piracy rejected the label "pirate," an external condemnation that linked them to a negative historical notion of *hostis humani generis* (the enemy of all humanity) (Luban, 2018). Instead, they adopted titles such as the "National Volunteer Coast Guard," "Defenders of Somali Territorial Waters," or "Somali Marines," forming themselves as patriots who protected a sovereign resource from neocolonial exploitation (Kosmatopoulos, 2023). As one pirate notably stated, "We are not pirates. We are a community under siege … When we go out at sea, they shoot at us, destroy our boats, and prevent us from feeding our families" (Sone, 2010). This grievance-based account, although self-serving, was grounded in evident injustices that resonated within many coastal communities, lending the early piracy movement a level of legitimacy that was critical to its evolution. This, according to neutralization theory, is a way for criminals to legitimize their actions by denying that the people they target are actual victims and appealing to higher loyalties (Twyman-Ghoshal, 2018), such as the survival of their communities and ways of life. Some scholars have questioned the legitimacy of the narrative, arguing that many of the pirates' actions extend far beyond protectionism (Schneider & Winkler, 2013).

Ontological security theory draws on sociological concepts to analyze how communities seek to protect their identities (Floyd, 2025). This theory may help explain how Somalia's collapse created the conditions for piracy to develop. State collapse left the ocean open to foreign exploitation, threatening the physical survival of coastal communities (Bueger, 2013). Fishermen,

historically viewed as self-reliant providers and custodians of the coastline, found their traditional way of life upended. Faced with this existential threat, local populations reconstructed their narrative identity and adopted a defensive stance toward their natural resources (Bueger, 2019).

Through this narrative, piracy became honor-driven, restorative social action intended to defend national waters against foreign invaders (Bueger, 2013). Securing ransom payments from foreign ships was operationalized as a fine and/or tax for environmental degradation and unauthorized resource extraction. This identity construction allowed coastal communities to establish boundaries between the "in-group" (local coastal defenders) and the "out-group" (foreign trawlers and predatory vessels), providing a psychological buffer against collective disempowerment. This led to pirates securing critical onshore support, safe havens, and social legitimacy that persisted long after the original artisanal fishers were replaced by organized criminal networks. Ontological security demonstrates that addressing piracy requires more than naval deterrence; it requires restoring the state's capacity to protect its waters and offering coastal communities a legitimate pathway to secure their identity and economic future (Bueger, 2013).

Economic Desperation and the Rational Choice

While environmental grievances initially provided provocation, they were sustained and expanded by serious socio-economic desperation. The country has one of the world's highest youth unemployment rates, estimated at 67%, leaving millions of young men with few or no legitimate pathways to earn a living wage (Ali et al., 2022). Along with this, there is chronic and widespread food insecurity, with recent estimates suggesting that around 3.7 million people faced acute hunger, and nearly two million children were at risk of malnutrition (Ahmed & Ali, 2024).

In this understanding of piracy, the concept of relative deprivation is critical. It was not simply poverty that drove men to piracy, but the noticeable contrast between their hardship and the immense wealth of the global economy sailing past their shores with massive container ships and supertankers (Odeke, 2011). This, along with the sight of foreign trawlers stealing their only remaining resources, created a desire to obtain a portion of the wealth (Samatar et al., 2010).

Piracy became a high-risk but high-reward economic opportunity for the unemployed, making it an increasingly enticing choice in an environment of limited options (Lindley, 2020). The potential payoff from a single successful hijacking, with ransoms often reaching millions of dollars, was a life-changing opportunity. For an impoverished young man facing a future of hunger and unemployment, the risk of capture or death was weighed against the reality of living in continued poverty. As described by routine activity theory, conditions were perfect for crime to flourish: there were plenty of motivated offenders (desperate youth), suitable targets (slow-moving commercial vessels) and an absence of capable guardians (a lack of coast guard or other law enforcement on Somalia's coast) (Alsawalqa & Venter, 2022; Figliomeni, 2017).

The Evolution of the Piracy Business Model

What began as a disorganized, grievance-driven response to illegal fishing by foreign entities quickly evolved into a sophisticated, highly organized criminal enterprise. The profitability of ransom payments attracted various investors and organizers, transforming piracy into a complex business with a defined structure, specialized roles and a significant economic footprint in the coastal regions (Koci, 2025).

