



Internship Report  
on

# **PIRACY AND SECURITY IN SOMALIA**

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As an intern over the 2016/17 summer for the United Nations Association of New Zealand I was given an opportunity to research a topic of my choice and write a report on it. I had recently completed my undergraduate degree majoring in Politics and International Relations and so was particularly interested in the security issues of developing states. I chose to do my report on Somali piracy because it is a serious ongoing issue that I believe many New Zealanders are unaware of. I chose to narrow my scope of study to concentrate on the linkage between the international community and the issue of piracy. My report focuses on how the United Nations has responded to piracy as well as the efforts made by the Somali Government to tackle the root causes. I briefly mention the role New Zealand has taken against piracy, especially during their time on the UN Security Council. However, I do not go into significant detail about the initiatives taken by other individual states and instead briefly outline their naval responses. Furthermore, this report is an introduction to the history of the Somali Civil War and how the economic and political issues of this time caused an increase in piracy. Finally, this report acknowledges the challenges to the international community and Somali Government in reducing piracy but it also outlines various suggestions on how it might be tackled.

In order to understand the complexity of Somali piracy, one must be aware of the history of the country's Civil War. The major root causes of piracy have sprung from social, economic and political problems that were established during this period of turmoil. The 1991 overthrow of the Siad Barre regime led to the founding of various armed factions that fought for power. These included but were not limited to the Somali National Alliance, Somali National Front, Somali Democratic Alliance and United Somali Front. During these turbulent years of political upheaval and insecurity Somalia became a failed state. This conflict was therefore detrimental to the entirety of the state and affected every sphere of civil life. The omission of a single, stable government for many years during the 1990s caused serious underdevelopment. This report will therefore demonstrate how a lack of economic opportunities and failure to incorporate citizens politically and socially enabled pirates to form illegitimate organised criminal groups. Furthermore, the success of the Federal Government of Somalia (established in 2012) will be examined. There will be a focus on how this first permanent central government since the start of the Civil War has accepted their responsibility to combat piracy and attempts to tackle the economic and political causes of it.

To recognise how piracy has negatively affected the international community and the subsequent initiatives taken to fight against it we must know who and what these organised criminal groups are. Firstly, I have found no evidence that suggests women have any role in piracy. Men are therefore the main actors who both organise and execute attacks. Specifically, scholars refer those who are actively involved in carrying out attacks against ships as 'local fisherman'. This suggests that they are ordinary, everyday citizens who fish off the coast of Somalia to feed themselves and their families. Secondly, the Gulf of Aden is one of the key areas where pirate attacks occur. The Gulf sees around 22,000 vessels travel through its waters annually, making it an ideal location for pirates to attack.<sup>1</sup> These ships carry more than 12% of the total volume of oil transported by sea, which is a valuable resource that pirates want.<sup>2</sup> As

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<sup>1</sup> Anna Petrig and Robin Geib, *Piracy and Armed Robbery at Sea: The Legal Framework for Counter-Piracy Operations in Somalia and the Gulf of Aden* (Oxford, New York: Oxford University Press, 2011), 6.

<sup>2</sup> Ibid.

piracy grew during the Civil War, pirates began to geographically widen their attacks by targeting areas such as the Red Sea and Bab el Madab Straight.<sup>3</sup> According to the International Maritime Bureau's Piracy Report since 2009 there have also been many attacks in the Western Indian Ocean and off the coast of Oman as well.<sup>4</sup> Hence, as pirate attacks are reaching areas further away from Somalia it has become an international issue. Piracy has grown into a sophisticated and planned business with criminal networks working at a large scale. One major UNSC initiative that gave evidence for this change in piracy was the 2008-2009 arms embargo monitors.<sup>5</sup> These monitors discovered the pirate's methods, organisation and networks to better understand this lucrative business. These monitors showed that during this time piracy transformed from a local nuisance to an international concern. Pirates had moved from singularly targeting illegal fishing vessels to hijacking other international ships with highly valued resources on board.<sup>6</sup> Moreover, the UNSC monitors showed that the local fishermen involved were becoming professionalised as their skills in the business advanced.<sup>7</sup> From this point onwards, piracy was a fully-fledged organised criminal network that was no longer just the concern of Somalia, but various states whose ships were being threatened by the attacks. States affected by piracy include the United States, Denmark, Hong Kong, North Korea, Spain and New Zealand. Moreover, the financial gain from pirates attacks is significant enough to keep men involved in the operations. The resources taken from hijackings are worth the risk involved in the business. Furthermore, as pirate networks grew ships were not only ransacked of their resources but the crew taken as hostage for ransom.<sup>8</sup> Pirates demand thousands of dollars in return for crew, making this business a viable way for local fishermen to earn money quickly.

