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Review Essay

The Piracy “Threat” in Perspective

JOHN PATCH

Yonah Alexander and Tyler Richardson, eds., *Terror on the High Seas: From Piracy to Strategic Challenges, Volume 1* (Santa Barbara, CA: Praeger Security International, 2009).

Alejandro Colas and Bryan Mabee, eds., *Mercenaries, Pirates, Bandits and Empires: Private Violence in Historical Context* (New York: Columbia University Press, 2010).

Benerson Little, *Pirate Hunting: The Fight Against Pirates, Privateers, and Sea Raiders from Antiquity to the Present* (Washington, DC: Potomac Books, 2010).

Martin Murphy, *Small Boats, Weak States, Dirty Money: Piracy and Terrorism in the Modern World* (New York: Columbia University Press, 2009).

Martin Murphy, *Somalia: The New Barbary? Piracy and Islam in the Horn of Africa* (New York: Columbia University Press, 2011).

A plethora of books on piracy has emerged since coverage of this historical scourge spiked after 2007. High visibility incidents off Somalia, including ship seizures and attacks against very large crude carriers and American-flagged merchant vessels, raised the perceived stakes and focused international attention on the Horn of Africa. Books of varying credibility flooded the market. This essay reviews five recent works to evaluate their utility and contribution to the body of knowledge on this arcane aspect of modern conflict.

Know Thy Nonstate Actor

In *Mercenaries, Pirates, Bandits and Empires: Private Violence in Historical Context*, editors Alejandro Colas and Bryan Mabee provide a selection of essays that challenge the traditional international relations assumption that state actors hold the monopoly on coercive power. By far the most theoretical of the works reviewed herein, it is of limited utility for decisionmakers confronted with maritime security challenges. Colas and Mabee assess that groups historically profiting from conflict—pirates, privateers, mercenaries, warlords, bandits, and smugglers—have done so outside the margins of state authority. In doing so, the editors successfully introduce the essays in a context that squarely argues that traditional conceptions of force, territory, and authority often do not explain or otherwise illuminate how private “for profit” violence, especially the

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organized kind, can result in localized and even regional threats to maritime security and trade.¹ Exploring the theory behind the phenomenon of piracy is useful to students of national security, but the lack of specific recommendations related to managing these nonstate "threats" leaves the reader unsatisfied. In fairness, the editors never claim to offer hard solutions, but instead hope to "show how the broad historicization of private violence can give depth and perspective on understanding private violence in the present."²

The essays do in fact provide a coherent account of the historical use of private violence by nation-states. Examples of French and British-sanctioned privateering from the 14th to the 19th centuries are analyzed in parallel to contemporary uses of private security contractors (PSCs). Indeed, governments have, and continue to, sanction private violence when it is in their interest to do so. One dangerous complexity relevant to contemporary Somali piracy is that at least some of the early piracy incidents in Somali waters were justified as legitimate, sanctioned efforts to enforce its sovereignty. While easy profit is clearly pirates' prime motive, one must appreciate that this was also the object of the parties carrying out state-sponsored maritime depredation historically. While privateering is an anachronism, government use of PSCs is commonplace, even by the United States, and that practice contributed materially to the decline of Strait of Malacca piracy in the last decade. Hence, perspectives and motives matter greatly and must at least be accounted for intellectually as Western states struggle to contend with piracy. Indeed, piracy is not as black and white as most media accounts and pundits assert. *Mercenaries, Pirates, Bandits and Empires* successfully relates the theme that piracy and privateering were not simply incidental developments, but were "intrinsic to the genesis and development of the structures of modern international relations."³ It ends with the conclusion that sensitivity to the variegated ways nonstate entities can either promote or reduce security is important to appreciate as the edifice of the nation-state becomes less relevant in the modern world.

Motive for Maritime Violence

Martin Murphy, a well-respected expert on modern piracy, provides an excellent analysis of maritime violence with two recent books. In *Small Boats, Weak States, Dirty Money: Piracy and Terrorism in the Modern World*, Murphy's title captures the essence of his argument. His book sets out to answer questions surrounding the form of contemporary piracy and the nature of maritime terrorism, as well as their similarities and alleged links. These are important questions, because current maritime strategy, doctrine, and threat assessments often cite both phenomena as critical concerns and exploit them as part of the justification for acquiring sufficient naval force structure.

