

Maritime Pirates And Foreign Terrorist Organizations: Complicit Against The United States And Nato?

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MARITIME PIRATES AND FOREIGN TERRORIST ORGANIZATIONS: COMPLICIT
AGAINST THE UNITED STATES AND NATO?

by

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B.A. University of Central Florida, 2009

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ABSTRACT

Maritime piracy, a phenomenon which has plagued free maritime trade for thousands of years, has entered a new age of sophistication and global reverberation. These acts of illegal criminal activity in the late twentieth and early twenty-first centuries yield a significant profit margin for the perpetrators while creating considerable cost for ransom payments, security measures, capital, and human life. The classification of maritime pirates, as either criminals hoping to gain financial income or terrorists hoping to usher in political change, is warranted and compelling. If maritime pirates conduct their operations to institute political change, it is possible that flags of the United States and its allies can be more susceptible to pirate attacks than others. The author argues that although the definitional separation of “maritime piracy” and “terrorism” is becoming increasingly blurred in the twenty-first century, pirates will attack ships based on convenience and opportunity rather than based on the flags of vessels. Testing of this theory will be based on quantitative data produced by the International Maritime Bureau to test pirates’ ideologies as a variable. To test if deprivation is a variable to consider, the author will also compare Indonesian economic performance with the frequency of attempted pirate attacks off its waters.

To my family

Thank you for your infinite support

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I would also like to extend gratitude to Dr. Stephen Sloan for inspiring me to select maritime piracy as a compelling topic for research. The subject has captured my interest and that of my counterparts; its modern occurrences have compelled me to understand all actors involved with the ultimate goal of making the world a better place.

TABLE OF CONTENTS

LIST OF FIGURES.....	viii
LIST OF TABLES.....	ix
CHAPTER ONE: INTRODUCTION.....	1
Research Question.....	4
Chapter Summaries.....	5
CHAPTER TWO: LITERATURE REVIEW.....	8
CHAPTER THREE: STUDY METHODOLOGY.....	21
Design.....	21
Data Sources.....	23
Data Collection.....	24
Data Analysis.....	25
Maritime Piracy Defined.....	27
Terrorism Defined.....	30
CHAPTER FOUR: STUDY FINDINGS.....	32
NATO-Flagged Victims of Piracy.....	33
The Israeli Case.....	37
Non-NATO Industrialized Democracies.....	38
FoC-Flagged Victims of Piracy.....	39
The Iranian Case.....	41
Pirates Attack on Opportunity – Not Based On Who Owns/Operates the Vessel.....	42
Data Suggesting Pirate Economic Motive.....	43
The Indonesian Economic State.....	43
Law Enforcement Efforts.....	48
Evidence Refuting Law Enforcement Impact.....	49
How Ransom Dollars Are Allocated.....	50
Ransom Dollars After Allocation.....	54
CHAPTER FIVE: CONCLUSION AND POLICY RECOMMENDATIONS.....	57
Conclusion.....	57

Areas for Further Research	58
Policy Recommendations.....	59
Incubate Industrial Development in Somalia.....	61
Continue to Monitor Foreign Terrorist Organizations and Maritime Pirates for Alliances	63
Foster International Cooperation of Law Enforcement.....	64
LIST OF REFERENCES	66

LIST OF FIGURES

Figure 1 Reported Locations of Pirate Attacks Near Africa and Asia In 2011.....	33
Figure 2 Gross Domestic Product Per Capita and Pirate Attacks off Indonesia, 2005-2011	45
Figure 3 Ransom Payout for 2009 Hijacking of <i>Victoria</i>	51

LIST OF TABLES

Table 1 Frequency of Vessels Attacked with NATO Member Registries, 2005-2011	35
Table 2 Frequency of Vessels Attacked with non-NATO Industrialized Democracy Registries, 2005-2011	38
Table 3 Frequency of Vessels Attacked with FoC Registries, 2005-2011.....	40
Table 4 Indonesian Gross Domestic Product Per Capita (PPP) and Attempted/Actual Pirate Attacks off Indonesia.....	44

CHAPTER ONE: INTRODUCTION

Omballi is a young Somali man in his mid-twenties who was interviewed by journalist Jay Bahadur in the Summer of 2009. Omballi was once a seemingly anonymous truck driver from a poor inland village, but his fame increased by participating in several maritime hijacking operations. “We got \$1.8 million for the Japanese tanker,” Omballi said of a ship hijacking. Another ship he helped successfully take was released at a ransom of \$1.6 million. For his participation in these two hijackings, Omballi claimed to have received \$50,000 – a portion of which went to construct a home for his family. When asked by Bahadur what he would have done if he had not received any ransom money, Omballi leaned back and calmly replied, “Then we would have killed them [the hostages]”.¹

The problem of worldwide maritime piracy is present, and the statistics themselves are staggering. In the first half of 2009, shortly before Jay Bahadur’s piracy research trip to Somalia, 240 worldwide piracy incidents were reported. Of those incidents, seventy eight were boarded by intruders, seventy five were fired upon, and thirty one were successfully hijacked. It was further reported that out of those 240 piracy incidents, 561 crew members on those ships became hostages, nineteen were injured, seven were kidnapped, six were killed, and eight were declared missing.²

Despite the staggering figures reflecting the human toll of maritime piracy, the overall probability of a ship being attacked by pirates is extremely low. For example, a Japanese Maritime Research Institute study suggested that 75,510 ships over 1,000 gross tons traversed

¹ Bahadur 2011, p. 57-61

² Gaouette 2010, p. 18-19

the Straits of Malacca in 1999, or about 200 transits each day. Because 151 attacks were executed by pirates in this geographic area in 1999, the probability of being attacked by pirates was less than two tenths of one percent.³

Conventional wisdom and the popular narrative of maritime piracy is that economic deprivation is a theory to explain why some pirates begin careers in this criminal enterprise. The Somali economy, for example, has been especially hurt by illegal fishing, toxic waste dumped off the coast, civil conflict, and political instability. Thus, the widespread belief is that that many turn to piracy as a means to achieve economic survival and eventual prosperity.

Pirates know that shipping companies and yacht owners, for example, have seemingly vast sums of wealth, and are thus not hesitant to demand high ransoms. For instance, Somali captors demanded a \$7 million ransom for one couple hijacked on a 38 foot yacht in 2009.⁴ According to James Kraska and Brian Wilson, one successful attack can yield \$10,000 per pirate in Somalia, a state whose average annual income is a mere \$650.⁵

It is widely known that foreign jihadists come to Somalia in droves from across the world, including Pakistan, Afghanistan, Britain, and the United States to join al-Shabbab, the military wing of an Islamist political movement known as the Islamic Courts Union, or ICU.⁶ As of January 27, 2012, al-Shabbab is listed by the U.S. State Department as a foreign terrorist organization. This classification was warranted due to the U.S. State Department's belief that their activities threaten U.S. nationals' safety or the national security of the United States.

³ Murphy 2009, p. 81

⁴ Lay 2010, p. 46

⁵ Kraska and Wilson 2009, p. 44

⁶ "Foreign Terrorist Organizations" 2012

Given the Western world's seemingly incessant dialogue about terrorism since the September 11 attacks, it is not so farfetched to ponder the true magnitude of terrorism's global reach. Although there is a lack of solid uncontested proof of linkage between Mexican drug cartels and foreign terrorist organizations, there is a resounding fear that terrorists and weapons trafficking can occur literally on America's geographical doorstep.⁷ However, a 2011 paper submitted to the Naval War College suggests that such a partnership between both entities is unlikely, despite several tactical similarities. Insufficient proof and ideological and strategic incompatibilities render cooperation between drug cartels and al-Qaeda to be unlikely.⁸

Due to inherent similarities to the concept of an Islamist-cartel alliance, one cannot help but speculate if piracy and terrorism are financially linked. If a captured ship has the potential to raise over \$1 million in revenue, one must question where those profits go. Do these ransom monies go toward financing terrorist activities? Is al-Shabbab preparing to wage maritime terrorism with the use of pirates? Is there an Islamist-piracy conspiracy against Western nations? Are major shipping corporations indirectly financing terrorism?

If these questions hold true, ransoms may no longer be paid for the safe return of ships and their crews. This is due to many Western nations' laws prohibiting financial transactions from persons and corporations to terrorist organizations. Also, it is probable that any connection to terrorist organizations may serve as a pretext for military strikes, which does not serve in the

⁷ Martin 2012

⁸ Nolden 2011

best interests of the pirates. As put by one Somali analyst, according to Jay Bahadur, “It’s simply a very, very bad business decision.”⁹

Research Question

Therefore, the author submits the following research question: What motivates pirates to attack vessels? There are multiple independent variables to consider for this question such as a nexus with terrorism, economic deprivation, and convenient proximity to condensed and slow moving vessels. The primary objective of this question is to ascertain if (and to what degree) pirates are targeting interests of the United States.

Indeed, the author acknowledges that the definitional separation of the “maritime piracy” and “terrorism” concepts is becoming increasingly blurred. This assessment is given by qualitative data produced through interviews of pirates as well as their actions. However, the discovery of a “smoking gun” proving financial links between maritime pirates and U.S. State Department defined Foreign Terrorist Organizations is unknown at this time. Not only are ransom dollars paid by shipping corporations kept private, but “hawala,” an informal and undocumented Arabic money transfer system, makes the tracking of these dollars nearly impossible.

How else can one test if there is a tie between maritime pirates and terrorists? The author believes that if maritime pirates are fundraising for terrorists, then it would be likely that ships bearing flags of Western nations and U.S. allies are more susceptible to attack than ships with flags of non-U.S. allies. The author will demonstrate that with the help of this quantitative data, the ties between Islamists and maritime pirates can be better understood.

⁹ Bahadur 2009, p. 51

Ideology may prove to be a better explanation of a link between maritime pirates and foreign terrorist organizations. Vessels that are more susceptible to attack may not necessarily be flagged by Western or American and its allies. Some may argue that “low hanging fruit,” vessels with slow speeds, minimal protection and inadequate crew training, provides cash flow to piracy more easily than vessels that are more protected, likely American and its allies’ flagged ships. To test this argument, qualitative data will test if maritime piracy ideology is comparable to ideology of foreign terrorist organizations. Qualitative findings from experts and interviews of the pirates will support the quantitative data, concluding that maritime pirates and foreign terrorist organizations are separate entities and do not form a joint anti-western conspiracy.

Chapter Summaries

The second chapter will serve as a literature review of the topic. Important books and articles will be acknowledged, as will their contributions to the global understanding of the maritime piracy phenomenon. Furthermore, the works listed will be critiqued, and shortcomings which warrant further research will be suggested by the author. These shortcomings will address the need for this particular investigation of the ties between maritime pirates and foreign terrorist organizations. Upon providing the unlikely nature of the relationship between maritime piracy and terrorism, the second chapter will examine this phenomenon through the various lenses of international relations theory. Not only can some perspectives of International Relations (IR) theory offer explanations of the piracy/terrorism phenomena, but it can also help predict some possible courses of action that could be taken by international actors to rectify this problem on the high seas.

