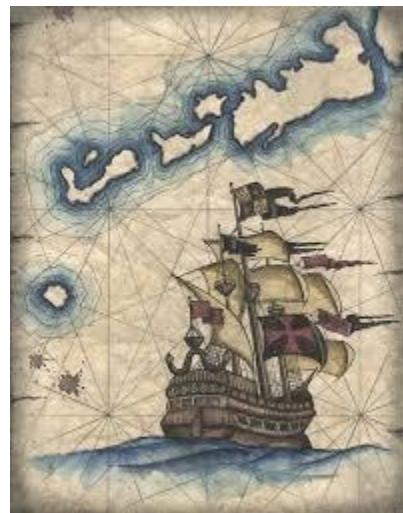


# Maritime Piracy

## History of the Issue

For as long as humans have been sailing the seas, other humans—thieves—have been active in trying to rob or steal from them. Pirates routinely pop up throughout recorded history as threatening coastal cities and important shipping lanes. In the western tradition, pirates are even referenced in Homer's *The Odyssey*, with Odysseus commonly asked if he was a pirate whenever he would arrive in a new land. So great was the fear of pirates, that strangers were often assumed to be pirates until they proved otherwise. The first major pirate group was the Lukkans whose crucial location in Southeastern Turkey gave them the ability to attack Egyptian shipping lanes and trade routes running through the Eastern Mediterranean.<sup>1</sup> Throughout history, pirates typically have been most active in areas near choke points in shipping routes or by lucrative shipping lanes.



Although it is commonly believed that pirates can only thrive in areas where there is little state control, piracy has often been a state-sanctioned act. During the Roman Empire, the Romans initially allowed pirates to attack shipping throughout the Mediterranean in order to weaken its enemies.<sup>2</sup> But the Romans were not unique in this usage as the Ottoman Empire adopted a similar tolerance for piracy emanating from the Barbary Coast of North Africa from the 1500s until the 1700s. These pirates would often raid southern European communities for material possessions and slaves, which they would then sell throughout the wider Ottoman Empire.<sup>3</sup>

Perhaps most famously, English privateers continually harassed Spanish and French shipping throughout not only the Atlantic, but in the Pacific as well during the late-1500s.<sup>4</sup> These attacks were tacitly sanctioned by the English government and attracted investors from across English society. These investors would recoup their initial investment by being given some of the gold and goods that the pirates would capture. Investments into pirate missions could be quite lucrative for the investors and were a means for the English government to attack Spain, without declaring war.

Sometimes civilizations adopt piracy as its main activity. Most famously, the Vikings from Scandinavian raided all across Europe, from the British Isles and Spain to river towns in Russia and Ukraine from 800CE to the 1100s.<sup>5</sup> The Vikings would use quick ships that could sail quietly

<sup>1</sup> "Pirate 101: A Brief History of Piracy." *National Geographic*. <https://bit.ly/2m2jAk4>.

<sup>2</sup> "Evolution of Piracy: Historical Piracy." *Oceans Beyond Piracy*. <https://bit.ly/2m35GxM>.

<sup>3</sup> "Pirate 101: A Brief History of Piracy." *National Geographic*.

<sup>4</sup> "Piracy and Privateering with Elizabethan Maritime Expansion." *National park Service*.

<https://www.nps.gov/fora/learn/education/piracy-and-privateering-with-elizabethan-maritime-expansion.htm>.

<sup>5</sup> "Vikings." *History.com*. <https://www.history.com/topics/exploration/vikings-history>.

to attack coastal areas as well as cities further upstream that were often less well defended. These lightning strikes made them particularly dangerous and allowed them to wreak havoc wherever they went. It is believed that the Vikings expeditions and piracy were a result of limited resources and overpopulation in Scandinavia. This deprivation helped, in part, to push the Vikings to seek riches and eventually land, elsewhere.

Despite the stereotypical image of a pirate as swashbuckling Blackbeard like male-figure active in the Caribbean, piracy is not only a western phenomenon. The Southeastern Coast of China is known for regularly hosting complex and powerful pirate clans that disrupted shipping and commerce throughout the South and East China Seas. Pirates were drawn to this area due to its strategic location by a number of valuable shipping routes and the areas geography which made it easier for pirates to hide from imperial Chinese authorities. Women could also be pirates. At one point, in the 1800s, the pirate group led by Ching Shih had nearly 80,000 members.<sup>6</sup> She established a set of laws that helped govern her pirate group and make it one of the most lucrative pirate outfits ever.