The Piracy Profit Chain

The business of piracy can be understood as a value chain with several key stakeholders. In recent years, piracy has become more complicated and has often been supported by financiers and investors, who equipped pirates with the necessary gear and resources. They were often local businessmen, clan elders or members of the Somali diaspora who provided the initial startup capital. They typically spent a few thousand dollars per operation to cover the costs of boats (skiffs), fuel, weapons (including AK-47s and rocket-propelled grenades [RPGs]), GPS equipment, satellite phones and supplies such as food, water and *khat*, a stimulant leaf commonly used by pirate teams (Weldemichael, 2014). In return for their upfront financial support, the investors would often receive the largest share of any ransom, typically 30–50% (Percy & Shortland, 2013).

Next are the attack teams carrying out the hijacking operation. These were the foot soldiers of the operation: young men – often former fishermen, especially in the earlier years of Somali piracy – who carried out the dangerous work of boarding and seizing vessels. A typical crew consisted of eight to 12 men (more for larger operations). Despite the serious risk to their lives, the attack team members were typically the lowest-paid members of the operation, receiving a smaller share of the ransom; even this amount was a much higher payment than any legitimate local wage (Karawita, 2019).

Onshore support networks are important to pirates' success. An entire support economy emerged in pirate havens such as Eyl, Harardhere, Hobyo and Garacad, centered on the black market generated by piracy. This network provided essential support and services to the hijacked ships and their crews, including security and the regular delivery of food, water and *khat*. Local community members, including women who cooked meals, were compensated for these services, thereby embedding the piracy economy into the local community (Weldemichael, 2014).

The networks have also become involved in money laundering to distribute the funds they obtain. Ransoms were usually air-dropped in waterproof containers filled with cash, which became difficult to trace. This money was then brought ashore and divided according to a pre-arranged plan. A significant portion was laundered through the traditional *hawala* money transfer system or invested in legitimate businesses in regional hubs, such as Nairobi, Djibouti and Dubai. The investments were often made in a diverse portfolio of real estate and transportation, making profits difficult to track and recover (Shortland & Varese, 2014).

Geospatial Analysis of Somali Piracy

Understanding the decision-making factors behind piracy requires examining not only economic factors, but also the region's physical geography (such as coastal geomorphology and bathymetry). Geospatial analyses are employed to identify regional spatial patterns in piracy activity and regional variations in the attacks themselves (Fan et al., 2023). The analyses help to determine the underlying regional dynamics influencing piracy attacks (Akhahenda et al., 2024). Geospatial analyses are a vital tool for exploring, visualizing and investigating piracy across both local and regional scales, with results informing maritime policy and anti-piracy counter-measures (Fan et al., 2023). Prior studies focus on broader patterns and identification of piracy hotspots, neglecting the role of the physical landscape as a contributing factor.

Geographic bottlenecks, such as the Gulf of Aden, create high-density transit corridors for global shipping. Pirates rely on these chokepoints to reduce target search costs and ensure a steady supply of high-value targets. Shallow coastal waters and continental shelves provide favorable conditions for pirates, as they use small, high-speed skiffs, and merchants are limited in these areas regarding the maneuverability of deep-draft commercial and naval vessels. Oceanographic factors such as seasonal monsoon winds, sea states and surface currents determine the spatial viability of ships. The geospatial model maps these physical thresholds, showing how pirates have extended their operational reach hundreds of nautical miles offshore while managing fuel, logistics and interdiction risks.

By examining where attacks occur, we can gain insight into the methods, targeting preferences, and geographical factors that facilitate piracy (Akhahenda et al., 2024; Fan et al., 2023). Empirical geospatial analysis was conducted using the Getis-Ord Gi* statistic, a powerful spatial analysis tool, to identify statistically significant hotspots (clusters of high values) and cold spots (clusters of low values) (Getis & Ord, 1992; Ord & Getis, 1995) in piracy incidents spanning the period 1993–2020. This analysis moves beyond simple location mapping to reveal the primary spatial processes, providing both quantitative and visual representations of piracy patterns off the coast of Somalia.