Chapter three will pertain to the methodology of this work. The need for this study, its parameters, and scope will be identified. Strengths and limitations of the quantitative and qualitative methods of this study will be reviewed and analyzed. The chapter will explore definitions to ensure clear and consistent understanding of the actors involved. Like the term “terrorist,” the concept and meaning of “pirate” is debated heavily. Perhaps the one agreement that can be reached by governmental and private organizations is that there is no agreement on a universal and comprehensive definition. Chapter three will describe similarities and differences between legal and operational definitions of “pirates” and “terrorists.” Sources used to provide opinion will include experts in international law, intergovernmental organizations, and from academia.

The fourth chapter presents the research that answers the posed question by first examining quantitative data by the International Maritime Bureau (IMB), which publishes annual reports of pirate attacks voluntarily reported by ships’ crews. These reports provide statistical information about attack location, vessel type, number of casualties/injuries, vessels’ flags, and more. Based on the study of this information, it will be inferred that maritime pirates are not substantially linked to foreign terrorist organizations. Additionally, the fourth chapter will investigate the relationship between piracy and economic performance of the country in which piracy is a problem. This study is intended to prove or disprove the narrative that pirates engage in their activities as simply a career choice with no political motivations whatsoever. If a country’s economy gets better and more efficient, it could be thought that the level of piracy attacks should decrease if the deprivation narrative is correct, because more legitimate or legal means of earning a wage may become available. Chapter four will also provide qualitative

information which further supports the inferences drawn by the second chapter. This information is obtained by interviews of pirates and analysts, and breaks down the economics of maritime piracy. Although each ship capture can yield millions of dollars for Somali pirates, it is split amongst the many participants of the hijacking. The business model of maritime piracy will be examined, which will prove that no margin to support terrorism is rendered.

This study will conclude with the fifth chapter. Findings will be summarized, and study strengths and weaknesses will be identified in the hope that this work will further the understanding of maritime piracy. Supported by the data provided in the previous chapters, policy recommendations will be submitted by the author to interested parties for consideration.

CHAPTER TWO: LITERATURE REVIEW

Most researchers of maritime piracy hold that maritime piracy and terrorism are two separate issues that have distinct ideologies, causes, and responses. One such researcher is Eric Frécon, whose expertise is in the maritime piracy phenomenon in Southeast Asia, in particular the Straits of Malacca and Indonesia. Frécon personally observed the difficulties of raising a family in a coastal village of Southeast Asia as a fisherman. High maritime traffic through the Straits of Malacca, coupled with pollution and over-fishing, makes the profession extremely difficult. He concluded, after interviewing young adults that participated in ship hijackings, that class envy is one of the prime motivators for their actions. Pirates are the maritime equivalent to pickpockets on land in the Indonesian context, with fast cash and a profitable career being the ultimate end they desire.¹⁰

Although it is possible that the successes of pirates can inspire terrorists to mimic their acts, Frécon dismisses any possibility of substantive links between maritime pirates and terrorists. Aside from their differing ends, terrorists would likely cause a significant increase in government response, which would make the business of pirating much more difficult.

Frécon also remarked that the pirates infringe on too many Islamic laws, such as drinking alcohol during Ramadan, to be considered ideological partners to Islamist organizations. As Frécon so eloquently put it, “Lastly, pirates prefer to meet prostitutes near Belakang Padang rather than the virgins in the ‘Jihadist Paradise’ [of heaven].”¹¹ The difference in motivation between pirates and terrorists make them unlikely partners.

¹⁰ Frécon 2006, p. 32-33.

¹¹ Frécon 2006, p. 34

A speech given by Eric Frécon in 2006 was detailed and offered key insight to the piracy phenomenon in Southeast Asia. He did not offer any parallels between Somali and Indonesian piracy, but many of the reasons why Indonesian pirates cannot be linked to terrorists may be applied in Somalia. Unlike other outlooks on piracy, the speaker does not display alarmism about the increased piracy incidents.¹² Similar to other petty crimes that mankind has experienced since its beginning, steps can be taken to ease piracy, but it cannot be completely eradicated.

Eric Frécon's research conducted as a young journalist amongst the pirates in Indonesian ghettos may have served as inspiration for Jay Bahadur, whose work several years later mirrors that of his predecessor, but in another maritime piracy hotspot half a world away. In 2009, Jay Bahadur visited Somalia to learn journalism – a method he felt would be far more productive than obtaining a degree from a mainstream journalism school.¹³ The product of his 2009 visit to Somalia is this book “The Pirates of Somalia: Inside Their Hidden World”, in which he comprehensively documents pirates' lives by portraying them as human beings rather than using western stereotypes. To do so required interviews with government officials, jailors, scholars, the pirates themselves, and many other groups able to provide helpful insight.

Not unlike Eric Frécon's research, Jay Bahadur's work is a prime example of immersion at its finest. It is likely that Robert H. Bates would appreciate Bahadur's research, for he believes that it is important for social scientists to put “boots on the ground” or find out first hand “where people are coming from” to decode verbal expressions and gestures.¹⁴ Bahadur embraced this principle by immersing himself in the environment of maritime piracy, his field of study at the

¹² Frécon 2006

¹³ Bahadur 2011, p. 3

¹⁴ Bates 2007, p. 173

time. By doing so, Bahadur becomes one of the first civilians to provide a comprehensive glimpse of time and space – a Polaroid snapshot of the infamous Horn of Africa.

Bahadur reports the phenomenon “as it is,” but does not offer theory to explain “why it is.” Perhaps this is Bahadur’s training as a journalist (reporting to let the viewer/reader decide), or perhaps unfamiliarity with the topic. Nevertheless, it leaves the reader thirsty for his overall assessment about why pirates engage in their hostilities. Despite the lack of personal analysis, Bahadur does assert that the claim of a joint pirate-Islamist agenda is a mere myth.

Jack Lang, a Special Advisor on legal issues of piracy off the coast of Somalia for the United Nations,¹⁵ submitted to the United Nations (U.N.) Security Council in 2011 Report S/2011/30. Lang’s claims in the report were based on extensive interviews conducted with key Somali governmental personnel and imprisoned pirates, both suspected and convicted.¹⁶

Lang has repeatedly used the term “criminals” to describe and categorize the pirates off the coast of Somalia. Lang described the conventional narrative that the same inability of Somalia to defend its waters from illegal fishing from foreign vessels led to the pirate resurgence after 2005. However, the actual nexus between piracy and illegal fishing remains yet to be proven.¹⁷ Nevertheless, the country is becoming increasingly dependent on the piracy industry.

Regarding the relationship between foreign terrorist organizations and pirates, Lang only offered a paragraph. Piracy is seen as contrary to the fundamentalist beliefs of Islamist insurgents, and can be punished under sharia law. Nevertheless, the location of pirates in al-

¹⁵ Lang 2011, p. 1

¹⁶ Lang 2011, p. 10

¹⁷ Lang 2011, p. 12

Shabbab controlled coastal areas suggests that a portion of ransom dollars, which could reach 30 percent, is paid to al-Shabbab in exchange for the right to co-exist.¹⁸

The bold claim that al-Shabbab could be receiving 30 percent of pirate ransom dollars was entirely unfounded. Even the author admitted that this information needed to be confirmed, and affirmed that this information was given in several discussions with unnamed individuals.¹⁹ Lang provided only circumstantial evidence of the relationship between al-Shabbab and Somali pirates without specifying the sources.

It seems that most experts in the field of maritime piracy subscribe to the theory that terrorism and maritime piracy are two separate issues. Nevertheless, there are some such as Douglas R. Burgess Jr. that believe the contrary, that piracy is terrorism and must be dealt with as such. Burgess is the author of the book “The Pirates’ Pact: The Secret Alliances Between History’s Most Notorious Buccaneers and Colonial America”. Burgess’ conclusion that terrorism and piracy are similar is neither drawn from the modern piracy experience, nor the classical lore of Blackbeard and privateers of the eighteenth century. According to his op-ed published in 2008 in the *New York Times*, Douglas R. Burgess Jr. cited the ancient Roman politician Cicero with his belief that piracy was a crime against civilization. The “pirates are enemies of the human race” mentality inferred that all states shared a common responsibility of capturing and trying pirates for the preservation of commerce, and consequently civilization.²⁰

Where Burgess differs from many colleagues is that maritime pirates and terrorists are alike not because of ideology, but rather because of inadequate definitions that accurately define

¹⁸ Lang 2011, p. 15

¹⁹ Ibid.

²⁰ Burgess 2008

pirates. In fact, the author pointed out several similarities between pirates and terrorists: both are not ordinary criminals or enemy combatants; both are extra-national; both target civilians with death and destruction. Burgess also advised that both pirates and terrorists commit these acts on the high seas for private ends, but failed to provide further details to substantiate this claim.²¹ Burgess' listed similarities between pirates and terrorists may seem tenuous at best. Nevertheless, the similarities described in his *New York Times* article "Piracy is Terrorism" substantiate his thesis that pirates deserve not only to be dealt with as terrorists, but that the modern phenomenon of piracy can be justly renamed "maritime terrorism."

Burgess takes a realist perspective on maritime piracy with the belief that the state is the central unit of international relations. The overall anarchical nature of international relations has helped with the lack of a uniform response to terrorism and maritime piracy. Perhaps the most classic of the international relations theories is realism, for its concept dates back almost 2500 years. The main thinkers of the realism school such as Thucydides, Machiavelli, and Morgenthau believed that order and justice were primary concerns when studying the relationship domestic and international politics.²² To realists, a central authority creates and maintains order by protecting citizens from civil unrest, law enforcement, and border protection.²³ The absence of an effective government, such as a failed and/or anarchical state, would likely render the populace subject to lawlessness, chaos, survival based upon individual capabilities.

A realist would likely assert that maritime piracy results from a government's inability to provide the social and legal control to prevent or quell it. According to *Foreign Policy* magazine,

²¹ Ibid.

²² Lebow 2010, p. 59

²³ Lebow 2010, p. 61

Somalia topped the 2012 Failed States Index due to concerns with piracy, terrorism, crime, and ineffective governance resulting in lawlessness.²⁴ Although the view by *Foreign Policy* is largely critical of the government establishment of Somalia, it does acknowledge that violence in its capital Mogadishu has diminished after prolonged urban violence between al-Shabbab and government forces.

The President of Puntland State of Somalia, Abdirahman Mohamed Mohamud Farole, seems to also have a realist perspective over the state of affairs of his country. The president in 2012 acknowledged Somalia's ranking on the 2012 Failed States Index, largely based on an ineffective government of a country "infested with extremists and pirates." "The view is not entirely wrong," he also advised.²⁵ President Farole vigorously defended his regime by highlighting accomplishments such as free elections and hosting two National Constitution conferences.

