

Modern Piracy as a Subject of Academic Enquiry

Written by Stig Jarle Hansen

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STIG JARLE HANSEN, DEC 19 2008

The International Maritime Bureau (IMB) defines piracy broadly 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”.^[2] Such “acts” have increasingly gained attention over the last two years as piracy due to the escalation of piracy. Piracy nevertheless remains on the fringes of academic research interests, often seen as an exotic and rare phenomenon, often studied in connection with terrorism and other forms of crime, this despite an increasing number of attacks over the last years. Indeed, over 282 attacks were recorded worldwide in 2007 – an increase of 41% from the previous year; the surge seemed to continue in 2008.^[3] The wider cost of piracy is larger than indicated by the cost of the direct piracy attacks alone. Consider insurance for ships approaching pirate infested regions – this influences the cost and thus the abilities of often poor states in the region to export and import. It also makes the global costs of maritime transport increase, damaging global trade.

Various factors are claimed to create piracy.^[4] If one chooses to stress the *cultural factor*, modern piracy is seen as a product of older local traditions which create social acceptance for piracy. Piracy in South East Asia is for example seen as based on age old customs creating social acceptability.^[5] However, in making the claim that culture and piracy are connected, such an approach generally sees culture as something stable, and a culturally focused approach fails to account for changes in the frequency of piracy. Several academicians, such as Caroline Liss and Eric Frecon, see piracy as a *product of poverty, social exclusion and relative deprivation* (the latter meaning that the pirates are poorer than their peers and seeing the wealth clearly around them).^[6] Poverty and/or lack of other economic opportunities will accordingly drive individuals into the piracy business.

Gunnar Stølsvik, from the Norwegian coast guard, also sees illegal fishing as a problem, removing alternative sources of income for local fishermen, making them turn to piracy.^[7] There is little empirical work exploring Stølsvik's hypothesis, and more research is needed, but the issue is politically sensitive, as ships of many of the relatively wealthy countries in the world are involved in illegal fishing activities in piracy zones. Again taking the Gulf of Aden as an example, two of the states sending ships to prevent piracy, France and Spain, have been named by the German environment NGO Ecoterra to be amongst the states that have boats which frequently fish illegally in Somali waters.^[8] Nevertheless, illegal fishing does at best explain only parts of the problem – in the pirate ports in the Gulf of Aden the fishing industry is actually expanding parallel to the frequency of piracy.^[9]

Explanations of piracy focusing solely on poverty or livelihood problems encounter pragmatic challenges as many pirate groups invest heavily in their activities.^[10] Somali pirates operating from Puntland use GPS systems, satellite phones, modern speed boats and mother ships and there are allegations that they have agent networks in foreign ports.^[11] Such large investment indicates that some pirate groups are far from being poor, although some its members might be less well-off. Piracy might actually consist of different sub-types, some being more connected to poverty than others. It is possible to divide up piracy into two types: *subsistence piracy* and *professional piracy*. Subsistence pirates are most commonly poor fishermen, operating close to the coast in order to survive, while

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professional pirates are better off, with leaders investing money in profit-driven enterprises based on piracy, developing highly advanced and often regional networks to sell stolen goods and handle ransom payments. Arguably, the more advanced piracy operations (advanced piracy operations meaning, for example, the targeting of larger ships for re-sale, attempts to sell specialized goods as heavy weapons or chemicals) become, the more necessary such networks are.