Murphy challenges common assertions that both piracy and maritime terrorism are serious threats, instead determining that they are both relatively unlikely and low impact potentialities. Indeed, his in-depth analysis of piracy's costs reveals a spectrum of estimates, many of which seem fanciful to Murphy. While human, financial, and opportunity costs are obvious, Murphy deems the

actual impact of piracy on maritime commerce “miniscule.”⁴ Murphy further recommends circumspection with piracy statistics, warning that accuracy and reliability are problematic and cited figures may not account for regional variations and the logic of incident location (for instance, maritime depredation must occur in international waters to be considered piracy). Murphy distinguishes common and organized pirates, categorizing the latter as the obvious greater threat. With a caveat that the situation might change with little warning, he asserts, “there is no clear evidence that any pirate group has cooperated with or has links to any insurgent or terrorist organization.”⁵ Murphy bases his analysis on group motives and the nature of the activities, with piracy as criminal behavior and terrorism as inherently political or ideological in its objectives.

Murphy assesses the causal factors relevant to both issues and does find some similarities in the conditions promoting them—especially the conducive environment of weak states. Murphy’s study lists piracy’s contributing factors as strategic geography, jurisdictional seams, a degree of conflict, permissive local political and cultural environments, inadequate security, and reward. These circumstances are found in areas other than the failed state of Somalia, including Nigeria and Southwest Asia. The author sums up piracy as “a global phenomenon, but not a global problem.”⁶ In a case study of the Straits of Malacca and Singapore, where regional cooperative efforts virtually eliminated piracy in 2005, Murphy cites three reasons for the success: coordinated and reviewed national, bilateral, and multinational security measures. He also provides an insightful discussion of the relevant treaties that have supported more effective international legal regimes for the treatment of piracy and terrorism.

The counterterrorism analyst will also find much utility in Murphy’s analysis of the potential tactics that maritime terrorists can utilize, including a rich analysis of their capabilities and limitations. The discussion of terrorist use of more capable weapons, attributed heretofore to states alone, is particularly valuable as theorists continue to explore the changing characteristics of modern hybrid warfare. Indeed, Hezbollah’s 2006 use of C802 antiship cruise missiles against Israeli warships will not be the last example of this change, as the March 2011 Israeli interception of Iranian C704 antiship missiles bound for Gaza on a merchant ship illustrates.⁷

Murphy does not discount maritime terrorism; he simply puts it in perspective. Indeed, his case study of the relatively successful maritime terrorist tactics of the Liberation Tigers of Tamil Eelam (LTTE) is enlightening not only because LTTE proved a serious threat to the government, but also because ultimately it was defeated on land—an important theme in all of Murphy’s works. The author ends his well-documented and scholarly work with the conclusion that the conditions conducive to both piracy and terrorism persist, but that these exigencies do not present strategic threats comparable to the legacy Soviet menace and that terrorism at sea will be much less evident than on land, where targets are more plentiful and offer more psychological impact.

In *Somalia: The New Barbary? Piracy and Islam in the Horn of Africa*, Murphy continues his in-depth look at piracy with a focus on its root causes

in Somalia, comparing it briefly with the 18th and 19th century Mediterranean Barbary experiences. Murphy's book contributes a critical element to the body of knowledge on piracy with an insightful analysis of whether or not the popular notion of a failed state is a "useful and accurate explanation of Somali piracy."⁸ He concludes, after providing convincing evidence from the 1980s to the current day, that in fact state failure is not a piracy prerequisite. Murphy presents a number of factors that do promote piracy in a way that demonstrates each case is unique. Two years after his 2009 assessment in *Small Boats, Weak States, Dirty Money*, Murphy adds "opportunity" to the previous list of factors common to piracy-prone regions.⁹ His findings also reinforce other authors' observations that Somali piracy remains fragmented and relatively unsophisticated, even while enjoying localized political protection from powerful elites.

Perhaps the book's most important point involves the alleged piracy-terrorism nexus. Murphy investigates the merits of arguments that Somali Islamists have or will benefit from the financial boon piracy has provided to specific clans along the Somali coast. His assessment finds that the al-Shabab movement, while of concern, is apparently not interested in highjacking the purely economic activity of the pirates for jihadist purposes. He also counters a popular contention by demonstrating that Islamists seem to require a degree of state order to carry out their agendas, hence preferring weak, vice failed states. Al-Shabab may not be strong enough to challenge clan support for piracy, regardless. Recent statements by coalition maritime leaders in the region suggesting that the military treat pirates like terrorists reinforces concerns that while most credible piracy analysts have largely discounted the piracy-terrorism nexrenge-some senior leaders still cling to it. Still, Murphy keeps an open mind and a watchful eye on Somali Islamists.