Piracy, state-sanctioned and perpetrated without the support of the state, has been a constant in human history for as long as humans have been sailing. Piracy began to decline in frequency with the rise of the British Empire and their powerful fleet, which was able to suppress or scare most pirates from raiding trading ships. But piracy was never really eliminated, even after World War II, pirates remained active, albeit less prominent in their activities than they had been in the past.

## Current Situation

Because piracy became less common after World War II, it was not a major issue at the United Nations nor its predecessor the League of Nations. Efforts to codify piracy in international law failed in the League of Nations due to lack of interest and an inability to agree to a common definition of piracy.<sup>7</sup> Despite not featuring on the agenda of either body, piracy was still discussed in international legal circles in order to establish a legal definition of maritime piracy. The United Nation, in the 1982 United Nations Convention on the Law of the Sea came to view piracy as illegal as it hindered the ability for countries to conduct maritime trade and violated a state's sovereignty.<sup>8</sup> Maritime piracy, itself, was defined as any robbery that occurs 12 miles off the coastline. This convention also committed countries to taking steps to stamp out and prevent piracy. This definition of piracy relies on both state sovereignty, the idea that countries have certain inviolable rights and responsibilities, as well as the United Nations' commitment to Freedom of the Seas. The second commonly accepted definition of piracy is any maritime theft that occurs in either domestic or international waters. The second definition of piracy reduces the

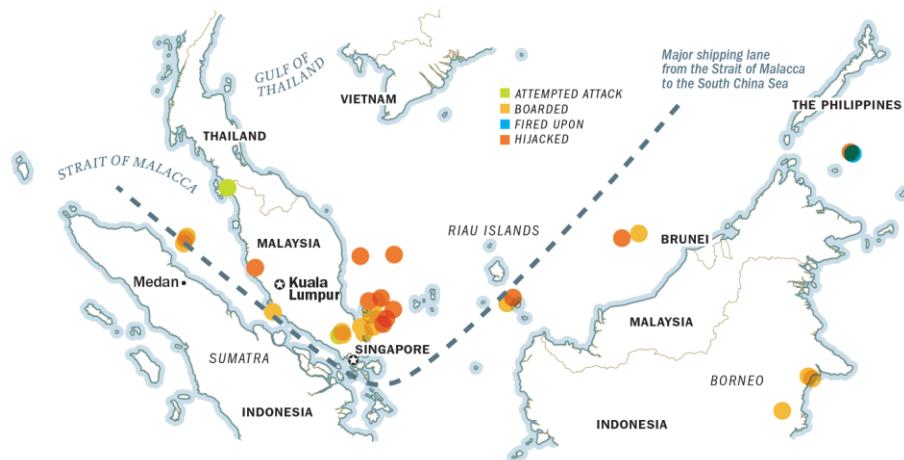
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<sup>6</sup> "The Chinese Female Pirate Who Commanded 80,000 Outlaws." *Atlas Obscura*. <https://bit.ly/2mGk1wY>.

<sup>7</sup> "When is a Pirate a Pirate?" *Coriolis*. <https://bit.ly/2kSZuIE>.

<sup>8</sup> "United Nations Convention on the Law of the Sea." *United Nations*. <https://bit.ly/2kSdCBV>; & "When is a Pirate a Pirate?" *Coriolis*

responsibility that governments have for reducing piracy and make maritime piracy more akin to a common robbery; making piracy into an issue that should be handled under domestic law, rather than addressed through an international framework. The United Nations, working off its own understanding, began to develop a greater focus on piracy starting in the 1980s.



## Pirates in the Straits of Malacca

After a global period of inactivity, pirates burst onto the international scene during the 1980s. These pirates, operating from the many small islands

and inlets in and around the Straits of Malacca would attack ships moving goods and oil as well as refugees fleeing conflict in Southeast Asia.<sup>9</sup> The pirates would use speed to attack slow moving ships and refugee boats, often selling women into sexual slavery in Thailand. Occasionally, pirates were even known to come ashore and rob resorts and homes along the shore. At the height of the pirate attacks, 2 to 4 incidents would occur every month, despite efforts by regional countries, such as Indonesia, Thailand, Singapore, and Malaysia to defeat the pirates.