The analysis found statistically significant concentrations of piracy hotspots in shallow waters along the continental shelf. High-density attack clusters were found off the central Somali coastline, particularly along the Puntland and Galmudug coasts, as well as near the southern coastal approaches to Mogadishu and Marka. The geography of the continental shelf helps explain this operational distribution. The continental shelf extends significantly farther into the ocean along the central Somali coast than it does within the Gulf of Aden. This physical layout creates broad areas of shallow water that facilitate skiff navigation, anchored holding zones and boarding operations.

Coastal settlements such as Hobyo became primary bases for these operations; these locations lack formal commercial port infrastructure and are absent from international maritime registries, such as the National Geospatial-Intelligence Agency's World Port Index (NGA, 2022). This distribution indicates that pirates operate primarily from informal, rural coastal communities that evade international oversight.

The spatial patterns based on shoreline proximity reveal distinct operational profiles among pirate groups. Nearshore attacks form statistically significant clusters along rural parts of the coastline and near natural geographic features like coves and sheltered beaches – for example, near Bereeda.

Nearshore operations rely on local environmental knowledge. Former fishers utilize their understanding of coastal currents, weather patterns and hiding spots to launch rapid strikes against slow-moving, low-freeboard vessels, such as regional dhows and foreign fishing trawlers. The extended offshore attacks are widely dispersed across the deep ocean basins of the Indian

Ocean. These long-range operations require capturing larger dhows to serve as "mother ships." These mother ships tow attack skiffs, carry extra fuel and supplies and allow pirate teams to operate hundreds of nautical miles from land to target commercial bulk carriers and crude oil tankers.

Methodology and Data

The following analysis uses a dataset of maritime piracy attacks from the period 1993–2020 (Benden et al., 2021). Prior studies note inconsistencies and variation in accuracy across piracy data products produced by different international organizations (Akhahenda et al., 2024; McCabe, 2017). Security issues and political agendas may arguably further bias datasets produced by single-nation entities. The dataset used here, produced by Benden et al. (2021), represents a post-processed product with high-confidence manually conducted accuracy assessment metrics (Benden et al., 2021). Datapoints reflect a one square kilometer positional accuracy of piracy attacks. This presents an alternative to raw datasets of reported incidents or anti-shipping activity messages (ASAM) obtained from the US National Geospatial Intelligence Agency (NGA) or International Maritime Organization (IMO) (Akhahenda et al., 2024; Chen et al., 2023; Fan et al., 2023).

While this dataset reflects piracy incidents up to 2020, no comprehensive, accuracy-assessed updated alternative product exists. Further, the effects of the COVID-19 pandemic and resulting decrease in shipping activity on piracy remain to be studied (Chen et al., 2023; Fan et al., 2023). This could be a significant source of bias in more up-to-date datasets. The goal of this analysis was to identify generalized, long-term patterns in piracy and the influence of physical geographic features. The results should be considered a reflection of the time period encompassed by the dataset. While Benden et al. (2021) discuss its potential for use in predictive modeling, this dataset represents historical observations rather than the current post-COVID resurgence of piracy.