The importance of a national constitution is paramount if a federal and stable Somalia is to be formed. It is thought by President Farole that government would be further legitimized, ushering in an era of stability and law enforcement, once such a document is produced – for it will clearly define the roles and responsibilities of government resources.²⁶ Furthermore, substantial Somali progress toward a legitimate and functional government can encourage funding from the international community – precisely what the president challenges other nations to provide.

²⁴ Hanna 2012

²⁵ Farole 2012

²⁶ Ibid.

The United Nations has called upon Somalia to further enhance its law enforcement capabilities to combat piracy and terrorism, a task that has been slowly progressing, according to President Farole.²⁷ With increased assistance from geographic neighbors and parties affected by the proliferation of maritime piracy based in Somalia, the success of the fight against maritime piracy in Southeast Asia can be replicated, provided that law enforcement efforts from Somalia and its neighbors can effectively combat piracy. A full description of this success in the reduction of maritime piracy in Indonesia is in the fifth chapter. A realist would believe that the success of Indonesia's ability to reduce piracy in its waters is a result of the government's increasing law enforcement capabilities.

Aside from assistance in law enforcement and counterterrorism operations, President Farole also asks the international community provide economic development assistance to Somalia,²⁸ presumably to provide other methods to attain other practical means of making a living – legally. Data provided in the fifth chapter suggests that a betterment of a state's economic conditions may reduce the popularity and appeal of engaging in maritime piracy.

One who subscribes to the Postcolonialism School of international relations theory would likely examine this suggestion further, for one would likely believe that the lack of economic vitality in the country was a direct result of European imperialism and exploitation. The Postcolonialism School challenges European conventional representations of human nature, power, and interest which correspond to the experiences of the very societies that Europeans conquered. Furthermore, Postcolonialists seek to highlight Orientalist histories, or narratives

²⁷ Ibid.

²⁸ Ibid.

based on stereotypes of a people that helped shape European policies toward their colonies. The effects of Oriental history, assert Postcolonialists, still reverberate today.²⁹ Furthermore, those who subscribe to this particular theory believe that European colonial powers failed to integrate their territories into “decision-making processes on the international system” and “democratic structures of governance within the state,”³⁰ according to Siba N’Zatioula Grovogui, a professor of international relations theory.³¹

Paolo Tripodi is a Lecturer of international relations whose work “The Colonial Legacy in Somalia” fills a substantial void of research in Italian military and colonial history. Colonial history remained largely neglected by Italian historical scholars, a fact that validates arguments presented by subscribers to the Postcolonialism school of international relations theory.

As described by Tripodi, the Italian government had a fifty year presence in Somalia as a colonizer. Upon independence, Somalia was indeed one of the few African states to have a democratic system, despite being ill equipped to handle the needs of the Somali people due to its Italian style bureaucracy. The transitional period took ten years to complete, an insufficient length of time to develop a self-sufficient economy and a class of bureaucrats and administrators. From an outside perspective, it would appear that the Italian government felt it was promoting Somali independence by encouraging a prompt withdrawal of its influence. However, Somalia’s foundation was still too weak.³² Although this perspective seems positive, in actuality Italy did

²⁹ Grovogui 2010, p. 245

³⁰ Grovogui 2010, p. 254

³¹ “About the Contributors” 2010, p. xvii

³² Tripodi 1999, p. 106

not deem Somali infrastructure a worthy investment due to concerns for its future.³³ Ironically, it is this very concern, leading to the lack of infrastructure provided to Somalia after independence in 1960, that may be the root of the piracy and lack of economic development today.

The 2009 journal article “Somali Piracy: The Next Generation” by terrorism lecturer Dr. Peter Lehr holds opinion which is somewhat contrary to that of Burgess. Terrorists have been dealt with militarily, but Dr. Lehr’s position warns that a military strike against pirates to prevent them from waging future attacks will only catalyze conflict in the area by driving them into the arms of land based groups such as al-Shabbab. Although the connection between piracy and foreign terrorist organizations was circumstantial at the time of writing, acknowledged Lehr, it can be made worse by foreign military intervention.

Lehr seems less concerned about a current nexus between maritime piracy and foreign terrorist organizations, but rather, about the pirates’ evolving demands for ransom from money only to political demands. The article suggests that there is now a second wave of piracy: the first with pirates’ ransoms demanding money only, and the second with pirates’ demands of prisoner release. Lehr also describes this second wave as being more deadly and violent than the first, a reaction to increased international media publicity and increased resistance faced onboard commercial vessels.

Lehr was correct to point out that pirates are financially motivated, particularly regarding his “first wave of piracy” theory. He also successfully demonstrated, through examples of actual incidents that pirates are beginning to make political demands, such as prisoner releases and retaliation for facing resistance. This journal article did not address the question, “Does the

³³ Tripodi 1999, p. 107

second wave of piracy's politicization mean that there is a definitional change to piracy itself?" The definitions of "piracy" and "terrorism" were not broken down and individually analyzed to determine where the second wave of piracy fits categorically despite their evolving ends. This evident shortcoming leaves the reader to ponder what or where is the threshold that separates terrorism and maritime piracy, assuming that there remains no hard evidence of al-Shabbab or al-Qaeda directly benefitting financially from pirate operations.

Emmanuel Nibishaka provided a wealth of information on Somali pirates' motives and effects on global trade in "Understanding and Fighting Piracy in Africa." Furthermore, Nibishaka articulated international response before spending considerable effort to detail the lack of South African initiative to participate in military operations to thwart piracy. It is particularly interesting to read about dual perspectives regarding a military response in Somalia from the South African point of view. This article is in agreement with Jack Lang's assessment of the motive for Somali maritime piracy by citing illegal fishing and toxic waste which contribute to the country's debilitated economy. Consequently, the allure of ransom is appealing to a populace with no hope to achieve economic success through other means. Nibishaka provides evidence that supports the narrative of economic hardship brought by illegal fishing, but just as quickly as it is introduced, the argument is refuted by evidence that tuna fishing in the Indian Ocean fell significantly due to the threat pirates posed.³⁴

Nibishaka does not present any mention of the possible or feared ties between maritime pirates and designated foreign terrorist organizations. However, his work provides more

³⁴ Nibishaka 2011, p. 2

evidence that pirates are criminals seeking economic opportunity in an area that is plagued by little to no hope for sustained success for its populace.

Haywood and Spivak's "Maritime Piracy" successfully examines the maritime piracy problem through militaristic, legal, and humanitarian lenses. This comprehensive book provides a detailed history of maritime piracy, current debates, and emerging trends of the phenomena. "Maritime Piracy" provides an excellent introduction of the concept to interested audiences, particularly students and scholars of international law, organizations, and security.

Haywood and Spivak provide little information about the environments that pirates live in, other than that they must be based in weak states in order for piracy to persist. There has been a long, historical norm of states prohibiting pirates from securing boats and weapons to successfully wage piracy, and in the event of failure, a coast guard can be relied upon to issue a response. If a state is too weak to hold up this two-tiered defense, piracy will persist.³⁵

This perspective holds true, as the two main hotspots of piracy, Somalia and Indonesia, indeed fit the criteria listed above. However, it can be inferred from this book that piracy is committed not because of the pirates' ends, but rather, because there is no legitimate state enforcement to stop the action. Consequently, the book suggests a holistic and international approach to ending maritime piracy. Even though piracy is a criminal issue, which the book asserts, only militaries have the capability to address the problem. This again takes a realist approach to combating maritime piracy.

³⁵ Haywood and Spivak 2012, p. 90

“Strategy is ultimately about how to win wars,” wrote Thomas G. Mahnken,³⁶ editor of *The Journal of Strategic Studies*.³⁷ Equally, it is vital to understand what war is – the use of force to achieve a political purpose, or rather, to force an enemy to do your will.³⁸ Recall the definition of terrorism in the second chapter, which also incorporates the use of force to achieve a political goal. Thus, it can easily be believed that to engage in terrorism is to also engage in warfare.

It is easy to picture warfare in a conventional context; lines of soldiers across a battlefield aiming muskets at each other, a submarine firing a torpedo at an enemy vessel, or the use of an intercontinental ballistic missile. However, do all acts of terrorism constitute warfare? For example, does the attack by Timothy McVeigh, arguably an act of terrorism, also qualify as an act of war? Consequently, does the act of maritime piracy constitute as an act of war? In the modern context, the answer would be no. Maritime piracy is committed not to create political change, but rather, for personal profit. One may assert on the other hand that challenging international law and norms can also be a political, anti-Western act. Many maritime pirates cite pollution and illegal overfishing as reasons for committing their acts on the high seas, both challenges that are political in nature. However, the end result from their act is not to restore a more favorable political climate, but rather “tax” those responsible, perceived to be the international community that uses waters nearby Somalia for commercial traffic.

The international community has largely used military force to combat maritime piracy, despite the irrefutable proof that maritime piracy is a criminal act rather than one which constitutes a form of warfare. Perhaps militaries are used to combat these acts because of their

³⁶ Mahnken 2010, p. 69

³⁷ Mahnken 2010, p. xxi

³⁸ Mahnken 2010, p. 69

expanded capabilities relative to those of law enforcement counterparts (picture a law enforcement agency with a blue water navy – an image nearly impossible to conjure). Some may believe there is little reason why military force can or should be engaged in the fight to prevent or deter maritime piracy, for it is instead a domestic law enforcement or economic issue. This of course assumes that the nexus between piracy and terrorism remains disconnected and unproven. On the contrary, others may hold that piracy is indeed warfare, favoring the perspective of Cicero.

CHAPTER THREE: STUDY METHODOLOGY

There are four aspects to this research's methodology: design, sampling, data collection, and data analysis. All four must be appropriate to answer the question "Are maritime pirates linked to foreign terrorist organizations?" to achieve accurate findings. Each of the four aspects will be identified individually in this chapter. According to Cyrus Mody, a manager of the International Maritime Bureau, this methodology has not been used before by the non-governmental organization in the study of maritime piracy. To Mody, the IMB looks closely at individual incidents rather than examining trends which may name and shame ship owners and countries of registry.³⁹ The relationship between frequency of pirate attacks and ship registry has not been a particular focus of the IMB since it could point a metaphorical finger towards certain countries or corporations. Consequently, the methodology of this study is somewhat unique.

Design

To answer the research question, statistics from reported piracy and armed robbery attacks are needed. If pirates are targeting certain and specific flags of registry, particularly those of perceived enemies of Islamist insurgencies, it could serve as proof that pirates' ends have changed from seeking profit to seeking political change by punishing enemies of designated foreign terrorist organizations. Consequently, the definition of "maritime pirate" can be reassessed to see if their actions still fit the definitions of piracy provided by the International Maritime Organization (IMO) and the IMB. The IMO is the United Nations' agency that specializes in the security of worldwide shipping. The author will use quantitative data to assess

³⁹ Mody 2012

ships' registries attacked worldwide from 2005 through 2011 to see if any relationships or trends emerge.