Despite receiving less attention than the Somali pirates, Southeast Asia is the epicenter of maritime piracy attacks. From 1995 to 2013 the region accounted for 41% of recorded pirate attacks, while Somalia accounted for 28% and West Africa accounted for 18%.<sup>10</sup> In 2004, Indonesia accounted for 93 of the 329 recorded pirate attacks in the world.<sup>11</sup> Generally, attacks in this region are of the hit-and-run variety, with pirates seeking to collect any valuables or money onboard as quickly as possible before departing. To make detection more difficult, pirates often disguise themselves as fishing vessels, this allows them to easily sneak up on unsuspecting vessels.<sup>12</sup> However, pirates in the region have been known to hijack shipping vessels and take shipping crews hostage. In 2014, pirates attacked a Thai shipping vessel and siphoned off more than 3700 metric tons of fuel, worth \$1.9 million, into other vehicles and fled.<sup>13</sup> Such a brazen and high-profile attack was not unusual, as it was the sixth such attack in three months. The Straits of Malacca have become such a profitable area for pirates to attack ships as, according to the United Nations, nearly 50% of the world's maritime trade passes through the region.<sup>14</sup> The

<sup>9</sup> “20<sup>th</sup>-century pirates roam the seas of Southeast Asia.” *Christian Science Monitor*. <https://bit.ly/2ktfSiU>.

<sup>10</sup> “Pirate in South East Asia.” *Time Magazine*. <https://time.com/piracy-southeast-asia-malacca-strait/>.

<sup>11</sup> “The roots of piracy in Southeast Asia.” *Nautilus Institute*. <https://bit.ly/2kUZrfh>.

<sup>12</sup> “Maritime Security-Southeast Asia.” *The North of England P&I Association*. <https://bit.ly/2kUZCHt>.

<sup>13</sup> “Pirate in South East Asia.” *Time Magazine*.

<sup>14</sup> “The world’s most important trade route?” *World Economic Forum*. <https://bit.ly/2XJSBxS>.

narrow confines of the straits, the lax governance of nearby countries, and the amount of goods and oil passing through on ships make the Straits a perfect location for pirates to operate.

After the increased media attention given to Somali pirates, and efforts were made to address piracy globally. These policies saw global pirate attacks fall, except for in the Straits of Malacca, where they increased from 2009 to 2013.<sup>15</sup> Since 2013, regional powers have made efforts to address piracy in the region. Indonesia, India, Malaysia, Singapore and Thailand collaborated to increase patrols in the region and have also introduced an information sharing program that helps companies and ships traveling to the region immediately know if and where an attack has occurred.<sup>16</sup> These efforts have helped decrease the number of piracy attacks and sea robberies in the Straits of Malacca by 62% from 2015 to 2018.<sup>17</sup> Despite the recent decrease, pirates remain a major threat to residents living along the shore and international commerce flowing through the region.

### Conditions that Promote Piracy

While military patrols can help deter attacks from pirates, most people do not become pirates because they enjoy robbing people, but out of some necessity. In Southeast Asia, it is widely believed that piracy became so common starting in the 1980s because improvements in fishing technologies led to massive amounts of overfishing in the region's oceans by the 1970s.<sup>18</sup> This overfishing was further worsened as coastal development along rivers and deltas and rampant runoff pollution destroyed reefs and other coastal spawning grounds of fish species. These converging phenomena all made it more difficult for fishers in the region to make a living by catching fish. As a result, many former-fishers turned to piracy as a source of income. These fishers became the ring-leader of pirate groups or sometimes hire themselves out to already-existing pirate groups.

Another augmenter of piracy is the existence of unclear maritime borders. Particularly in Southeast Asia and the Straits of Malacca, maritime borders are not always clear between countries. This makes it significantly more difficult for countries to manage resources efficiently



and sustainably.

Despite the passage of the United Nations Convention on the Law of the Sea (UNCLOS), which sets out standard maritime borders, the countries in the region are too

<sup>15</sup> "Why pirate attacks are falling everywhere in the world except for Southeast Asia." Quartz. <https://bit.ly/2kGdiGt>.