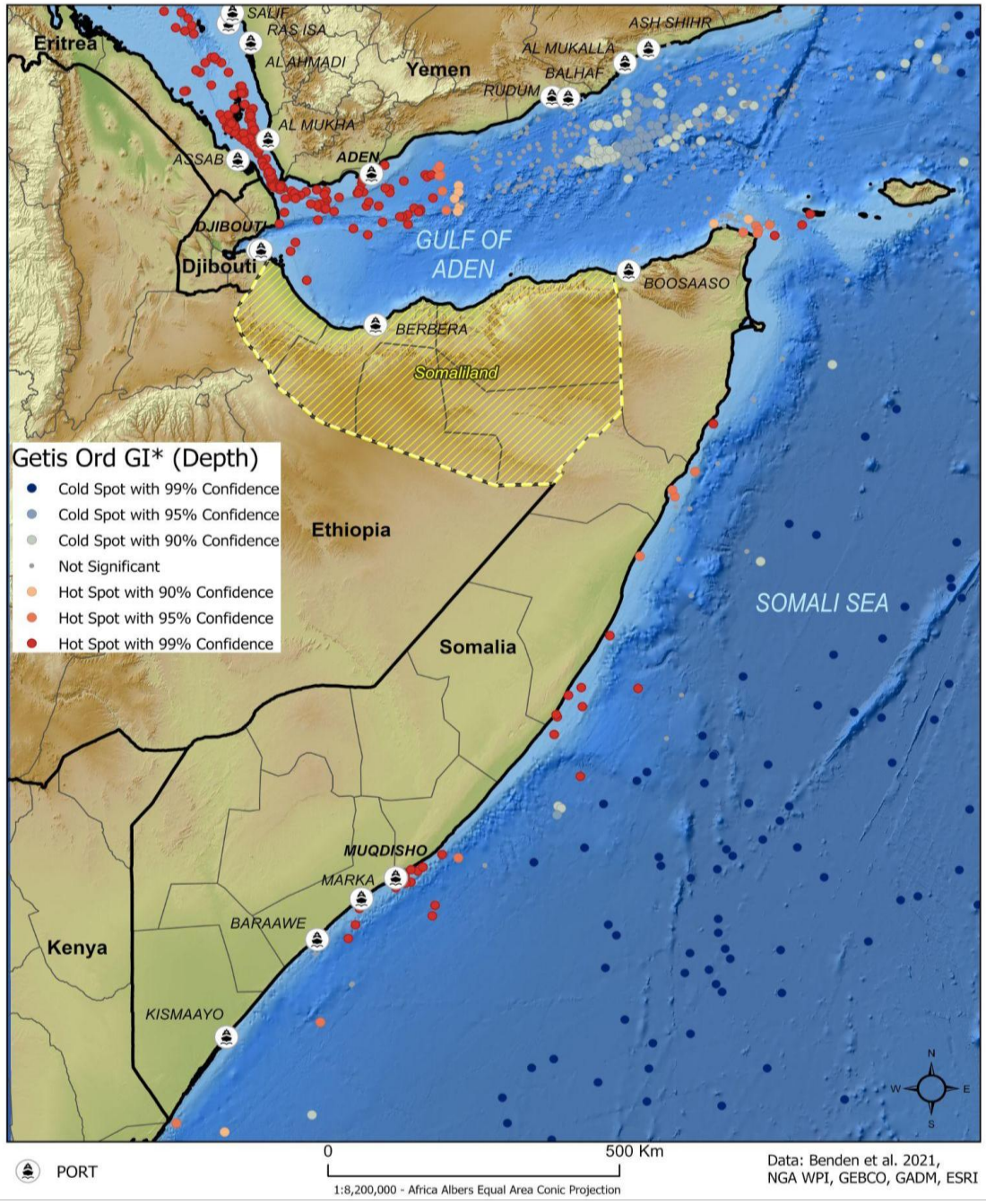
Two separate Getis-Ord Gi* hotspot analyses were conducted using ArcGIS Pro. The first analysis identifies spatial clusters of pirate attacks by water depth, distinguishing between attacks in shallow waters and those in deep waters. The second identifies clusters based on the distance of attacks from the shore, distinguishing between nearshore and offshore incidents. For both maps, red indicates statistically significant hotspots, while blue indicates statistically significant cold spots, with color intensity corresponding to the confidence level (e.g. darkest red indicates a 99% confidence level). Because the Getis-Ord Gi* provides both visual and empirical analyses, it is a common statistic for mapping patterns of piracy attacks across multiple spatial scales (Akhahenda et al., 2024; Chen et al., 2023). While prior studies often focus on identifying hotspots across broad, regional scales (Akhahenda et al., 2024; Chen et al., 2023; Fan et al., 2023), they often neglect localized factors such as bathymetry and coastal geography.

Analysis 1: Piracy Hotspots and Bathymetry

Figure 1 illustrates the spatial clustering of pirate attacks relative to the bathymetry of the region. A clear, statistically significant pattern emerges, indicating that piracy hotspots (red dots) are overwhelmingly concentrated in shallow waters along the continental shelf. This pattern is particularly common off the central Somali coast and around the southern ports of Mogadishu and Marka.