The focus on poverty as a cause of piracy is linked to a wider approach that sees lack of alternative opportunities as a cause of crime and conflict.[12] However, a opportunity-based approach does not only focus on the lack of alternative opportunities created by economic poverty, but also the existence of opportunities, in some instances created by local institutions that are too weak to enforce anti-piracy laws. Analysts such as Carolin Liss, Ger Teitler and Kerstin Petretto suggest that *weak/weakening state/institutional structures* are factors contributing to piracy.[13] For Liss, global economic problems and/or local wars weaken state structures preventing enforcement of local laws.[14] Local police forces and justice institutions might be corrupt because of low pay, or indeed, no pay; they might also be weak or understaffed, thus hindering attempts to arrest the pirates. Indeed, local enforcement institutions might not even exist. Liss argues that the criminal networks needed to handle smuggled goods are extensive and would be easy to detect in a "normal" state with working police institutions as well as a checks and balances system of governance. Following Liss's argument, John Vagg shows how piracy outside the United Kingdom disappeared as the state grew stronger.[15] Mesøy and Hansen claim that a weak state (in the case of Somalia) is one of the major causes of piracy in the Aden region. For these researchers a stronger state becomes the main solution to the problem of piracy. Nevertheless, some of them, including Mesøy and Hansen, also see possibilities for pirate prevention by local non-state factions. The two researchers point to the successes of local non-state entities in the Gulf of Aden when it comes to the prevention of piracy.[16] Another article by Hansen, von Hoesslin and Hansen shows how the implosion of the Puntland entity, a self governing regional state-like structure with its own civil administration and police forces in Somalia, was directly correlated with the explosion of piracy in 2007 and 2008 in the Gulf of Aden.[17] Mesøy and Hansen argue that the ability to deter piracy depends on the strength of local entities and institutions. Some of these might be strong enough to be the most efficient elements in the fight against piracy, and even act as allies with international naval units.[18] Unitary local military factions with foreign allies might thus act as a block against piracy. Nevertheless, the ability to act is often influenced by the local factions closeness to foreign allies (the more dependent on foreign allies, the easier it is to influence local entities), and their need to get international support, as well as ideological factors.

Maritime analysts often focus on a fourth factor – maritime counter strategies, or often the lack of them. Piracy is seen as a problem that can be addressed by a combination of legal measures, international coordination and military deterrence.[19] Nonetheless, active deterrence demands resources, which are often more costly than supporting local institutions. Weak states often lack the necessary resources for enforcement. The expense might be too much for even western states. As claimed by Roger Middleton, when it comes to the specific case of suppressing piracy in Aden, the extra NATO and US deployment, an extra 10 or 11 ships – albeit being a relatively large number – only provides a relatively weak naval presence. The range of the pirates operating with mother ships is too large to adequately patrol. Similar dynamics are suggested by Neil Renwick and Jason Abbot in the case of the Philippines.[20] Military response will have its limitations and might be most effective when coordinated with local responses and local governance structures.

A fifth factor said to contribute to piracy is terrorism/insurgency. For example, a report from Chatham House claims that the Somali Islamist organization Al Shabab was engaged in piracy in Somalia.[21] The Free Aceh Movement

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and the Liberation Tigers of Tamil Elam (LTTE) have also been alleged to gain money from piracy.[22] Neil Renwick and Jason Abbot suggest that Moro National Liberation Front (MNLF) and Moro Islamic Liberation Front (MILF), have connections with piracy around the Philippines.[23] A linkage between terror and piracy has been blamed by notable researchers, such as Peter Chalk, for maximizing fear.[24] Notably, it is easy for academics to gain attention by expressing such linkages. The Chatham House report, for example, only includes one explicit source to support its allegations that there is a link between piracy and the radical Al Shebab group in Somalia, a source that failed to corroborate its assertion, although later articles by other analysts have made the claim more convincingly. [25] It is necessary to go beyond sensationalism and explore the terror-insurgency-piracy links on a case-by-case basis. Importantly, such links might vary in scope and depth, from insurgents and terrorist groups using pirates to smuggle arms (marriages of convenience), to direct profit driven piracy by insurgency/terror groups. Terrorism and insurgency might however contribute to the weakening of local/state institutions needed to prevent piracy.

Bringing in the dilemmas

When studying piracy it becomes important to show respect for the case specific details varying from region to region, even from group to group. Importantly, piracy can benefit local and poor communities; it can actually prevent illegal fishing, as international trawlers think twice before entering areas with a high prevalence of piracy, it can also lead to local investment.