Finally, Murphy evaluates the international naval response since 2000 and finds it wanting. He raises the uncomfortable assertion that "the U.S. Navy's failure, in tandem with its coalition partners, to curb the pirates' activities raises doubts about its willingness to devote the resources that are necessary to make maritime security a reality . . ." ¹⁰ He concludes that piracy continues off Somalia because it has become a well-oiled (if localized) organized crime effort that benefits from sanctuary ashore, the protection of powerful clan leaders, and a clear international reluctance to bear the costs of addressing root causes inland. While the naval task forces have indeed made it harder for Somali pirates to operate with impunity and pushed them south into the Indian Ocean, Murphy asserts that any claims of a serious reduction in piracy or effective deterrent effort from the naval operations are specious.

The author answers the question of the book's title with a resounding "no." He qualifies that surface parallels exist with the Barbary Corsairs, but that readers should use caution in applying them. His well-documented work moves far beyond a literature review to provide a fresh study with cogent arguments directly relevant to the current international approach to the problem. This 2011 work cements the important concepts that Somali piracy remains an

economic—albeit criminal—activity, motivated by pragmatism and profit in a society that has yet to fully embrace any jihadist group.

Piracy by Another Name

A 2010 chronicle of the long history of depredation at sea, Benerson Little's *Pirate Hunting: The Fight Against Pirates, Privateers, and Sea Raiders from Antiquity to the Present* adds a useful work to the bookshelves of maritime thinkers. Little does a commendable job using historical examples to remind readers that piracy is not a new phenomenon. Perhaps more importantly, he takes the opportunity to clarify that the practice of maritime depredation has not been unique to lawless pirates. Indeed, nations have selectively used the plunder of an adversary's merchant fleet as legitimate means of warfare. Little seeks to provide "a descriptive and democratic history and analysis applied in the end in the present circumstances of piracy."¹¹ He begins with a useful discussion on the definitions relevant to piracy, which in itself can aid maritime analysts in clarifying assumptions before courses of action or solutions are applied (too often, pundits have not begun the piracy debate from a footing of rigorous and scholarly examination of problem definition and context). Little categorizes groups historically exploiting maritime depredation as "Sea Rovers," in a deeper assessment of both legitimate and illicit plunderers of merchant shipping. Some readers may take exception to this taxonomy, but it serves an important point in pushing the reader to examine the implications of terminology. Indeed, one only needs to consider that the US Constitution authorizes Congress to issue letters of marque and reprisal for attacks on merchant ships to appreciate that in some cases, one man's pirate is another man's privateer.

Little finds enduring themes in his study from antiquity to the modern day. He finds that "need and greed," much less so than religion or ideology, are the historical motives of piracy. He highlights the traditional clamor of peoples for governments to address the piracy scourge and the general reluctance of leaders to take on the mission due to prohibitive expenses. Little also stresses the tendency of states to seek treaties and alliances to attack the problem, observing that these methods typically achieve mixed results. His examples of the centuries-long blights of Mycenaean pirates, Norse raiders, and Mediterranean Corsairs are sobering evidence that piracy has never been easily addressed. Little effectively dissects piracy across the ages to conclude that it is in essence an economic activity, in that coherent efforts to counter it only come when it sufficiently threatens commerce. The book emphasizes that market forces will have significant influence on the commercial response to piracy when governments do not step in—essentially, business will adapt. Little notes that historically, "with major political and economic transition or breakdown came both the need and opportunity for sea roving."¹² Add to that the strategic proximity to major sea trade routes and it becomes clear that the impetus for piracy is recurring and perhaps inevitable. Notably, he asserts that piracy also remains suppressed only so long as states apply credible land and naval power to the problem. Hence, piracy's root causes lay inland, and Little emphasizes that it "will never be solved

by capturing or killing every pirate on the sea."¹³ He recommends a prudent mix of international cooperation, economic and security capacity building, best business practices that include arming merchants, and a credible system to incarcerate captured pirates. Finally, Little deserves praise for cogently stressing that piracy and terrorism are different phenomena and equating them is at best naive and at worst a distraction from actual terrorist threats.

In the end, Little does a great service by cementing the truism that history provides meaningful context and potentially useful perspectives from which to analyze contemporary problems. Many, if not all, of Little's observations ring true to the current plague of Somali piracy. Naval leaders and policy makers alike would do well to consider them as contemporary ways, means, and ends are evaluated.

A Compendium for Researchers

Perhaps the least satisfying of this group of books is *Terror on the High Seas: from Piracy to Strategic Challenges*, edited by Yonah Alexander and Tyler Richardson. From the title onward, this 2009 work makes the assumption that piracy and terrorism are closely linked, when in fact most scholarly works on the alleged "nexus" discount this popular conflation. Upon a deeper reading, students of maritime security will be unfulfilled, as the two-volume set provides only brief surface-level analysis before launching into an exhaustive selection of the documents relevant to maritime crime and terrorism from 1981-2008.