The author will explore economic factors that may contribute to the flourishing maritime piracy acts off the coasts of Indonesia from January 1, 2005 to December 31, 2011. It will be determined that Indonesia's gross domestic product per capita/purchasing power parity, or PPP, likely has a negative relationship with its maritime piracy proliferation. According to the World Bank, PPP "is gross domestic product (GDP) divided by midyear population. GDP is the sum of gross value added by all resident producers in the economy plus any product taxes and minus any subsidies not included in the value of the products."⁴⁰

Indonesia was intentionally selected as a case for the purposes of this study. Indonesia is a state whose PPP and other economic data are readily available for research and interpretation, unlike other piracy hotspots such as Somalia. Somali economic data are difficult to find because of its current status as a failed state.⁴¹ Furthermore, the prevalence of piracy in Indonesia has been steadily declining in recent years. The IMB in its 2009 Annual Report said that, "Indonesia again is applauded for their tireless efforts in curbing piracy and armed robbery in its waters. There continues to be a year on year decline in the number of incidents..."⁴² It may be of interest to gauge how significant Indonesian economic conditions were in the decrease of pirate attacks. Due to the ongoing successes in Indonesia, lessons learned in that particular geographic area may

⁴⁰ World dataBank 2012

⁴¹ The author attempted to research Somali economic data through the World Bank's website, which yielded no Gross Domestic Product information after 1990. Telephone calls from the author to the United States' Department of State desk officer for Somalia seeking economic data went unreturned.

⁴² ICC International Maritime Bureau 2010, 25

be applied to Somalia or other parts of the world to eliminate or reduce maritime piracy. This success in the Indonesian region will be proven by quantitative data provided in chapter four.

The quantitative data will be supplemented by qualitative data produced by authors, scholars, and experts in the field of modern maritime piracy. The qualitative information will be able to supplement the statistics by explaining the opinions, feelings, and logic of the perpetrators when selecting their targets. Numerous interviews have been conducted with alleged and convicted maritime pirates around the world – all of which will assist with better understanding and provide broader context for the quantitative data.

Data Sources

The population of study will be total worldwide maritime pirate and armed robbery attacks between January 1, 2005 and December 31, 2011 that were reported to the International Maritime Bureau Piracy Reporting Centre. The years 2005 and 2011 were intentionally selected for the purposes of this study. Maritime piracy information was not available to the author before the year 2005. The year 2011 was selected to allow for the most updated information possible to be used in this study. Maritime piracy figures for the year 2012 will not be released by the International Maritime Bureau until early 2013, after the findings of this study will be published.

The sources of quantitative data will be the “Piracy and Armed Robbery Against Ships Annual Report 1 January - 31 December 2009” and “Piracy and Armed Robbery Against Ships Annual Report 1 January - 31 December 2011,” both published by the ICC International Maritime Bureau. Although the titles imply that the documents only provide reported piracy & armed robbery statistics for the 2009 and 2011 calendar years, data is provided in these reports

between 2005 and 2011 to help illustrate emerging trends. Sampling for the study will not be needed, because it is practical for the entire population to be identified and selected.

Data Collection

Reported piracy and armed robbery incidents, both actual and attempted, were reflected in this data provided that it fit the IMB definitional criteria of, “The act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in the furtherance of that act.”⁴³ Petty theft, for example, would not be included in statistics by the IMB unless the perpetrator was known to have carried a weapon.⁴⁴

One of the weaknesses of the data provided by the IMB is that it is reliant on information that was voluntarily reported. Many experts believe that ship operators and crews do not report pirate activity to avoid paperwork and legal or insurance entanglements. It is believed that pirating incidents are underreported, and that the reported figures should actually be increased up to thirty percent to more accurately reflect reality.⁴⁵ This voluntary reporting bias is important to consider when interpreting the data. However, it is equally as important to remember that it is impossible to overcome this bias unless all ship crews and/or operators are forced to report such incidents, which is unlikely to occur in the future. There are no known systematic differences regarding the voluntary reporting bias across varying geographic regions.

The strength of the data provided by the IMB is that it provides the most comprehensive and authoritative assessment of reported piracy and armed robbery attacks available.

⁴³ ICC International Maritime Bureau 2010, p. 3

⁴⁴ Ibid.

⁴⁵ Gaouette 2010, p. 18-19

Consequently, researchers and scholars alike repeatedly rely on information collected by the IMB for a visual of where, who, and when the pirates strike.

The qualitative data, used to support the findings by analyzing the quantitative data, will be obtained by researchers and scholars through various articles and books, some of which were described in chapter two. Qualitative data will be primarily used from experts that gain knowledge of the subject through immersion in Somalia and Indonesia, living and communicating personally with maritime pirates.

Data Analysis

The study will assume that enemies of foreign terrorist organizations are the United States of America and its allies in the North Atlantic Treaty Organization (NATO). The reasoning for this assertion is that NATO has shown support for American military counterterrorism and responses in Afghanistan and Iraq since 2012. Furthermore, there is no formal index of “friendliness toward the United States.” Considering this absence, one could argue that the amount of military/financial aid given by the United States to another state would determine the governments’ allied status. The author’s counter to this argument is that many states, such as Monaco, Luxembourg, and Andorra are allied but receive no military/financial aid. To circumvent such debates, the author chose to use NATO states to identify formal allies to the United States of America.

Ships attacked worldwide by pirates and armed robbers will be sorted by flag and be subject to study if flagged by a member of NATO. If there is a high percentage of NATO-flagged ships being attacked relative to other flagged ships, it could be further evidence that the role of piracy has changed from earning a profit to punishing the United States and its allies.

To test the IMB belief that pirates attack based on opportunity,⁴⁶ it is compelling to analyze a similar test but based on vessels that are flagged by states designated as a Flag of Convenience (FoC) rather than allied countries. Analyzing the proneness of FoC vessels to attack, in theory, will yield population increase because of the larger FoC population of vessels traversing pirate prone waters. Due to the appeal of FoCs, vessel population will be larger than the NATO population of vessels.

According to the International Transport Workers' Federation (ITWF), a FoC ship is one that flies a flag other than the country of ownership. A shipping company may want to fly a flag and register the vessel in another country other than the one of ownership due to low registration costs and more freedoms from labor regulations onboard. Major shipping companies and cruise lines such as Royal Caribbean International,⁴⁷ Carnival Corporation,⁴⁸ and Mitsui O.S.K. Lines⁴⁹ will register their vessels with FoC states to avoid such government intrusion. The ITWF website "What Are Flags of Convenience?" (2012) advised:

Globalisation has helped to fuel this rush to the bottom. In an increasingly fierce competitive shipping market, each new FOC is forced to promote itself by offering the lowest possible fees and the minimum of regulation. In the same way, ship owners are forced to look for the cheapest and least regulated ways of running their vessels in order to compete, and FOCs provide the solution.⁵⁰

The ITWF's Fair Practice's Committee has identified thirty four states known as FoCs. This list, provided on the ITWF website "FOC Countries," will be used to determine how susceptible

⁴⁶ Mody 2012

⁴⁷ Tre 2012

⁴⁸ Ibid.

⁴⁹ "297,000-dwt Iron Ore Carrier Ore Sao Luis Completed - Will Sail under Long-term Contract with Vale of Brasil" 2012

⁵⁰ "What are Flags of Convenience?" 2012

vessels flagged by FoC states were to maritime piracy and armed robbery between 2005 and 2011.

An example to illustrate the ITWF's concern is found on a website run by Jim Walker, who practices maritime personal injury law in Miami, Florida. On October 20, 2011, Walker posted online that Cunard Cruise Lines' vessels would be registered in Bermuda, a move breaking tradition that Cunard ships flew the Union Jack since 1840. Cunard's official reason for this decision was to perform weddings at sea, which are currently not allowed under British law. Walker claims that it is likely that Cunard had other motivations for changing the registries of the *Queen Mary 2* and her sister ships; Britain's "Equality Act of 2010" mandated that crew members of European Union nationality had to be paid equal wages as British counterparts on British flagged vessels.⁵¹ Cunard circumvents this legislation by dropping its ships' traditional British registries in favor of a FoC state. Regardless whether or not Walker's claim is the true reason for Cunard's switch is irrelevant; the cruise line's publicly stated desire to host weddings at sea serves as a prime example of why ship owners and operators seek to register their vessels in Flag of Convenience states.

Maritime Piracy Defined

To properly study the relationship between maritime piracy and terrorism, the definitions of both concepts must be identified and be consistent throughout the study. Perhaps the earliest definition of piracy comes from historian Plutarch writing about the year 100. Plutarch defined pirates as "those who attacked on sea and coastal land without legal authority."⁵² Haywood and Spivak point out that the main importance to this definition is the relation between pirates and

⁵¹ Walker 2011

⁵² Haywood and Spivak 2012, p. 7

the state, not pirates and their actions.⁵³ Consequently, the act of piracy had the potential to be seen as socially acceptable if endorsed by or allied with a state, thus providing legal authority to execute its actions.

In the modern context, there appears to be several definitions of maritime piracy that are circulating amongst the maritime and legal communities. The one constant about defining piracy, according to the United Kingdom's House of Transport Committee, is that there is no single definition. However, this committee defines piracy as an act of theft which can only occur on the high seas outside of a state's territorial waters.⁵⁴ The International Law Association in 1970 defined piracy more broadly as, "unlawful seizure or taking control of a vessel by violence, threats thereof, surprise, fraud, or other means" without any recognition or differentiation of the territory in which it was committed.⁵⁵

Perhaps the most binding legal definition of piracy is offered by the United Nations Law of the Sea Convention and is used by the IMO. This definition includes, "Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or passengers of a private ship...against a ship...in a place outside the jurisdiction of any State".⁵⁶ Special emphasis needs to be placed on the words *private ends*, which serves as the key to differentiating a pirate attack from a terrorist attack, which is likely executed for *political ends*.

Like the definition offered by the government of the United Kingdom, the IMO asserts that the differentiation between a pirate and an "armed robber" is simply location and

⁵³ Ibid.

⁵⁴ Murphy 2009, p. 7-8

⁵⁵ Ibid.

⁵⁶ Ibid.

jurisdictional authority where the attack takes place. Those who could be classified as pirates in international waters can sail a boat into a state's territorial waters to then be redefined as armed robbers. The change in definition and classification is due to a single arbitrary jurisdictional line, despite identical intentions and motivations.

The IMO definitional loophole has been discovered and taken advantage of by pirates, as they will deliberately strike within or near a territorial maritime border and then escape. In his book "Non-Military Security and Global Order," Peter Chalk described a case in May 1992 when: "The Royal Malaysian Police Marines were pursuing a stolen trawler that had been preying on other vessels." Chalk continues, "However, the Malaysians were forced to call off the chase when the suspect vessel entered Philippine waters." It is incredibly difficult for a government to act unilaterally in such types of situations without risking international tension and escalation.⁵⁷ Only a specific legal agreement between two neighboring sovereign nations can allow for hot pursuit into a nation's territorial waters.