<sup>16</sup> "Fact Sheet: The Malacca Straits Patrol." Ministry of Defense, Singapore. <https://bit.ly/2kqbtX3>.

<sup>17</sup> "Piracy and sea robbery see a 62% decline in Southeast Asia." Safety4Sea. <https://bit.ly/2IZznQB>.

<sup>18</sup> "The roots of piracy in Southeast Asia." Nautilus Institute.

close to one another for many of those borders to apply. For example, the UNCLOS sets the exclusive economic zone as 200 nautical miles from the coastal baseline, but countries in the Straits are much closer than 200 nautical miles, making it unclear which country owns which resources. This confusion makes resource management difficult and makes resource depletion more likely.

Pirates, however, are often active in countries where the central government does not have enough control. Weak governance gives pirates the ability to act with little fear of formal retribution from the central government. West African pirates, who have recently helped make the Gulf of Guinea a hotspot for piracy, are able to continue attacks from Nigeria's Niger Delta region because the Nigerian government is not able to assert its control over the region.<sup>19</sup> Beset by insurgencies in the north and anemic economic growth, Nigeria is ill-equipped to assert its sovereignty and stop the pirates from attack vessels. When a country lacks full control over its territory it allows bad actors, such as pirates, to establish a foothold and a place from which to perpetrate attacks. If governance is strengthened, then countries will be able to deprive pirates land from which to operate.

Additionally, maritime piracy is typically conducted by insurgent and terrorist groups in order to raise funds for their other activities. In the 1980s and 1990s, Filipino separatist groups used weak governance in Borneo and the southern Philippines as a base to attack shipping in Southeast Asia. These operations have continued to the present day.<sup>20</sup> This militant groups conduct maritime pirate attacks in order to get money and fuel for their continued military campaign against the Filipino government. For groups located in regions near important shipping lanes and in countries with weak governance, maritime piracy can be a profitable endeavor that will allow them to move closer towards achieving their political goals.

Moreover, changes in the shipping industry have helped increase the number of pirate attacks. Due to improvements in technology, since the 1960s, the size of shipping crews has continually decreased as fewer and fewer sailors are needed to run ships. The reduction in crew size leaves ships more vulnerable to attacks from pirates as the crews can more easily be overpowered. An additional cause is that many shipping companies do not allow their ships to be armed, this effectively makes ships easy targets for heavily armed pirate groups. While the appropriate solution may not be to arm all ships traveling through piracy hotspots (as such a plan would surely violate the domestic laws of many countries that a ship would visit on its voyages), leaving ships as easy targets for pirates seems like an inadequate solution as well.

### **Modern-Day State Sponsored Piracy**

While countries regularly accuse one another of engaging in piracy, there are no countries who actively promote or pursue maritime piracy. In 2019, the United Kingdom accused Iran of 'state piracy' because Iran seized a British tanker in the Strait of Hormuz after the United Kingdom

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<sup>19</sup> "West Africa has become the World's Piracy Hotspot." *The Economist*. <https://econ.st/2mrbpxR>.

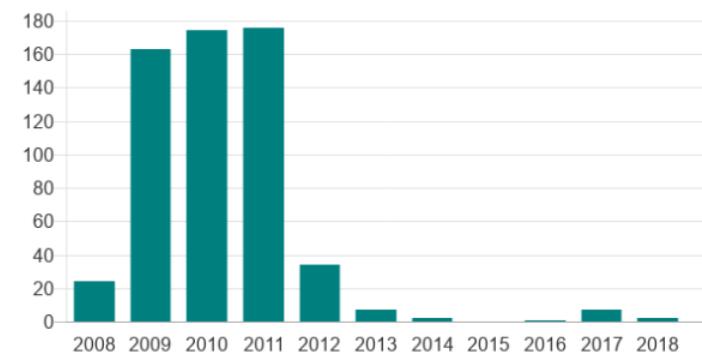
<sup>20</sup> "Is this the most dangerous backwater in the world?" *BBC*. <https://www.bbc.com/news/world-asia-39252503>.

stopped an Iranian tanker a week earlier.<sup>21</sup> While such stops are illegal under international law, these are not state-sanctioned acts of piracy in the formal sense as the Iranians did not steal goods from the ship it stopped and did not seek to ransom its crew back for money. Maritime piracy is, at its core, a money-making venture.