These organised criminal groups threaten the sustainability of international security and peace. The dehumanisation and lack of morals that piracy encourages is concerning. In order to force the international community to pay for ransom of crews, the pirates must make sure hijackings are taken seriously. This often involves the poor treatment of crew to enhance the desperation of the situation for these people and alert the international community to this. Pirates therefore torture, murder and starve the crew to ensure the international community is forced to take action by giving them ransom. Furthermore, piracy is a risky business for men to participate in. This also contributes to the mistreatment of crew because these men are risking their lives for the success of the hijacking. Hence, piracy forces ordinary men to treat crew inhumanely and disregard their human rights.<sup>9</sup> This violent behaviour is threatening the safety of crew onboard ships and this level of insecurity should be stopped. It is important for the global economy as well as for the lives of crew on board that ships are able to safely and successfully deliver goods and services to other states without the threat posed by piracy. This kind of violence and immorality is being committed regularly and on large scales so long as piracy continues.

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<sup>3</sup> Ibid., 8.

<sup>4</sup> Ibid.

<sup>5</sup> Peter Eichstaedt, *Inside Somalia's Terrorism at Sea* (Chicago, Illinois: Lawrence Hill Books 2010), 53.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid., 4.

<sup>9</sup> Alex Perry, "Somalia's Sea Wolves," *Time International (South Pacific Edition)* 178, no. 5 (2011): 54.

Piracy is also problematic at the national level. The UNSC has been concerned with pirates disrupting international aid sent to Somalia.<sup>10</sup> There have been incidents where pirates attack ships carrying humanitarian supplies, which have been sent in the hopes that these resources will relieve the devastation within the country.<sup>11</sup> These attacks have prevented aid from reaching Somalia, which have worsened the effects of poverty and famines. In one respect, this seems counter-intuitive. Pirates are themselves desperate for money so they can have access to the basic resources they need to survive. These ships are bringing resources that pirates need without them having to be involved in a risky business like piracy. Attacks against these ships therefore seem senseless. However, it does make sense for pirates to attack these ships in order to gain control over the resources. Taking over the supply of humanitarian aid allows pirates to have a monopoly over the resources and redistribute it to their families. There is never any guarantee that aid reaches every single person within a country and thus pirates are taking control to ensure them and their families are given resources. This means that the distribution of resources is taken out of the hands of the UN and instead aid reaches those who the pirates want it to.

Piracy is an issue that adversely affects both the international and national community. To understand how piracy might be reduced, it is important to first acknowledge the root causes of such a problem. One of the root causes was the change in the fishing industry that negatively impacted local Somali fishermen. This change began in 1983 when the Somali High Seas Fishing Company (SHIFCO) was born.<sup>12</sup> SHIFCO monopolised the commercial fishing in Somalia's Exclusive Economic Zone (EEZ) by exporting their fish to the European market.<sup>13</sup> The company encouraged local communities to stop foreign illegal fishing vessels in the Somali EEZ by rewarding them with the ransom paid for the release of the ships.<sup>14</sup> This legitimised the actions of local communities in stopping illegal fishing vessels, which then gave the same legitimisation to pirates who also took action against them as well. Furthermore, Somali businessmen forged official documents to make deals with foreign fishing companies, allowing them access to fishing in the EEZ.<sup>15</sup> This resulted in illegal, unreported and unregulated (IUU) fishing in Somalia's EEZ. Local fishermen faced competition with foreign illegal fishing. This happened without significant interference by the state because of the political situation during this time that meant illegal fishing was not regulated. This angered the local communities whose livelihoods depended on the constant supply of fish as food. The dynamic between environmental security and economic stability was being severed for the locals who needed to fish as a cheaper and reliable way of getting food. The overfishing and toxic waste dumping by foreign ships into the EEZ therefore threatened this constant supply of food by destroying the ocean environment and ecosystem. Hence, pirates attacked these ships because they were taking away such a valuable and necessary resource illegally. Some efforts to combat IUU fishing have been made by the international and local community. The ability for illegal fishing vessels to destabilise the livelihoods of local Somali communities has been taken

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<sup>10</sup> "UN Documents for Somalia." *Security Council Report*. Dec. 14, 2016.  
<http://www.securitycouncilreport.org/un-documents/somalia/>.

<sup>11</sup> Ibid.