For the purposes of this particular study, the definition provided by the International Maritime Bureau will be used. The IMB is an intergovernmental organization that compiles and reports incidents of piracy. All quantitative data for this study is provided by the IMB, for it provides the most thorough public statistical analyses on maritime piracy. For consistency and ease of understanding, the definition of piracy used in this work must be identical to the definition used by the IMB for their data collection. The IMB defines piracy as, "The act of

⁵⁷ Chalk 2000, p. 72

boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in the furtherance of that act.”⁵⁸

It is important to note that the term “piracy” as defined by the IMB encompasses acts of piracy regardless of whether the ship is docked, anchored, or underway. Furthermore, this definition does not recognize geographical territory or jurisdiction. A vessel under attack whilst traversing the narrow Straits of Malacca, for example, may constitute an act of piracy under the IMB definition of piracy, but not necessarily under the IMO definition. Perhaps some participatory states in the United Nations’ IMO felt that adding the clause “...in a place outside the jurisdiction of any State” was necessary to protect individual state sovereignty.

Terrorism Defined

A universally accepted definition of “terrorism” is impossible to define, as its concept is complex. Terrorism is a violent act with definitions of varying participants, objectives, and victims. Dr. James D. Kiras is a Senior Fellow of the Strategic Studies Division at the Joint Special Operations University.⁵⁹ According to Kiras, terrorists have the goal of achieving a political result from their use of force.⁶⁰ However, political results are achieved not directly by terrorists’ actions, but rather, by provoking a desired response. For terrorism, as well as other types of irregular warfare, asserted Kiras, victories, timelines, and intended targets are blurred and undistinguished. Kiras advised:

...terrorism is defined as the sustained use of violence against symbolic or civilian targets by small groups for political purposes, such as inspiring fear, drawing widespread attention to a political grievance, and/or provoking a draconian or unsustainable response.⁶¹

⁵⁸ ICC International Maritime Bureau 2010, p. 3

⁵⁹ Kiras 2011

⁶⁰ Kiras 2010, p. 187

⁶¹ Ibid.

The violence's political nature is what separates terrorism from other acts such as burglary, murder, and piracy, which are usually waged for private ends. An example of terrorism on the high seas is the 1985 hijacking of the ill-fated liner Achille Lauro, in which a small group of armed gunmen seized the ship to demand the release of Palestinians from Israeli prisons. The goal of the participants was politically related, not to gain personal profits through ransom.

The legally binding definition of terrorism is seen in Title 22 Chapter 38 § 2656f of the U.S. Code as “premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine targets.” This definition of terrorism provided by the United States government is more concise yet remains consistent with Kiras'. For the purposes of this particular study, the definition of “terrorism” provided by the U.S. Code will be used.

It is important to consider, however, that the definition of terrorism as seen in the U.S. Code may not be comprehensive. Consider the September 11, 2001 attack on the U.S. Pentagon – were the actions of the al-Qaeda operatives considered those of terrorists? The act of hijacking a civilian passenger aircraft (a noncombatant target) by al-Qaeda (a subnational group) fits the definition of the U.S. Code as described. Because the primary target was the Pentagon, however, it could be debated if this act was considered a terrorist act since the Pentagon is a military facility. Others may hold that occupiers of the Pentagon facility are noncombatant, classifying the attack of the building as a terrorist attack.

The hijacked civilian aircraft used to attack the Pentagon could be considered a secondary target. The Pentagon attack in 2001 may or may not illustrate a shortcoming of the terrorist definition in the U.S. Code, for there is no current distinction between intended primary and secondary targets of terrorists.

CHAPTER FOUR: STUDY FINDINGS

The research question of this study is, “Are maritime pirates ideologically and financially linked to foreign terrorist organizations?” With the use of quantitative and qualitative data, it will be proven that there is insufficient evidence to warrant the claim that maritime pirates and foreign terrorist organizations form a nexus. By analyzing pirates’ opportunistic nature and the relationship between economic performance and piracy, and by examining the business model of piracy, policy makers can better understand motives behind piracy and form more effective solutions to this thorny problem.

To first illustrate the magnitude of the maritime piracy problem, the author submits Figure 1 which plots the locations of all attempted and successful pirate attacks reported to the IMB in 2011. Red indicators on Figure 1 represent locations of actual pirate attacks against vessels reported to the IMB, whereas the yellow indicators represent locations of attempted pirate attacks. The few purple indicators mark locations of suspicious vessels reported to them IMB. The locations of these indicators are heavily concentrated around the Horn of Africa and Southeast Asia. Not only do these two regions host weak states, but their geography bears narrow waterways which condenses heavily travelled sea lanes. These narrow waterways, such as the Straits of Malacca and the Gulf of Aden, are vital shortcuts that save shipping companies time and money to deliver goods to destinations across the globe.



Source: Braesch 2011

Figure 1 Reported Locations of Pirate Attacks Near Africa and Asia In 2011

NATO-Flagged Victims of Piracy

According to Jay Bahadur, one of the early speculations regarding pirate ransom dollars being tied to foreign terrorist organizations came from *Jane's Terrorism and Security Monitor*.⁶² Pirates are being used to smuggle weapons and supplies, alleged Jane's, in return for bases to stage their operations. It is also asserted in the article that pirates are being used by Islamists to train their own naval forces to protect weapons smuggling operations.⁶³

The cooperation between foreign terrorist organizations and maritime pirates creates a nightmarish and not-so-farfetched scenario of vast funds being acquired by al-Qaeda, al-

⁶² Bahadur 2011, p. 49

⁶³ Plaut 2008

Shabbab, and others to finance their activities. If indeed there was such cooperation, it is likely that maritime pirates would have a motivation closer aligned to that of foreign terrorist organizations, with the goal of creating political change. The specific political changes are irrelevant, but can be assumed to be counter to the interests of the United States and its allies, which have been combating Islamic extremists across the world since 2001, particularly in Afghanistan, Pakistan, and Iraq.

If maritime pirates were to cooperate with foreign terrorist organizations, whose agendas are perceived to be dangerous to United States' nationals and interests, are the country's and its allies' flagged ships more prone to piracy attacks? Logic would suggest that pirates, who like anyone else around the world with internet access, have the ability to track vessels by global location and ascertain ship type and flag. Websites such as <http://www.vesseltracker.com> and <http://www.marinetraffic.com> can provide near real time vessel status, heading, and speed based on the ship's Automatic Identification System (AIS). This land-based system provides navigation, tracking, and search-and-rescue aids to vessels. An unintended consequence is that the AIS renders the possibility for pirates to attack discriminately and target western nations with relative ease.

To test this theory, one must define the likely opponents of foreign terrorist organizations. Likely contenders would be the members of the North Atlantic Treaty Organization (NATO) due to their participation in wars in Afghanistan and Iraq since 2001. Among the 28 member states of NATO are Canada, Croatia, Denmark, France, Germany, Italy, Poland, Spain, Turkey, United Kingdom, and United States.

The IMB provides annual analyses of worldwide piracy and armed robbery incidents reported to the PRC. In the IMB's annual reports, nationalities of ships attacked are compiled and reported. Table 1 lists NATO member-states along the first column, and the reported frequency of piracy and armed robbery incidents for vessels of the particular nationality along each row. This table only reflects NATO members that had vessels attacked by pirates and armed robbers during this period.

Table 1 Frequency of Vessels Attacked with NATO Member Registries, 2005-2011

Flag State	2005	2006	2007	2008	2009	2010	2011	2005-2011 Total
Belgium					1		2	3
Bulgaria						1		1
Canada			1					1
Croatia			1	1	1			3
Denmark	1	1	3	3	3	4	7	22
France		1		7	2	4	6	20
Germany		1	1	5	5	5	5	22
Greece	1	1	1	2	9	3	12	29
Italy	3		1	3	10	8	8	33
Lithuania			2		1	1		4
Luxembourg			1			2	1	4
Netherlands	3	3	4	3	9	3		25
Norway	3	3	8	7	5	5	8	39
Portugal			2	1				3
Spain					2	4	2	8
Turkey	1	2	2	2	8	3	6	24
United Kingdom	4	3	3	6	5	6	6	33
United States	7	6	1	5	4	4	5	32
Total NATO	23	21	31	45	65	53	68	306
Total Worldwide	276	239	263	293	406	445	439	2361
Percentage NATO	8.33	8.79	11.79	15.36	16.01	11.91	15.49	12.96

Sources: ICC International Maritime Bureau 2010, ICC International Maritime Bureau 2012

To summarize the results of the aforementioned data, only eighteen of the twenty eight member states of NATO had registered ships that were reported to have been attacked by pirates

and armed robbers between 2005 and 2011. The six year percentage that an attacked vessel was flagged by a NATO member state was 12.96. The low number of reported attacks against vessels flagged by NATO members suggests that pirates did not discriminately choose their targets based on ships' likely allied status with the United States of America.

It is interesting to note, however, that the percentage of NATO flagged vessels being attacked in 2005 has nearly doubled by 2011. Cyrus Mody is a manager of the IMB who was contacted by the author by e-mail to discuss this dramatic increase of NATO flagged vessels attacked. There are two possible explanations for this increase that Mody suggested.⁶⁴ One such cause, although unlikely, is that more vessels had registered under the flags listed in Table 1. Consequently, the more vessels that are registered to a state, the more likely it is that pirates will attack them. After all, a state with no vessel registrations has a zero percent chance of having a ship attacked by maritime pirates.

Mody suggested that another explanation of the increase in percentage of NATO flagged vessels attacked is that vessels are traversing risky waters in this time period. By traversing waters prone to piracy more frequently, the opportunity for pirates to strike vessels will increase as well. However, no data can be found by the author to determine if ship traffic has increased in volatile areas in recent years.

Despite these two possible explanations, Mody was clear to point out that the IMB still believes that pirate attacks anywhere in the world are based on opportunity regardless of the flag

⁶⁴ Mody 2012

in which a vessel flies.⁶⁵ Perhaps this is why he did not suggest a third possible explanation: pirates are engaged in more selective targeting of their vessels, and are focusing more of their efforts on ships registered to allies of the United States.

The Israeli Case

One of the strongest allies that the United States has is the state of Israel. Because Israel is not currently a member of NATO, it could not have been listed as a country in Table 1 if any of its registered ships were attacked by pirates between 2005 and 2011. The camaraderie between the United States and Israel, particularly regarding their joint efforts to combat jihad in the Middle East, compels one to ponder if Israeli ships have been targeted for piracy.

Between 2005 and 2011, no pirate or armed robbery attacks were reported to the IMB against Israeli flagged vessels.⁶⁶ Armed with this fact, one can draw two possible explanations of why Israeli ships have been relatively unscathed during this time period.

First, Israeli ships may have been attacked by pirates and armed robbers, but have simply not reported them to the IMB. This possible explanation seems highly unlikely. Even likely enemies of Israel have reported piracy attacks against vessels registered to them, such as Iran, Jordan, and Egypt.