Piracy also exists in a larger context. In some situations the most efficient remedies might demand re-thinking strategies. In Somalia the Sharia courts were the most efficient remedy against piracy, yet the West supported the enemies of the courts, now the West seems to strive to build up the Transitional Federal Government (TFG), a structure only controlling a single port, while neglecting other local actors with much larger capacities than the TFG. When studying piracy it becomes important to avoid the trap of only studying the pirate groups themselves, but also to study their surroundings and how certain regional piracy strategies, for example the international choice to support the TFG rather than other actors in the Somali setting, came about, and what implications they will have. Piracy becomes a phenomenon interacting with “our” policies and “our” strategies. Indeed, modern piracy might in some instances be a tool of a state’s foreign policy.[26] In this sense lessons from critical studies approaches to international relations and terrorism studies would be a valuable addition to the current academic debate.

The fight against piracy is connected with the fight to establish durable and strong institutions for local governance, and it is in this area the main effort against piracy must be located, regardless of whether such institutions are developed in a context of a state or not. A focus on weak institutions in the pirate areas in many ways seems to be the most promising approach to piracy, but illustrates several dilemmas; above all that combating piracy is expensive and might not/should not be the major priority of a weak state. However, piracy might undermine weak states and institutions even further, as civil servants are tempted by bribes larger than their wages. In this sense local, even national, administrations, might have two masters, one being the political leader, another being the local pirate group, while large ransoms paid by ship owners might contribute to the downward spiraling of the weakening of the state.

The study of piracy, as well as the development of remedies, requires multi-tasking, but local institution building as well as offering local economic opportunities must be the key elements.

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[2]ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships: Annual Report 2006* (Barking: ICC Publishing, 2006), 3

[3] International Maritime Organization(2008) "Reports on Acts of Piracy and Armed Robbery Against Ships, Annual Report 2007" Ref. T2-MSS/2.11.4.1, 10 April 2008, 1; A total of 199 incidents were reported over the first 9 months of 2008.

[4] Murphy, Martin (2007)"Contemporary Piracy and Maritime Terrorism", *Adelphi Papers*, 47 (388), remains one of the best general introductions to the study of piracy. He analyzes seven major factors that enable piracy to flourish. 1) Legal and jurisdictional weakness. 2) Favorable geography 3) Conflict and disorder 4) Under-funded law enforcement/inadequate security 5) Permissive political environments 6) Cultural acceptability 7) Promise of reward. However, both 3,4,5, and to a certain extent is correlated with weak state/institutional structures, while favorable geography seems to point in a erroneous direction as common piracy hunting grounds, as Gulf of Aden , de-facto lacks the factors, while others have it (like the South China Sea) described by Murphy, a such explanation also leaves out human policies and structure, several coasts , as the Norwegian coast, have highly advantageous geography for pirates, but totally lacks pirate groups.

[5] The social acceptability of piracy in Southeast Asia has been explored by John Vagg (1995); see "Rough Seas? Contemporary Piracy in South East Asia", *The British Journal of Criminology* 35 (1).

[6] Ibid 58; Eric Frecon (2005), "Piracy in the Malacca Straits: notes from the field", *IIAS Newsletter* 36

[7] Gunnar Stølsvik" Kystvaktens innlegg" given at a NUPI-seminar 11.april 2007; His idea is not developed deeply in the lecture, A variation of the illegal fishing theme focuses on local powers using resources on combating illegal fishing rather than piracy, partly because the latter is a bigger problem for local fishermen. See Stefan Eklöf" Piracy, a critical perspective" *IIAS Newsletter* 36

[8] The NGO Ecoterra claims that ships under the following flags have been fishing illegally in Somali waters: Belize (either French or Spanish-owned purse-seiners operating under flag of convenience to avoid EU regulations); France (purse seiners targeting tuna); Honduras (EU purse seiners targeting tuna operating under flag of convenience); Kenya (Mombasa-based trawlers); Korea (longliners targeting swordfish seasonally); Pakistan (trawlers, but also targeting shark); Saudi Arabia (trawlers); Spain (purse seiners targeting tuna); Taiwan (longliners targeting swordfish seasonally); and Yemen (trawlers). Muhammad Megalommatis (2008)," 76th Press Release Update", Published: 12/15/2008. A Spanish trawler accepted a legal settlement in the UK concerning illegal fishing in Puntland (the exact details of this settlement is not known), see Stig Jarle Hansen (2008)," Private Security & Local Politics in Somalia" *Review of African Political Economy* 118 (35). Yemen and Somaliland signed a fishery agreement in 2006 after several Yemeni fishing boats were arrested for illegal fishing in Somaliland (Somali) by the Somaliland coast guard.Yemen Observer (2006)" Somaliland and Yemen sign fishery agreement", *Yemeni Observer* 28/03/2006

[9] According to Puntland Authorities a new fishing process plant is being sett up in the pirate port of Eyl. Interview with anonymous Puntland official on the 11 December 2008.