<sup>12</sup> Roland Marchal, "Somali Piracy: The Local Contexts of an International Obsession," *Humanity: An International Journal of Human Rights, Humanitarianism and Development* 2, no. 1 (2011): 36.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

seriously.<sup>16</sup> Notably, the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU fishing enabled the Somali government to take action against these vessels.<sup>17</sup> Furthermore, the Government is in the process of developing legal regimes to handle the distribution of fishing licenses.<sup>18</sup> This will prevent IUU fishing and ensure that it is regulated and monitored by Somali authorities. Ultimately, these legal measures aim to protect and maintain local fishing rights in order to reduce pirate attacks against these ships that fish illegally.

Another significant cause of piracy is the failure of the Somali government to give economic and political opportunities to its people. To understand this cause, we must first discuss how Somalia became a 'failed state' and what this meant for its citizens. The United Nations uses the phrase to label a state that has unsuccessfully grown in a positive direction according to their expectations. A failed state is defined as being unable to develop politically, socially or economically. The state is unable to provide essential public services to its people. During the Civil War, Somalia fit the criteria of a failed state. The loss of a stable, central government caused law enforcement to deteriorate and civil society to become underdeveloped. Consequently, Somalia was an insecure state where the positive growth of the political, economic and social spheres of society declined. The Somali people experienced poverty, famines, injustice and isolation. Somali citizens were therefore disconnected from the state without a government to protect their rights, needs and interests. This situation caused piracy to become a viable option for citizens to make a living for themselves and improve their way of life. Without a stable government the development of civil society was ignored and so piracy increased. After the Civil War, Somalia was no longer a failed state but instead a weak one. Weak states supply less than adequate quantities of public goods. As was demonstrated during these years, the government could not guarantee Somali's the experience of a life with basic human rights and necessary resources. Hence, piracy continued to be a source of income for many local people. As Somalia is still a weak state today, the challenge to reduce piracy continues. The government is not yet providing adequate goods and services to the Somali people, which would allow them to make a living legally.

The failure of Somalia as a state led to systemic factors as key problems that caused the increase in piracy.<sup>19</sup> Economic hardship and political alienation are two of these factors. The post colonisation period was the first time these issues appeared.<sup>20</sup> Between 1960 and 1969 the nationalist government worked with a centralised state system. The government therefore had total control of the redistribution of economic resources and political power.<sup>21</sup> Neither of these was evenly spread amongst the population.<sup>22</sup> Piracy was an outlet that enabled Somali's to gain access to the resources and power that was limited by the government. Furthermore, an unfair distribution of resources and failure for equal political opportunities triggered clan fighting within the state, which caused further instability that worsened during the

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<sup>16</sup> "UN Documents for Somalia." <http://www.securitycouncilreport.org/un-documents/somalia/>.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> United Nations Development Programme, *Somalia Human Development Report 2012: Empowering Youth for Peace and Development*, (United Nations Development Programme Somalia, 2012), 36.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

Civil War.<sup>23</sup> This conflict took away the government's attention from developing civil society and placed it on the power dynamics of the time. Underdevelopment and poverty were therefore two key issues leading to the increase of piracy.<sup>24</sup> Moreover, the major consequence of this fighting was the failure of the state to successfully address the concerns of minority groups, such as youths.<sup>25</sup> Young Somali's are involved in piracy because they are frustrated with their inability to achieve economic and political expectations. Youths that lack opportunities to grow in these areas during adulthood are therefore likely to take risks in order to reverse these failed expectations.<sup>26</sup> Piracy has given youths a source of income as well as an opportunity to be involved in a business network. Piracy empowers youth by enabling them to control their lives and economic situations. As youths feel alienated in Somali society, piracy gives them a sense of identity. Forming an identity is important for youths because it creates bonds within a group setting, which young people need in order to feel supported. The youths therefore have a sense of belonging that is otherwise unsatisfied by their life in Somalia. Moreover, pirate networks offer protection and a sense of value so long as the workers submit to the demands of the bosses. Pirates are given an opportunity to make a livelihood and are provided with food and shelter by the business. Hence, these criminal groups provide income and a source of identity for the Somali's. Alternatively, the government has become a source of distrust that threatens to positive growth of Somali lives.<sup>27</sup> With the government failing to provide justice and security to each citizen and instead favouring a select few, those left out no longer support the state and have become disconnected. This has caused youths to work against the government by becoming pirates because they feel as if they have no other option.