## Case Study: Somali Pirates

The case of Somali pirates encapsulates many of the preconditions that often give rise to maritime piracy. After the collapse of the Somali government in the early 1990s, large swaths of Somalia have existed far from the government's control. In many of these regions, warlords have taken control and operate with little fear from the government or international actors. These warlords will then actively engage in maritime piracy or will tolerate pirate groups working out of their territory.

**Somali pirate attacks, 2008-2018**



Source: European Naval Force

BBC

But the true causes of Somali pirate activity go beyond Somalia's record of weak governance. Somalia sits on a key international shipping route and choke point, making it easy for pirates to strike in the Gulf of Aden as well as along the east African coast. Additionally, decades of mismanagement and underinvestment have ruined

agricultural and grazing lands as well as the nearby marine environment. In the ocean, European companies have dumped poisonous and nuclear waste off the shores of Somalia as the Somalian government is unable to stop them.<sup>22</sup> This has destroyed coastal ecosystems, contributing to a decline in the number of fish. When coupled with the overfishing of Somali waters by other countries' fishermen, there remain so few fish as to render fishing no longer an economically viable enterprise. On land, environmental mismanagement has caused grasslands to become desert and destroyed grazing opportunities for Somalis. Herds were further reduced by the periodic violence that has erupted over the past 30 years. These destroyed the traditional lifestyle that many Somalis enjoyed. Coupled with the country's continual instability, economic opportunities are nearly nonexistent.<sup>23</sup>

Thus, pirate groups have arisen in Somalia. These groups have been able to augment their strength due to the weakness of the Somalian government. So, while the Somali government's weakness and inability to assert control over all of Somalia is not 100% the cause of the Somali

<sup>21</sup> "Britain blasts Iran seizure of tanker as act of 'state piracy'." *France 24*. <https://bit.ly/2lY6HY4>.

<sup>22</sup> "UN: Nuclear Waste Being Release on Somalia's Shores After Tsunami." *Voice of America*. <https://bit.ly/2lXTpea>.

<sup>23</sup> "Causes of Maritime Piracy in Somalia Waters." *Marine Insight*. <https://bit.ly/2OwC4SU>.

pirate problem, the government's weakness has contributed to an inability to end the threat posed by Somali pirates.

To better protect vital trade that flows by Somalia, the international community and the United Nations have stepped in to combat the pirates. After the surge in Somali pirate attacks in 2008, the international community came together to form the Combined Maritime Forces and, through Security Council resolution 1851, the Contact Group on Piracy off the Coast of Somalia.<sup>24</sup> These efforts have created a forum for discussing tactics on how to prevent attacks by Somali pirates. Additionally, increased patrols by the European Union, North Atlantic Treaty Organization, and other regional powers, such as Kenya, Pakistan and India, have helped reduce the number of successful pirate attacks.<sup>25</sup> These combined efforts have all seen the number of attacks fall dramatically since 2008, despite a recent surge of attacks in 2017.

Despite the successes of the international coalition in reducing pirate attacks around Somalia, pirates have sought other income sources. For example, Somali pirate groups have started to cooperate with terrorist groups like al-Shabaab and ISIS. These pirate groups have worked to transit weapons and terrorists into and out of Somalia.<sup>26</sup> This relationship benefits both the pirates and the terror networks as it allows the pirates to make money while their larger source of revenue, attacking shipping, is reduced, and it allows terror groups a steady stream of fighters.<sup>27</sup> For al-Shabaab, the transit of fighters to Somalia is increasingly important as the Somali government and African Union forces have scored successes in reducing the terror group's territorial influence and thus its base of potential fighters.

## Questions to Consider

- How can maritime piracy be managed militarily in the short term?
- What steps can be taken to strengthen countries with weak governments?
- What steps can the shipping industry take to better protect against pirate attacks?
- What long-term investments must be made to prevent maritime piracy from arising in the first place?

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<sup>24</sup> "Combating Maritime Piracy." *Council on Foreign Relations*. <https://on.cfr.org/2kth99G>.

<sup>25</sup> "Somali piracy: How foreign powers are tackling it." *BBC*. <https://www.bbc.com/news/world-africa-46454055>.

<sup>26</sup> "Pirates and terrorists are working together now in Somalia." *Vox*. <https://bit.ly/2uVyU1B>.

<sup>27</sup> Ibid.