Figure 1

Hotspot Analysis – Maritime Pirate Attacks (1993–2020) and Depth

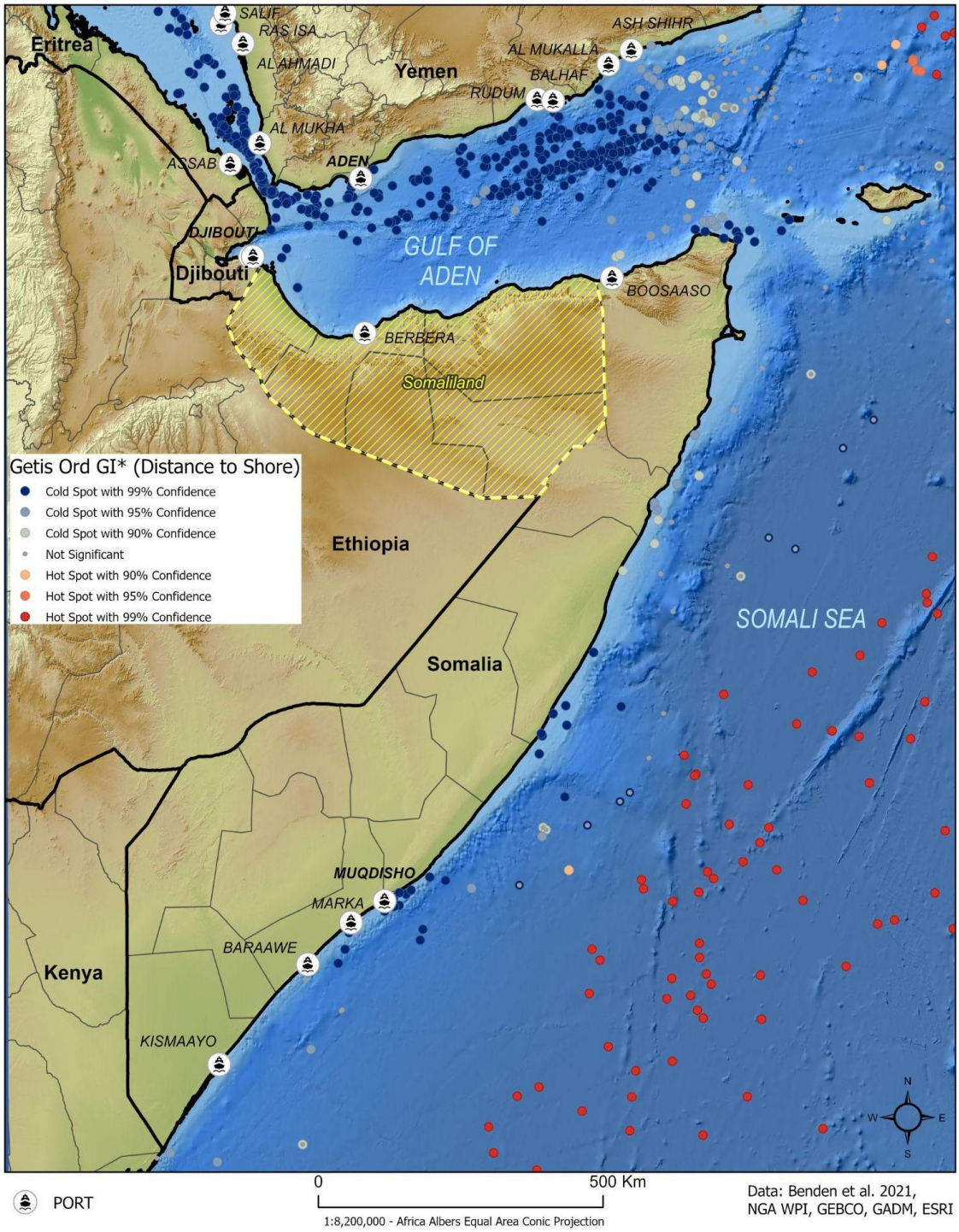


Analysis 2: Piracy Hotspots and Shoreline Access

Figure 2 visualizes the clustering of attacks based on their proximity to the coastline. This analysis supports the findings from the first map, identifying statistically significant cold spots (blue dots) along most of the Somali coast. In this context, a "cold spot" refers to a cluster of attacks with low values for the "distance to shore" variable, indicating these are clusters of nearshore attacks.