The UN has suggested that the reintegration of youths is key to reducing piracy, as stated in their Somalia Human Development Report (2012). The empowerment of youths in the political, social and economic spheres is crucial to giving these people the opportunities they need to lead a successful and fulfilling life.<sup>28</sup> The UNSC recognises that piracy will only be eradicated if state institutions are strengthened and social and economic sectors are developed to ensure stability and peace within the state.<sup>29</sup> It is therefore the government's responsibility to re-organise state institutions in a way that includes youths on all levels of society.<sup>30</sup> The government must communicate with youths to create new opportunities for them in society, which will be a positive encouragement for their success. The 1943 Somali Youth Club (later renamed the Somali Youth League) is a past example of government inclusion of youths. This Club was a political party uniting Somali clans through the representation of youth in politics.<sup>31</sup> Although this party did not last as the Barre regime soon took over, the idea of such a government structure is admirable. Building a government and the relevant institutions with the goal to empower youths and recognise their importance could be a long-term solution to reducing piracy.

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<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid., 47.

<sup>29</sup> "UN Documents for Somalia." <http://www.securitycouncilreport.org/un-documents/somalia/>.

<sup>30</sup> United Nations Development Programme, *Somalia Human Development Report 2012: Empowering Youth for Peace and Development*, 47.

<sup>31</sup> Ibid., 48.

There have been various initiatives organised on a global level to combat piracy. First of all, significant amounts of money have been poured into humanitarian interventions and aid, counter terrorism efforts and peacekeeping and military responses during the Civil War. These expenditures totaled to around \$55 billion dollars spent by the international community since the collapse of the state in 1991.<sup>32</sup> Secondly, there has been a long history of legal initiatives attempting to fight against pirates. These include the Harvard Draft Convention on Piracy (1932), the Convention on the High Seas (1958), the UN Convention on the Law of the Sea (1982), the SUA Convention (1992), the Hostage Convention (1979), the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (2004) and the Djibouti Code of Conduct (2009).<sup>33</sup> More specifically, during 2008-2009 the UNSC pushed for international navies to take direct action against pirates.<sup>34</sup> This was under Resolution 1816, allowing for navies to use physical force to stop attacks.<sup>35</sup> Alongside this, NATO warships have aggressively and successfully countered piracy operations in 2009 in the Gulf of Aden.<sup>36</sup> Other organisations have also provided similar aid to combat piracy, such as the EU Naval Force Operation Atlanta and the NATO Operation Ocean Shield and Combined Task Force 151.<sup>37</sup> Furthermore, individual countries have made an effort to combat piracy in their own capacity as a nation. For example, New Zealand has taken a strong stance in helping the international community. The HMNZS Te Mana was deployed to the Gulf of Aden for seven months in 2013.<sup>38</sup> The ship worked with an international task force to combat piracy through a reactionary approach.<sup>39</sup> Prime Minister John Key reported that the issue of piracy is serious in its effects on New Zealand goods travelling through the Gulf, making it an international problem.<sup>40</sup> However, although naval actions are effective *reactions* to piracy, *proactive* measures are better means of preventing piracy. These reactionary measures have focused on fighting against pirate networks that are already active and working within international waters. Despite the efficiency in stopping pirate operations in their tracks, these actions are not focusing on the national root causes that create the opportunities for piracy in the first place. Moreover, there are economic issues with these reactionary strategies. The cost to maintain naval operations against pirates is a significant amount to the international community.<sup>41</sup> The use of armed guards on ships to protect the goods they are carrying is also costing a fortune. Combating piracy through navy initiatives is therefore unsustainable.<sup>42</sup> Hence, solving humanitarian and political issues within the state of Somalia is a more successful long-term solution that will prevent piracy from expanding and will hopefully lessen its impact.<sup>43</sup> An example of a proactive measure was when New Zealand served on the Security Council in 1993-1994. During their

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<sup>32</sup> Ibid., 36.

<sup>33</sup> Petrig and Geib, *Piracy and Armed Robbery at Sea: The Legal Framework for Counter-Piracy Operations in Somalia and the Gulf of Aden*, 8.

<sup>34</sup> Eichstaedt, *Inside Somalia's Terrorism at Sea*, 53.

<sup>35</sup> Ibid., 54.

<sup>36</sup> Ibid., 174.

<sup>37</sup> Petrig and Geib, *Piracy and Armed Robbery at Sea: The Legal Framework for Counter-Piracy Operations in Somalia and the Gulf of Aden*, 2.