The second, and perhaps more likely, explanation of why Israeli ships have not been attacked by pirates during this time is because of the low exposure its ships have to pirate infested waters. In 2010, there were only 15 Israeli-flagged vessels that transited the Suez

⁶⁵ Ibid.

⁶⁶ ICC International Maritime Bureau 2010, p. 16 and ICC International Maritime Bureau 2011, p. 16

Canal.⁶⁷ It is unlikely, although unproven currently, that this figure would have changed significantly between 2005 and 2011. The low number of Israeli flagged vessels transiting the Suez Canal leads to the assumption of few ships transiting the pirate infested waters south of the canal in the Gulf of Aden.

Non-NATO Industrialized Democracies

Consequently, the question of Israel compelled the author to create a control consisting of non-NATO industrialized democracies. The author submits Table 2 that lists non-NATO industrialized democracies that have registered vessels that reported piracy attacks to the IMB.

Table 2 Frequency of Vessels Attacked with non-NATO Industrialized Democracy Registries, 2005-2011

Flag State	2005	2006	2007	2008	2009	2010	2011	2005-2011 Total
Australia		1					1	2
Austria		2					1	3
Japan	2		1	2			1	6
South Korea		4		3	1	4	1	13
Switzerland		2			1			3
Total non-NATO Industrialized Democracies	2	9	1	5	2	4	4	27
Total Worldwide	276	239	263	293	406	445	439	2361
Percentage non-NATO Industrialized Democracies	0.01	0.04	0.00	0.02	0.01	0.01	0.01	.01

Sources: ICC International Maritime Bureau 2010, ICC International Maritime Bureau 2012

While on the surface it may appear that vessels flagged by non-NATO industrialized democracies have a lower probability of being attacked than NATO-flagged counterparts, individual state 2005-2011 totals in Table 2 are similar to the individual state 2005-2011 totals in

⁶⁷ "Fewer Israeli-Flagged Ships Crossed Suez Canal in 2011, Canal Authority Says."2012

Table 1. The extremely low percentage of attacks on vessels of these states is because so few states are categorized as non-NATO industrialized democracies in Table 2. Furthermore, many states such as Sweden and Finland experienced none of their flagged vessels attacked by pirates between 2005 and 2011, removing them from Table 2. Cases of attack in Table 2 are too few to create a significant foil with Table 1.

FoC-Flagged Victims of Piracy

If a mere average of 12.96% of all reported piracy and armed robbery attacks took place against NATO-member flagged ships between 2005 and 2011, against whom are the bulk of these attacks? Research suggests that more than half of the victims are flagged by nations known as Flags of Convenience, or FoCs.

Chapter three identifies at greater length the FoC concept. In short, states known as Flags of Convenience have more lax rules and regulations than other states. Corporations are more likely to register their fleet with FoCs to minimize taxes and government regulations, which helps explain why it is likely that the population of vessels flying FoC flags would be far greater than the population of vessels using flags of NATO members. If there is more opportunity for pirates to attack vessels (i.e. more ships in a population sailing the world's oceans), does that mean that there are more reported incidents of pirate attack associated with that particular flag?

Table 3 lists countries that are FoCs along the first column, and the reported frequency of piracy and armed robbery incidents for vessels of the particular nationality along rows. Not all states that have been listed by the ITWF as FoCs have vessels that were reportedly attacked by the IMB.

Table 3 Frequency of Vessels Attacked with FoC Registries, 2005-2011

Flag State	2005	2006	2007	2008	2009	2010	2011	2005-2011
Antigua and Barbuda	8	10	13	14	24	24	16	109
Bahamas	9	5	7	12	18	10	11	72
Barbados				2		1	2	5
Belize	1			2	1	2		6
Bermuda				2		1		3
Cambodia	1		1					2
Cayman Islands	3	1	1	1	1		1	8
Comoros			3			1	2	6
Cyprus	13	5	10	14	13	9	8	72
Georgia	2							2
Gibraltar	1		6	2	2	3	2	16
Honduras	1		1		1			3
Jamaica						1		1
Liberia	18	24	28	19	38	57	57	241
Malta	11	14	6	10	21	19	25	106
Marshall Islands	9	7	16	15	29	36	45	157
Moldova							1	1
Mongolia	1		1				3	5
Netherlands Antilles						1		1
North Korea		1	1		5	2		9
Panama	50	42	42	52	69	82	71	408
St. Vincent & Grenadines	7	6	4	8	7	5	4	41
Sri Lanka	2						1	3
Vanuatu	1	2	1	2		1	1	8
Total FoC	138	117	141	155	229	255	250	1285
Total Worldwide	276	239	263	293	406	445	439	2361
Percentage FoC	50	48.95	53.61	52.90	56.40	57.30	56.95	54.45

Sources: ICC International Maritime Bureau 2010, ICC International Maritime Bureau 2012

It is important to note that states listed in tables 1 and 2 are mutually exclusive. Although the NATO six year average for attacks between 2005-2009 is 12.96%, the FoC six year average for the same time period is 52.81%. The results of tables 1 and 3 suggest that flags of vessels belonging to NATO members, in opposition to Islamic extremist movements across the world, are not as attacked as frequently as the flags of vessels deemed to be FoCs. This suggests that pirates choose their targets not based on political opposition to NATO activities around the

world, but rather based on opportunity. For example, the Bahamas are likely to have more commercial ship registries than Spain because of its low associated costs, rendering it FoC status. There is more opportunity to attack a FoC flagged vessel because there are simply more of them sailing the world's waters.

The Iranian Case

While it can be shown that American and allied ships are not being specifically targeted by pirates, are American rivals/enemies immune from piracy? If it can be shown that State Sponsors of Terrorism have ships that are attacked by maritime pirates, perhaps the argument that pirates and terrorists are closely aligned will be voided. After all, one could wonder, why a gang of pirates would attack a perceived/potential ally.

The U.S. State Department lists four state sponsors of terrorism: Cuba, Iran, Sudan, and Syria. These four countries are determined by the U.S. Secretary of State to have supported acts of international terrorism.⁶⁸ Of these four countries, according to the ICC International Maritime Bureau, only Iran reported piracy attacks during this time period. In each respective year, Iranian flagged vessels reported being attacked seven times in 2005, two times in 2006, once in 2008,⁶⁹ and once in 2010.⁷⁰ Iranian ships seem to be prone to maritime piracy attacks just as other nations of the world are.

An incident involving the Iranian Navy in late May 2012 may provide more evidence proving that maritime piracy and terrorism are not forming a conspiracy against the United States

⁶⁸ "State Sponsors of Terrorism" 2012

⁶⁹ ICC International Maritime Bureau 2010, p. 16

⁷⁰ ICC International Maritime Bureau 2012, p. 15

and its allies. The Maersk Texas is an American flagged cargo vessel 500 feet long and weighing 14,000 tons. The vessel was bound for the United States from the UAE before becoming attacked by what was described as several pirate boats. An Iranian warship nearby responded, and upon arrival the pirates quickly fled. The Maersk Texas was thankful for the Iranian intervention, and proceeded to its destination.⁷¹

Pirates Attack on Opportunity – Not Based On Who Owns/Operates the Vessel

The concept of pirates attacking ships based on convenience rather than political affiliation is supported by Jay Bahadur's research in Somalia. Bahadur interviewed Boyah, a man who claimed to have participated in more than twenty-five maritime hijackings. Boyah claimed that he and his men did not discriminate selection on their prey, and attractive targets were selected by opportunity – whichever ships were unfortunate enough to be in close proximity.⁷²

Commercial ships in particular were favorable for attack by Boyah, identifiable by cranes on their upper decks, since they were slower and easier to capture compared to passenger vessels of similar size. Data produced by the IMB would likely agree that large and slow commercial vessels are more susceptible to attack than smaller, more nimble craft that are better able to evade pursuit. Over seventy percent of all vessels reported to be attacked in 2009 were classified as bulk carriers, containers, general cargo, and tankers.⁷³

⁷¹Iran Navy Saves US Freighter from Pirates: Report 2012

⁷²Bahadur 2012, p. 17

⁷³ICC International Maritime Bureau 2010, p. 15

Data Suggesting Pirate Economic Motive

Lang established in his 2011 report to the UN Security Council that economic deprivation is a theory to explain why some pirates begin careers in this criminal enterprise. The Somali economy has been especially hurt by illegal fishing and toxic waste dumped off the coast, and it is possible that many turn to piracy as a last resort to achieve economic prosperity. However, he was quick to note that this theory has not been proven to date.⁷⁴

Despite the uncertainty of the connection between economic deprivation and proliferation of piracy, Lang does recommend to the UN Security Council that one way to prevent acts of piracy in Somalia is to give hope to the country's younger generation, who often believe that no prosperous future is in sight for them. National and international investment in Somalia's banks, infrastructure, and fisheries are among the suggestions by Jack Lang to dissuade Somalis from engaging in acts of piracy.⁷⁵

The Indonesian Economic State

The World Bank Group's website discloses Indonesia's recent economic data. Indonesia's annual PPP, as mentioned on the World Bank Group's website in US Dollars from 2005 to 2011 is reflected in Table 3. To better comprehend this positive trend, Figure 1 may be considered.

In 1997, Southeast Asia suffered an economic meltdown with the depreciation of Thai currency. This economic catastrophe led private corporations and the international community to reevaluate investment in the region, with Indonesia being the hardest hit, resulting in a 20