Figure 2

Hotspot Analysis: Maritime Pirate Attacks (1993–2020) and Distance to Shore (km)



These nearshore clusters highlight the opportunistic nature of Somali piracy. The coastline is dotted with small coves and sandy beaches that provide ideal, discreet launching points. Local geographic knowledge is a critical asset; fishermen-turned-pirates possess an intimate understanding of coastal currents, hiding spots and hazards, giving them a significant advantage. These near-shore attacks often target smaller vessels, regional traffic and dhows that generally carry less-valuable cargo but present easier targets than the large, fast-moving container ships in international shipping lanes. The concentration of attacks close to

land strongly supports the notion that piracy often starts as a land-based operation, launched from and sustained by coastal communities where state authority is non-existent.

In contrast to nearshore attacks, the offshore attacks, represented by the blue dots (deep water) in Figure 1 and the red dots (far from shore) in Figure 2, are more dispersed. These represent the more ambitious, long-range operations, often using captured fishing vessels as "mother ships" to strike hundreds of miles offshore, targeting high-value vessels such as oil tankers and cargo ships operated by major international corporations. While these attacks garnered the most international attention, the geospatial analysis reveals that the foundation of Somali piracy lies in the persistent, high-volume activity just off its shores. These areas are where security resources and community investments are critical.

Critique of International Counter-Piracy Strategies

At the height of the crisis, a formidable multinational naval task force united on the Horn of Africa. Coalitions such as the Combined Task Force 150 (CTF-150) and NATO's Operation Ocean Shield, along with independent deployments by nations including China, Russia and India, patrolled high-risk areas (Murdoch & Guilfoyle, 2013). The United Nations Security Council (UNSC) passed a series of resolutions, starting with Resolution 1816 in 2008, which took the unprecedented step of authorizing foreign navies to enter Somalia's territorial waters. The shipping industry complemented these efforts with Best Management Practices (BMPs). These included onboard measures such as razor wire, high-pressure hoses and the construction of reinforced "citadels" where crews could retreat during an attack (Anagnostopoulos & Galanis, 2025), as well as the hiring of private armed security contractors (PASCs).

The presence of warships and armed guards dramatically increased the risk for pirates and reduced their success rate. According to routine activity theory, this increased guardianship of the oceans reduced the number of suitable targets. The hardening of targets led pirates to become more violent and desperate in their attacks, often firing indiscriminately with automatic weapons and RPGs to intimidate crews into surrendering quickly. This turned out to be a strategy of containment, rather than eradication, of piracy. It displaced pirate activity rather than eliminating it. As the recent resurgence shows, the threat remained latent, as motivated offenders were ready to re-emerge as soon as the costly naval presence was reduced (Çiftçi, 2025).

The Legal and Jurisdictional Dilemmas

The military success created a complicated legal dilemma. The central issue was what to do with captured pirates. The legal framework for prosecuting piracy, primarily based on the 1982 United Nations Convention on the Law of the Sea (UNCLOS), grants universal jurisdiction, allowing any state to prosecute pirates captured on the high seas (Kelley, 2011). In practice, this proved to be difficult. Many Western nations were reluctant to bring pirates to their own jurisdictions for trial due to high costs, complicated evidentiary rules and potential asylum claims (Kontorovich, 2012). This led to a widespread and controversial "catch and release" policy, where naval forces would disarm pirates and set them free, effectively creating a revolving door for offenders (Guilfoyle, 2012).

To address this gap, the international community, led by the UNODC, established a regional prosecution model. Agreements were made with neighboring countries, primarily Kenya, Seychelles and Mauritius, to prosecute and imprison Somali pirates in their domestic courts, with financial and logistical support from donor nations (Sterio, 2012). While this addressed an important issue with the previously used catch-and-release methods, it raised concerns about the accused's due process and human rights. Suspects were tried in foreign legal systems, far from their families, often with inadequate translation services and legal representation, raising concerns among human rights organizations about the fairness of these trials (Kontorovich, 2010). The legal status of the pirates themselves also remained unclear. There was ambiguity about who the pirates were. Were they common criminals or, given the UNSC resolutions authorizing military force, were they enemy combatants in a "War on Piracy"? This distinction carries significant legal weight for rights under the Geneva Conventions, a complication often overlooked in the rush to find a prosecutorial solution (Guilfoyle, 2010).

The Carceral Approach: Relying on Prisons

A central element of the onshore strategy was the creation and funding of prisons in Somalia's semi-autonomous regions of Puntland and Somaliland to house convicted pirates. The Garowe prison in Puntland, often referred to as the "New Pirate Prison," was a model project of this initiative, constructed to international standards and funded by the UNODC (Gilmer, 2017). The goal was to build local capacity and ensure that pirates served their sentences in their home country.