The first volume relates the purpose of the work as a comprehensive resource on maritime challenges from piracy to strategic security concerns, based on a three-decade long study at the Inter-University Center for Terrorism Studies. It begins appropriately with a discussion on terminology, often an area of confusion with policy makers and military leaders alike. Correctly categorizing maritime violence is indeed important, because policy approaches and military rules of engagement flow from precise problem definitions. The volume continues with case studies of maritime terrorism, including the 1985 *Achille Lauro* and the 2000 *USS Cole* attacks. Later chapters summarize key US responses since the *USS Cole* incident, including organizational, policy, and legislative changes. The following sections summarize the international and private industry reaction since 2000.

While serving as an excellent historical overview on the topic, it rarely provides any insightful analysis of causes, effects, or possible solutions. Perhaps more egregiously, it mischaracterizes the scope and impact of the potential threat. For instance, one of several forewords incorrectly relates that, "Like piracy centuries ago, piracy and other illicit activities today have emerged as the premier challenge to our current conventional capabilities."¹⁴ The preface also asserts that al Qaeda remains the "most serious threat to maritime security."¹⁵ Both statements are debatable, and the lack of credible evidence to support them leaves the reader unconvinced.

For a work this voluminous, the utility of its conclusions are somewhat limited. Alexander provides his well-documented findings in Chapter 1.

He concludes that, in studying maritime violence, a broad spectrum of actors, motives, and tactics are apparent; that no comprehensive record of maritime terrorism is available; that the response by international organizations and governments has been weak; and finally, that the cumulative impact of maritime terrorism has been “rather serious.”¹⁶ Further, perhaps unwittingly, the editors manage to merge the phenomena of piracy and maritime terrorism, the former being exclusively criminal in nature. Finally, the later chapters (continuing into Volume 2) suffer from insufficient context, as they move without comment directly into the summarized primary source material, which some might find off-putting. Still, there is some value for the researcher in compiling the more important documents on piracy and maritime terrorism in one set of volumes. In the end, the work provides a solid narrative record of the important incidents and responses to maritime crime and terrorism since 1981, but falls short of expectations with only limited analysis.

Conclusions

A fair question might be why a review of the current literature on non-traditional maritime threats is useful to the student of policy and strategy. The answer is both nuanced and important. Land forces need secure sea lines of communication as an enabler for everything from theater entry, to logistics, to power projection. Combatant commanders also depend on the peacetime “shaping” provided partly via maritime engagement and capacity building. Additionally, America and other great powers enjoy the fruits of global commerce transported largely by sea. Yet, typically, land power theorists simply assume the United States and like-minded states will vouchsafe maritime security as a matter of course. The above review should demonstrate the inherently risky nature of that assumption in an era of growing irregular threats and shrinking navies. As Martin Murphy is wont to remind maritime theorists, localized maritime insecurity, if ignored for long enough, will likely become a regional problem. Exploring the nature and characteristics of maritime violence has its merits, and will serve America well when eyes inevitably turn seaward for answers.

NOTES

1. Alejandro Colas and Bryan Mabee, eds., *Mercenaries, Pirates, Bandits and Empires: Private Violence in Historical Context* (New York: Columbia University Press, 2010), 5.
2. *Ibid.*, 11.
3. *Ibid.*, 104.
4. Martin Murphy, *Small Boats, Weak States, Dirty Money: Piracy and Terrorism in the Modern World* (New York: Columbia University Press, 2009), 51.
5. *Ibid.*, 159.
6. *Ibid.*, 23.
7. Ran Tzabar, “Israel says seized arms justify Gaza blockade,” *Reuters*, March 16, 2011, <http://www.reuters.com/article/2011/03/16/us-palestinians-israel-ship-idUSTRE72F6OE20110316> (accessed 7 April 2011).

8. Martin Murphy, *Somalia: the New Barbary? Piracy and Islam in the Horn of Africa* (New York: Columbia University Press, 2011), 3.
9. *Ibid.*, 2.
10. *Ibid.*, 167.
11. Benerson Little, *Pirate Hunting: the Fight against Pirates, Privateers, and Sea Raiders from Antiquity to the Present* (Washington, D.C.: Potomac Books, 2010), x.
12. *Ibid.*, 71.
13. *Ibid.*, 282.
14. Yonah Alexander and Tyler Richardson, eds., *Terror on the High Seas: from Piracy to Strategic Challenges, Volume 1* (Santa Barbara, Calif.: Praeger Security International, 2009), xxxvi.
15. *Ibid.*, xxxii.
16. *Ibid.*, 34.