<sup>38</sup> "New Zealand Frigate Joins Fight Against Piracy." *Nathan Smith, NBR*. Aug. 15, 2013. <https://www.nbr.co.nz/article/new-zealand-frigate-joins-fight-against-piracy-weekend-review-ns-144390>.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

term one of New Zealand's main focuses was to deal with Somalia's development issues in order to reduce piracy.<sup>44</sup> New Zealand made an effort to provide solutions for Somalia's key problems by focusing on restoring peace and security to the state.<sup>45</sup> It recognised these as root causes to other issues like piracy.<sup>46</sup> This demonstrates New Zealand's acknowledgment of instability within the state, which was having a larger impact on the rest of the world. Moreover, New Zealand's role on the UNSC in 2015-2016 was again partly focused on the situation in Somalia. New Zealand recognised that although Somalia's civil society is functioning better than it was during the Civil War, the struggle remains to combat those internal peace and security issues that are contributing to piracy.<sup>47</sup> The importance of maintaining strong authorities that work with civil society to create a stronger state was among the many initiatives New Zealand encouraged.<sup>48</sup> It was clear that New Zealand's role on the UNSC resulted in the further development of strategies to resolve the current economic, social and political issues within Somalia. Yet, I have found no articles that give more specific details about this.

Although an international response to the global problem of piracy is important and must continue, the Somali government must also take responsibility to combat piracy. However, this has been easier said than done. Initially during the Civil War, there was no real effort made to address this issue. It is argued that the corrupt nature of the Transitional Federal Government and the Puntland Government disrupted any progress that may have been made on fighting against piracy.<sup>49</sup> The Transitional Government ruled immorally and unsympathetically towards the general public, focusing on maintaining their power and control over Somalia. Consequently, the government failed to address internal root causes of piracy during the early stages of the Civil War. When the government did begin to recognise piracy as a problem that needed to be dealt with it was met with challenges. The government needed a significant amount of resources, which were not easily attainable.<sup>50</sup> The Somali authorities were under resourced during the Civil War, making the fight against a heavily resourced and widespread criminal group difficult. Furthermore, although in the post Civil War years the government has had some success in fighting piracy, Somali elites continue to threaten these efforts. UN aid is often controlled by elites once the resources reach Somali land. As a result, elites unfairly redistribute the aid, making a profit off the supplies.<sup>51</sup> These actions stop food, water and other basic resources from reaching others who desperately need them. Consequently, piracy continues, as it is an alternative way to make money so people can buy the resources they need. It is therefore necessary for the government to stop these corrupt elites and protect UN aid deliveries to ensure the fair distribution of resources. Moreover, elites also encourage piracy by selling foreign travel visa to pirates.<sup>52</sup> This gives pirates the ability to travel to and from Europe for the business.<sup>53</sup> It is important for the

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<sup>44</sup> "United Nations Security Council: The Situation in Somalia." *New Zealand Foreign Affairs and Trade*. Apr. 19, 2016. <https://mfat.govt.nz/en/media-and-resources/ministry-statements-and-speeches/united-nations-security-councilthe-situation-in-somalia>.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Eichstaedt, *Inside Somalia's Terrorism at Sea*, 176.

<sup>50</sup> Ibid., 53.

<sup>51</sup> Ibid., 176.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.



government to stop these actions of wealthy officials to ensure efforts in fighting against piracy are not threatened.

Although piracy is a complex issue that has yet to be solved, the recent election has come with promises for the future. On the 8<sup>th</sup> of February this year Mohamed Abdullahi Farmajo was elected as Somalia's new president.<sup>54</sup> The president has given hope for the Somali people by promising an 'era of unity, the democracy of Somalia and the beginning of the fight against corruption.'<sup>55</sup> A US State Department spokesman Mark Toner and Britain's foreign secretary Boris Johnson both agree that an improvement on security and a democratic system is the best way forward for Somalia.<sup>56</sup> The state of Somalia is therefore challenged to tackle unemployment problems and national security at the individual level. The process to overcome these challenges has already begun.<sup>57</sup> Moreover, the other challenge to fight against piracy is international coordination and global security.<sup>58</sup> The approach to reduce piracy must be multilateral and synchronise global efforts in security. However, alongside international cooperation the sovereignty of Somalia must be safeguarded. As the international community intervenes in Somali affairs, they must respect Somalia's right to govern its people and maintain its territorial integrity. The UNSC implementation of resolution 2246 in 2015 recognised this and was dealt with thoroughness and caution, to ensure that international involvement would only occur with consent from the Somali government.<sup>59</sup> This consent was confirmed in October 2016 when a letter was sent from the Charge d'assaires a.i. of the Permanent Mission of Somalia to the United Nations. The letter thanked the UNSC for helping the Somali government combat piracy and highlighted the keenness for the government to continue working with other states and international organisations, so long as they were in full support of the Federal Government.<sup>60</sup> This indicates that the Somali government recognises the importance of a multilateral approach to the issue of piracy. This eagerness to tackle root causes at the national level through international support will hopefully continue as the new president leads Somalia into the future.

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<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> "UN Documents for Somalia." <http://www.securitycouncilreport.org/un-documents/somalia/>.

<sup>60</sup> Ibid.

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