However, this prison-centric approach was severely faulty. The first issue was that it did little to deter recruits when the socio-economic drivers of piracy remained unaffected. As Dr Michael Shank, a faculty member of George Mason University's School for Conflict Analysis and Resolution, noted, "Ultimately, we need to get these Somali men, often youth, quality employment" (Keenan, 2014). The next issue was that rehabilitation efforts within these prisons were often ineffective or even counterproductive. Prisoners received long sentences, which provided little incentive for wardens or inmates themselves to focus on vocational training or reintegration (Lindley, 2020).

Reports emerged of high-level pirate leaders buying their way out of prison within weeks, protected by corrupt officials and powerful clan networks (Keenan, 2014). This dynamic aligns with protection theory, which suggests that criminal groups increase when they can secure protection from state or local authorities in exchange for a share of the profits (Shortland & Varese, 2014). Another serious problem was that the prisons became effective recruiting grounds for the terrorist group al-Shabaab. By blending low-level pirates – often alienated and directionless young men – with hardened jihadist ideologues, the prison system inadvertently created a path for radicalization (Grip & Kotajoki, 2024).

Al-Shabaab-aligned inmates offer protection within the prison, a compelling ideological purpose and, at times, financial support to families on the outside. This makes al-Shabaab an attractive alternative for disillusioned pirates facing decades of incarceration with little hope of succeeding in legitimate occupations, such as obtaining a college degree and a profession. The system has also failed to separate juvenile offenders from their adult counterparts, putting the youth who are accused of piracy at even greater risk of exploitation and radicalization (Schumicky-Logan, 2017). This creates a pressing need for a revised system of justice to better address future insecurity and reduce the risk of recidivism among the inmates.

The Need to Establish Sustainable Solutions

The resurgence of Somali piracy is evidence that the international community's past strategies, deterrence without development, had failed to eradicate piracy in the region. A lasting solution imposed solely on the sea is unlikely to significantly reduce the underlying drivers of piracy. To be more effective in the long term, land issues should also be addressed. This requires a significant organizational shift away from a costly, militarized containment strategy toward a comprehensive, long-term investment in Somali governance, economic opportunities and justice. As Ugandan President Yoweri Museveni succinctly put it, "The solution to ocean piracy … is to ensure a stable government in Somalia" (Kabukuru, 2012).

Strengthening Governance and the Rule of Law

The strategy for any sustainable solution to piracy off the coast of Somalia will need to include the creation of a functional Somali state capable of exercising sovereignty over its territories, including land, sea and air (Blanc, 2013). It is important to learn from the many failed international efforts to intervene in the region over the last decades, and to consider shifting from funding ad hoc security tactics to supporting comprehensive capacity-building across legitimate sectors of the Somali government, especially in coastal areas with piracy hotspots, to achieve more lasting results than prior operations (Nur, 2024). An important priority should be the establishment of a professional Somali coast guard and navy. Such a force would enable the nation to become a more sustainable protector of its own coastal waters than a continuous foreign naval presence could.

The next key step should be to build a functioning, independent justice system that can operate under the Somali government. This would involve major investments in training judges and lawyers, reforming penal codes and policies, and reducing the rampant corruption that allows influential pirate financiers and the political guardians of this illicit market to act with impunity (Joseph, 2014). A maritime risk consultant explained the situation in the existing prisons, which are incarcerating "a few foot soldiers, but if you tried to incarcerate any high-level pirates in Puntland, they'd buy their way out in a week" (Keenan, 2014). Without a reliable rule of law that holds the key actors in piracy accountable, the cycle of impunity is likely to continue. Similar to other failed crime-fighting strategies, such as the War on Drugs, arresting only the low-level members is ineffective, as they are easily replaced with other desperate individuals, creating a balloon effect (Jacobsen, 2019).