[10] Staff writer" Indonesia – Pirates Have Better Equipment", *Fairplay*, 2 November 2006.

[11] Mohamed Olad Hassan and Elizabeth A. Kennedy, "Somali piracy backed by international networks", *Associated Press* 10 December.

[12] For example see Stig Jarle Hansen (2007) "Civil War economies, the hunt for profit and the incentives for

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peace", *AE Working Paper* nr 1.

[13] Kerstin Petretto "Weak states, Offshore piracy in modern times" *East African Human Security Forum Discussion Paper* March 2008; Liss (2003); Ger Teitler (2001) "Piracy in Southeast Asia: A Historical Comparison", *Maritime Studies* 1 (1), 77

[14] Liss (2003), Carolin Liss (2007) "The Privatization of Maritime Security- Maritime Security in Southeast Asia: Between a rock and a hard place?" *Murdoch university working paper* 141, 2

[15] Vagg (1995), 67

[16] They use the examples of Somaliland, Puntland (only in the period 1999-2001, since Puntland institutions later declined), and the sharia courts (2006) in curtailing piracy in South-central Somalia.

[17] Karsten von Hoesslin, Stig Jarle Hansen and Hans Tino Hansen (2008) "The Destabilization of Puntland: The Decline of Somalia's Strategic Semi-Autonomous Region and its Implications for Maritime Security" *Strategic Insights* 11 (3)

[18] Stig Jarle Hansen and Atle Mesoy (2006) "The Pirates of the Horn – State Collapse and the Maritime Threat" *Strategic Insights* 3 (1)

[19] Wilfred Herman (2004) "Maritime Piracy and Anti Piracy issues", *Naval Forces*, 2004, Vol. 25 (2); a special version of the literature explores single attacks, or compare single attacks. A German language classic is Klaus Hymppendahl, (2002) *Yacht-Piraterie: Die Neue Gefahr*, (Delius Klasing Verlag, Bielefeld). Focusing on Yacht piracy. Other classics are Henry Zeiger (1961), *The Seizing of the Santa Maria* (New York, New York Popular Library)

[20] AFP "Foreign navies powerless to uproot Somali piracy: experts", 27 October 2008; Neil Renwick and Jason Abbot (1999), "Piratical Violence and Maritime Security in Southeast Asia" *Security Dialogue* 1999; 30(183), 190

[21] Roger Middleton (2008), "Piracy in Somalia" Piracy in Somalia: Threatening Global Trade, Feeding Local Wars" *Chatham house Briefing Paper* AFP BP 08/02

[22] See for example Vijay Sakhuja (2000), "maritime order and piracy" *Strategic Analysis* 24 (5)

[23] Neil Renwick and Jason Abbot (1999), "Piratical Violence and Maritime Security in Southeast Asia" *Security Dialogue* 1999; 30;(183), 185 [24] Peter Chalk (2008) "Piracy and Terrorism at Sea: A Rising Challenge for U.S. Security," *Rand Report* (unnumbered).

[25] The single source was "Somalia gunmen", Reuters, 25 August 2008, an article with few clear claims, and a lack of primary sources. Later a more credible and detailed article suggesting a link has been written, by Bruno Schiemsy in Jane's Terrorism and Security Monitor. Bruno Schiemsy "Unholy high seas alliance" Jane's Terrorism and Security Monitor, 31-Oct-2008.

[26] Stefan Eklöf, for example claims that Thailand might have used pirate groups as a tool to prevent a refugee flow in the 80s, following his argument Piracy becomes the conscious policy tool of a state. Stefan Eklöf (2006) *Pirates in Paradise*, (Copenhagen, NIAS Press), 77