⁷⁴ Lang 2011, p. 12

⁷⁵ Lang 2011, p. 29

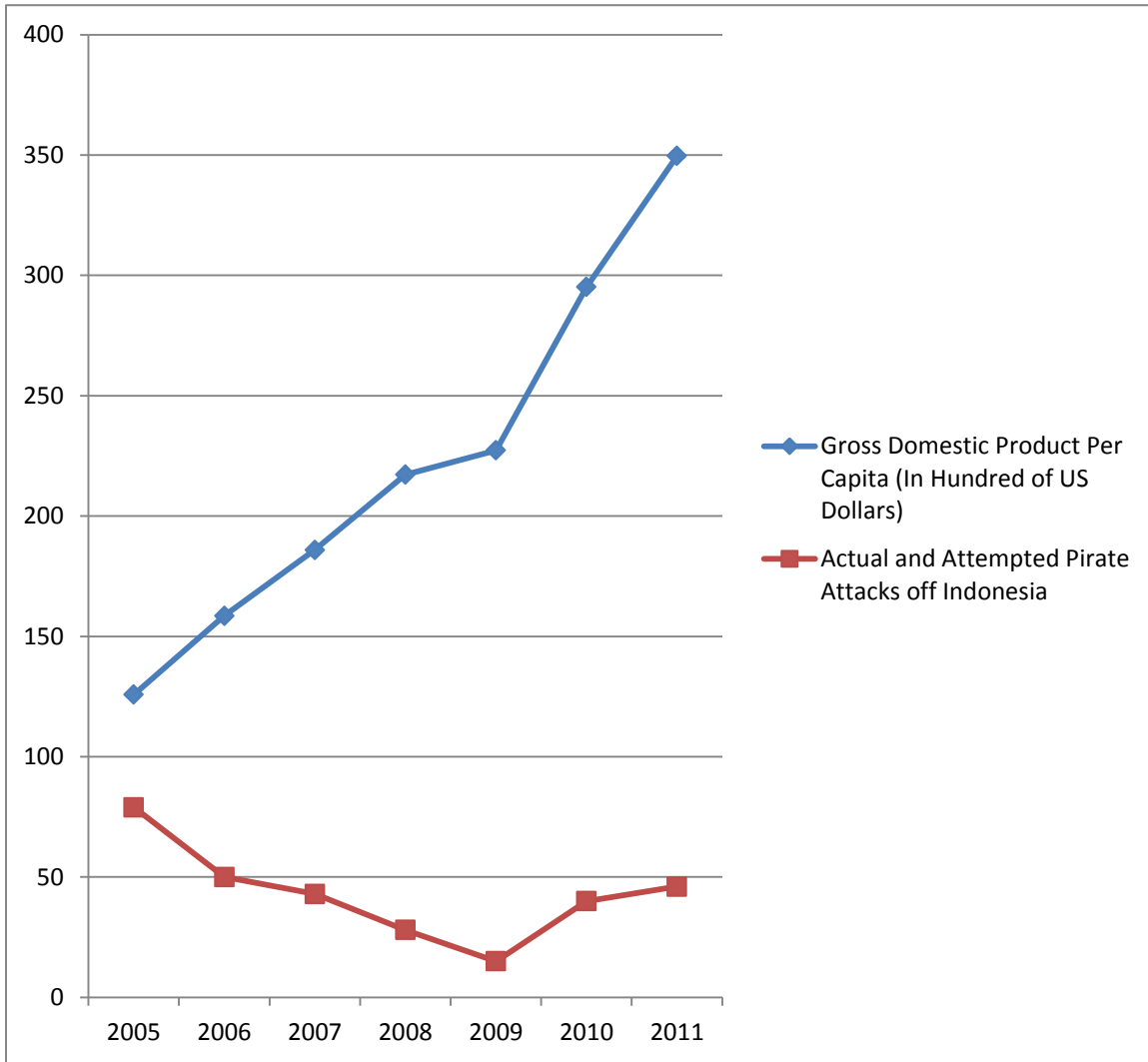
percent unemployment rate and a 13 percent reduction in GDP in 1997. According to the US State Department website “Background Note: Indonesia,” Indonesia has since recovered from the crisis due to economic stimulation, infrastructure management and bank oversight.⁷⁶

Table 4 Indonesian Gross Domestic Product Per Capita (PPP) and Attempted/Actual Pirate Attacks off Indonesia

Year	PPP (CURRENT US\$)	PPP Percentage Change from Year Prior	Attempted/Actual Pirate Attacks	Attempted/Actual Pirate Attack Percentage Change from Year Prior
2005	\$1,257.70	-	79	-
2006	\$1,585.70	26.08	50	-36.71
2007	\$1,859.30	17.25	43	-14.0
2008	\$2,171.70	16.80	28	-34.88
2009	\$2,272.70	4.65	15	-46.43
2010	\$2,951.70	29.88	40	62.5
2011	\$3,494.60	18.39	46	.15

Sources: ICC International Maritime Bureau 2010, ICC International Maritime Bureau 2012, World dataBank

⁷⁶ “Background Note: Indonesia” 2011



Sources: ICC International Maritime Bureau 2010, ICC International Maritime Bureau 2012, World dataBank

Figure 2 Gross Domestic Product Per Capita and Pirate Attacks off Indonesia, 2005-2011

Causation

This study has irrefutably determined that in Indonesia from 2005 through 2011, there was a gradual increase in PPP, whilst the proliferation of maritime piracy decreased as a whole. However, it may be a mistake to interpret the quantitative findings to suggest that the increase in

Indonesian PPP was solely responsible for the dwindling accounts of attempted and actual pirate attacks.

If Indonesia and the international community took no steps to thwart maritime piracy in the region, perhaps the state's PPP would need to be the only variable to consider in explaining the declining acts of piracy. Because law enforcement and military agencies have conducted operations in the area to thwart piracy, it is necessary to introduce their efforts as another variable that may have significantly contributed to the decrease in the cases of maritime piracy in Indonesia.

Many experts in the study of maritime piracy contend that while Indonesia's economy plays a role in the reduction of attempted attacks, the main reason is law enforcement effort. One example is Dr. Robert Gauvin, a technical advisor at the U.S. Coast Guard Headquarters. In an e-mail to the author dated March 29, 2011, Gauvin theorizes:

I believe [international coordinated efforts] and the small water area that required coverage assisted as a major factor to the reduction of piracy. It is not to say that [economic growth] did not stave people's thought of doing legitimate business as the ease at pirating vessels declined heavily in their success rates due to this joint government success.⁷⁷

In other words, Gauvin believes that while multinational cooperation has successfully thwarted piracy attempts, an increasingly beneficial economic situation in Indonesia allows for better job prospects for its citizens. One may venture to further theorize that Indonesians turned to piracy as an act of desperation, and improving job prospects allowed them to cease their illegal activities.

⁷⁷ Gauvin 2011

However, other experts assert a higher role that economy plays, directly affecting Indonesia's law enforcement capabilities. Cyrus Mody of the International Maritime Bureau remarked in a telephone interview with the author on March 29, 2011, "As society in itself becomes better or starts growing, you can better allocate funds to law enforcement and that could be an element which has helped in reducing piracy."⁷⁸ To paraphrase Mody, a greater economic environment in Indonesia results in more revenue for the state. This revenue may be directed towards law enforcement and military manpower or hardware. Spending increases may lead to more pirate captures or deterrence, thus decreasing the magnitude of piracy in Indonesian waters.

According to the data presented, Indonesia experienced a sixty two percent increase in pirate attacks off its waters in 2010. This statistic represents the first increase in pirate attacks since at least 2005. The exact cause of this increase in pirate attacks remains unknown to the author; however, the Indonesian Gross Domestic Product per Capita (PPP) data from 2009 may offer a clue. Indonesian PPP between 2005 and 2008 enjoyed a respectable annual average of twenty percent growth. The Indonesian economy declined in 2009, creating only a 4.65 percent increase of PPP. If one were to subscribe to the theory that maritime piracy was tied to economic decline, it would likely not be a surprise that piracy increased dramatically in 2010, the year following the Indonesian PPP reduction. While this explanation may not offer a comprehensive reason why Indonesia experienced an increase in attacks, economy may be one factor to consider.

⁷⁸ Mody 2011

Law Enforcement Efforts

Indonesia has maintained significant inter-state efforts to combat piracy in the Malacca Straits. Perhaps the best known and successful effort was undertaken by the Indonesian military in a venture popularly referred to as Operation Gurita. This undertaking was conducted in 2005 as a blatant show of Indonesian military capability in local piracy hotspots in an effort to foster deterrence. Not only was the deterrence objective achieved, but many pirates were subsequently arrested by Indonesian authorities as a direct result of the operation.⁷⁹

Indonesia has not been acting unilaterally to increase security efforts in the Malacca Straits. India has proved to be a reliable partner for Indonesia, for example. The two states have pledged ships and aircraft in coordinated efforts to deter piracy and other maritime criminal acts.⁸⁰ Furthermore, Indonesia has cooperated in numerous international security agreements such as MALSINDO, the code name for joint Malaysia Singapore Indonesia Malacca Straits Coordinated Patrols, an air surveillance program called “Eye in the Sky,”⁸¹ the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), and others.⁸²

Indonesian policing efforts have discouraged some of its citizens from engaging in piracy. One researcher documented how one Indonesian, for example, abandoned his career as a pirate after facing an increasing threat from police authorities. Since leaving the profession,

⁷⁹ Chuong 2010, p. 17

⁸⁰ Singh 2004, p. 212

⁸¹ Eklöf 2006, p. 141

⁸² Murphy 2009, p. 83

according to Major Kwan Hon Chuong of the Singaporean Navy, this particular individual has become a successful businessman.⁸³

Evidence Refuting Law Enforcement Impact

The Indonesian coastline is particularly difficult for law enforcement agencies to patrol due to its extensive coastline with seemingly limited resources. The archipelagic state consists of over 17,500 islands with a total coastline of over 50,000 miles. To patrol this large geographic area, one Indonesian official told a news agency that 302 warships, 170 aircraft and an overall state budget allocation of 5.6 billion US dollars are needed. However, it is estimated by *The Economist* that up to twenty patrol boats and two aircraft are devoted to combat piracy with an annual military budget of 2.3 billion US dollars.⁸⁴ Teo cites this deprivation of resources and financial backing as a leading cause of low morale and confidence in the navy's ability to thwart the piracy dilemma.

It is also apparent that Indonesia lacks a coordinated and substantial effort to secure its waters from piracy. A whopping nine Indonesian agencies claim jurisdiction in the pursuit or prevention of piracy. There are also many local agencies that may share such responsibilities. Not only is there fierce competition amongst these agencies, there is little communication on intelligence or resource sharing despite the same collective goals. In short, there is little coordinated effort and that leads to confusion and redundancy, both of which are easily exploitable weaknesses by the pirates.⁸⁵

⁸³ Chuong 2010, p. 21

⁸⁴ Teo 2007, p. 550-551

⁸⁵ *Ibid.*

Rosenberg and Chung echo Teo's assertion that Indonesia has been less than fully capable in combating piracy. It seems that Jakarta is largely preoccupied by the continuing effort to fully recover from a recent tsunami tragedy. Japanese efforts to increase military patrols and joint missions were met with great reluctance from Indonesia, citing national sovereignty and high financial cost as reasons to refuse Japanese interest in piracy deterrence.⁸⁶