Economic Development and Alternative Livelihoods

Poverty and unemployment are primary drivers of piracy among Somalis, so a long-term strategy should focus on promoting economic development and creating viable alternative livelihoods, especially for young men in coastal communities (Lindley, 2020). One of the most direct and practical investments would be re-establishing a sustainable domestic fishing industry that would create jobs, feed the local population and give meaning to those who may be prone to piracy. This would include providing modern fishing equipment, creating cold storage facilities and providing market access for local fishermen, giving them a legitimate opportunity to compete with foreign fleets and reclaim elements of their traditional livelihoods. This effort could be effective when paired with an international action to restrict and/or eliminate IUU fishing in Somali waters.

There is also a need to invest in more than just fishing; international aid and support would be important for focusing on other projects. Initiatives such as the World Bank's Somali Urban Resilience Project sought to improve infrastructure and services in urban centers. They also funded NGOs to develop drought-resistant crops and renewable energy grids (Malik et al., 2020), technologies that can be life-saving for large populations facing malnutrition and a lack of basic resources such as electricity and running water. Aside from the resources these projects provide, the jobs they create would instill a sense of economic hope, which is an effective deterrent to piracy (Shortland & Varese, 2014). The United States has recently announced a policy change to freeze substantial aid to Somalia, which could be a counterproductive step that risks exacerbating the humanitarian crisis and encouraging more desperate people to engage in illegal activities, such as piracy (Faruk, 2025).

Restorative Justice and Reintegration

The highly punitive and carceral approach to fighting the war against piracy has been recognized as a limited strategy. A move toward a restorative justice approach could offer a more effective pathway to reintegrating former pirates and improving communities divided by piracy (Gilmer & Kane, 2019). Significantly different from retributive justice, which focuses on punishment and shame, restorative justice emphasizes repairing the harm to the victim and the community caused by the crime.

An approach based on traditional African justice mechanisms, potentially incorporating aspects of the Xeer system, could be a more legitimate and effective strategy than relying on just Western penal models. With a Xeer-based system, a community *shir* could be arranged where a former pirate admits to his activities, listens to testimony from community members harmed by the inflation and social harm caused by ransom money, and agrees to a form of community service. This provides former pirates with a path to reintegration sanctified by the clan Elders. This could be an effective way to address the social problems caused by piracy and help break the cycle of violence in a way that the foreign-funded prisons have not been able to accomplish.

Conclusion

The return of Somali pirates was predictable and serves as an important reminder that the international community's multi-billion-dollar military intervention was a temporary solution allowing disorder and poverty to continue throughout Somalia. The problem of piracy, as expert Roger Middleton identifies, "has not started on the ocean, and it's not a problem that can be solved on the ocean" (Kabukuru, 2012).

The findings indicate that effectively addressing Somali piracy requires tackling land-based issues alongside sea-based problems, particularly the economic and health problems faced by coastal communities whose livelihoods were damaged by illegal foreign fishing. The clustering of attacks nearshore, close to impoverished coastal towns, supports the evidence for piracy's land-based roots.

A permanent solution will likely require a thorough revision of international policy. The focus should shift from a military-based defensive strategy of maritime containment to a development-led approach to state-building. This will require a coordinated, supported international effort to help Somalis establish a government and infrastructure capable of regulating its own waters, implementing the rule of law to ensure justice and order and creating an economy that provides legitimate job opportunities, especially in coastal regions. Examples of successful strategies include that of Sejong the Great, the fourth Chosŏn king, who targeted the land-based support for pirates based on Tsushima who attacked Korean ships. By focusing on the root causes on land, he reduced the motivation and incentives for piracy and offered pirate leaders alternative options (Clulow, 2009).

Somalia's current term on the UN Security Council, for 2025–2026, offers an important opportunity to develop a new maritime security strategy that will benefit Somalia in the long run. The main alternative is to continue focusing on an expensive, violent and reactive cycle of suppression, where foreign naval forces are engaged in ongoing battles with pirates, while the causes of piracy on land remain largely unaddressed. The injustices faced by the people of Somalia must be acknowledged, and efforts to repair the harm caused should be made, with accountability for the solution shared – especially with those who have exploited Somalia. Addressing the underlying sources that are driving young men to become pirates is key to securing the seas off the Horn of Africa for good, and thereby maintaining safe shipping routes.

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The dataset of maritime piracy attacks from 1993 to 2020 was collected using separate Getis-Ord Gi* hotspot analyses, which were conducted using ArcGIS Pro. The datasets generated during and/or analyzed during the current study are available from the corresponding author upon reasonable request.

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