How Ransom Dollars Are Allocated

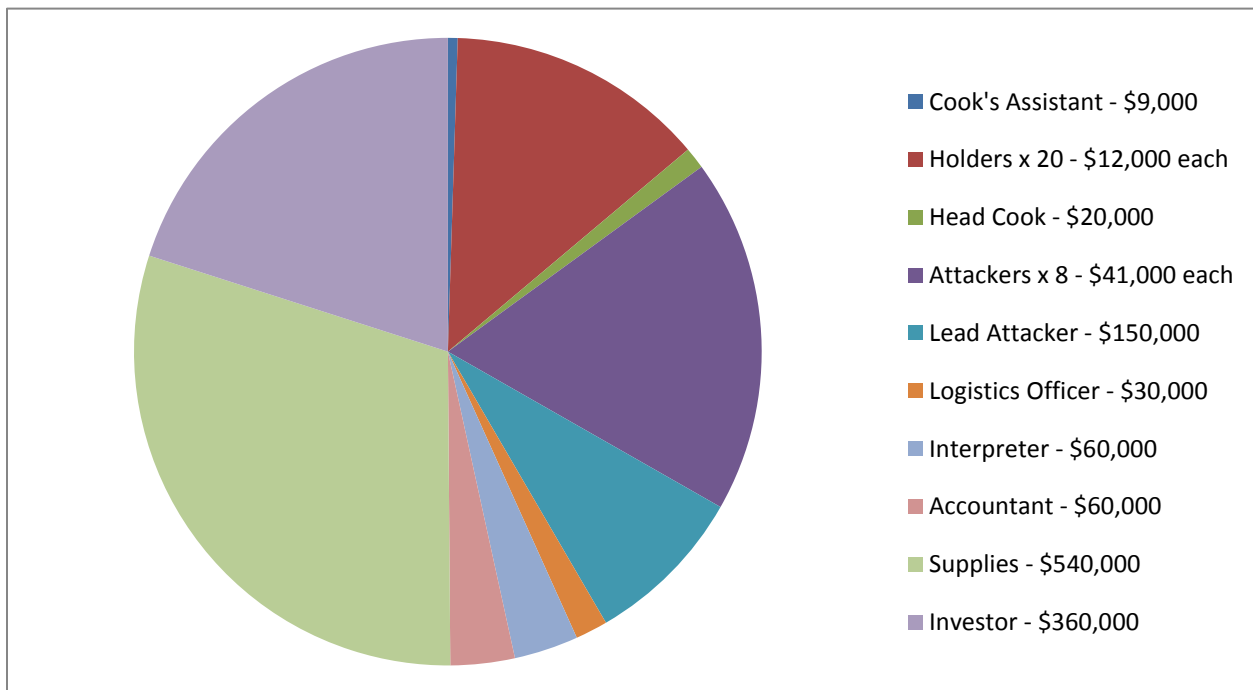
To understand the business model of maritime piracy is to also refute any claim that there is a substantial linkage between maritime pirates and foreign terrorist organizations. According to research performed by Jay Bahadur, ransom monies are allocated to provide for weapons and profits for participants and investors, and not necessarily or substantially foreign terrorist organizations, as designated by the United States' Department of State. Pirates have one powerful incentive to limit their relationship with said organizations, as rhetorically described by Bahadur, "If I'm a pirate and I'm giving money to al-Shabbab, I'm pretty sure that some American is going to find out and drop a bomb on my head. It's simply a very, very bad business decision."⁸⁷ If the aforementioned opinion holds true, ransom dollars are not given to foreign terrorist organizations to ensure that the following pyramid structure flourishes without entanglements by the U.S. military.

Based on the estimations by Bahadur through interviews with multiple self-labeled pirates in a series of personal interviews in Somalia, the business model of maritime piracy is essentially a pyramid scheme. However, personal accounts by pirates often do not add up or may

⁸⁶ Rosenberg and Chung 2008, p. 56

⁸⁷ Bahadur 2012, p. 51

be contradictory. In “The Pirates of Somalia,” Bahadur provides external audits providing his best estimations based on imperfect information provided to him. One example that can be given to illustrate this pyramid scheme is the May 2009 hijacking of the *Victoria*, bound for the port of Jeddah, Saudi Arabia with a cargo of rice.⁸⁸ A \$1.8 million ransom was negotiated between the pirates and the shipping company, and was delivered by airdropping the money into the ocean in close proximity to the vessel. This sum was divided amongst 35 men, by Bahadur’s estimation. Figure 3 illustrates the pay levels estimated by Bahadur for the 2009 hijacking of the *Victoria*.



Sources: Bahadur 2012⁸⁹ and Kraska 2010⁹⁰

Figure 3 Ransom Payout for 2009 Hijacking of *Victoria*

Near the bottom of the hierarchy are the “holders,”⁹¹ or those responsible for maintaining and securing a captured ship once it had been taken to a secure location such as a harbor.⁹² Each

⁸⁸ Bahadur 2012, p. 177

⁸⁹ Bahadur 2012, p. 226-227

⁹⁰ Kraska 2010, p. 115

of these twenty holders in the case of the *Victoria* hijacking was paid an estimated \$12,000. Although this may seem a high sum, the holders were responsible for guarding the vessel during negotiations for ransom, which in this particular case took seventy two days at the port of Eyl. If each holder was on duty for two-thirds of this period, or 1,150 hours, the hourly wage would be \$10.43, according to Bahadur's calculations.⁹³ James Kraska, professor at the U.S. Naval War College, would likely agree with this estimate of low-level pirate salary. Kraska estimated that a working-level pirate would likely earn \$10,000 for a successful ship hijacking, a sum that many fellow Somalis would earn after a decade's worth of legal and legitimate income.⁹⁴ Also at the bottom of the pyramid would be a head cook (paid estimated \$20,000) and an assistant (\$9,000). Both of these positions in the gang that hijacked the *Victoria* also remained onboard while the vessel was detained in Eyl. Cooks provide the meals for the holders and other pirates onboard, and would have earned up to \$11.57 per hour for the same seventy two day period.⁹⁵

In the middle of the pyramid are the attackers, those responsible for the execution of a vessel hijacking. Attackers use high speed skiffs, armed with automatic weapons or rocket propelled grenades, to overtake a ship and its crew intact. In the case of the *Victoria*, there were a total of nine attackers. Eight received \$41,000 each, and one received \$150,000. This attacker paid substantially more than his comrades reflected an elevated status within the group, and he

⁹¹ Bahadur 2012, p. 227

⁹² Bahadur 2012, p. 57

⁹³ Bahadur 2012, p. 226-227

⁹⁴ Kraska 2010, p. 114-115

⁹⁵ Bahadur 2012, p. 226-227

also acted as a media spokesman of sorts – to confirm the status of the ship and the ransom amount.⁹⁶

The higher tier of the piracy gang pyramid is the group of officers, consisting of the supply/logistics officer (paid approximately \$30,000) to coordinate purchases such as fuel and weapons, accountant (estimated \$60,000), interpreter (estimated \$60,000) for communication with the crew, and commander-in-chief/investor (estimated \$900,000).⁹⁷ The estimations of payroll in the pyramid provided by Bahadur fully reflects \$1.8 million, the ransom paid for the release of the *Victoria*.

James Kraska of the U.S. Naval War College agrees with Bahadur's assessment that about half of the ransom monies are distributed to the top of the gang pyramid, the commander/investor. Kraska further details this portion, about \$900,000 in the case of the *Victoria* hijacking, as sixty percent being spent toward the actual cost of the operation (fuel, weapons, skiffs, et cetera) and forty percent for the investor(s), who may be as far away as the Persian Gulf.⁹⁸ It is this forty percent of the investor share, approximately \$360,000 of the \$1.8 million *Victoria* ransom, that may or may not go toward financing foreign terrorist organizations. The hawala system of underground money transfers renders the tracing of money exceptionally difficult, if not impossible. Maritime piracy researchers Dr. Alec Coutroubis and Dr. George Kiourktsoglou believe that these financiers likely consist of politicians, former security personnel, kingpins, and money launderers.⁹⁹ No mention of foreign terrorist organizations or

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Kraska 2010, p. 115

⁹⁹ Coutroubis and Kiourktsoglou 2011

their leaders is made regarding the Somali pirate business model in an assessment by Coutroubis and Kiourktsoglou.

Ransom Dollars After Allocation

One may rhetorically wonder what pirates do with their share of the ransom after it has been allocated. Do these tens of thousands of dollars distributed to each participant support foreign terrorist organizations? Findings suggest that such dollars most likely do not financially assist such groups. In fact, the dollars are mostly for the personal edification of those that participated in the hijackings.

James Kraska asserts that maritime pirates are usually between the ages of 20 and 35 and are always engaged in this activity for financial profit. One Somali reported to the BBC in 2008, “They [pirates] wed the most beautiful girls; they are building big houses; they have new cars; new guns.”¹⁰⁰ Simply, Kraska’s view is that the perpetrators are not ideologically or religiously driven to commit their acts, but rather, seek to live life in luxury in an area of the world with substantial poverty. Jay Bahadur, in his interviews with maritime pirates in Somalia, determined that once a ransom is distributed, the participants will likely go on a spending spree that often begins immediately once the cash is received. Endless credit is awarded to them with a significantly high interest rate, suggests by Bahadur to be fifty cents per dollar spent. A Land Cruiser for example could cost them \$17,000, or perhaps a \$20,000 sold for \$40,000 accounting

¹⁰⁰ *Ibid.*

for the interest. The gang accountant keeps records of purchases and assures creditors that they will be paid.¹⁰¹

Perhaps the prime tangible item that pirates in Somalia spend money on is *catha edulis*, better known as khat or qaad. Since the late nineteenth century, it has been a male cultural norm for Somalis to chew the leaves of this plant within 48 hours of picking. These leaves, still green and fresh from the plant, provide addicting and stimulating effects to the consumer.¹⁰² Although there are short term increases in perceived euphoria, strength, and sex drive, the long term effects from khat use include tooth decay, mental illness, and ironically, low libido.¹⁰³ Consumption of khat is almost always a social event, carried out in “mefrishes”, or meetings of up to a dozen men. Business deals, interviews, politicking, entertainment, dispute resolution, and other forms of active socialization are carried out during such communal khat chewing sessions.¹⁰⁴ Khat chewing sessions are usually several hours long, with a growing number of Somalis having two or three “mefrishes” each day.¹⁰⁵ An equally telling manner to describe the rampant khat use in Somalia is to examine it from an industrial standpoint. In 2005, it was estimated that \$70 million worth of khat is imported into Somalia yearly.¹⁰⁶ While some Somalis make a small fortune in khat importation and sale, others spend small fortunes to maintain the habit. According to studies by the United Nations Children’s Fund (UNICEF), the annual Somali household expenditure for

¹⁰¹ Bahadur 2011, p. 197

¹⁰² WSP International Somali Programme 2005, p. 294

¹⁰³ Bahadur 2011, p. 92-93

¹⁰⁴ WSP International Somali Programme 2005, p. 295

¹⁰⁵ WSP International Somali Programme 2005, p. 299

¹⁰⁶ WSP International Somali Programme 2005, p. 296

khat, assuming normal consumption of two or three bundles each day for three hundred days, would cost between \$900 and \$1500, equal to the average annual household income.¹⁰⁷

Somali pirates are as equally susceptible to this habit as any of their counterparts in the country. Pirates are preferred consumers for khat merchants in their markets, called “suqs.” Said one such merchant, Maryan, “The men [pirates] have more money. They buy larger amounts and they don’t ask for loans. The pirates pay in cash, nothing less.”¹⁰⁸ Due to their more substantial purchasing power, coupled with their ability to buy without having to be chased down to repay loans, Somali pirates are preferred clients in “suqs.” Pirates’ heightened status in such markets is further evidence that whatever ransom monies are given by shipping companies, once divided up amongst all participating members of a pirate gang, are devoured for self rather than towards the financing of international terrorism.

¹⁰⁷ WSP International Somali Programme 2005, p. 301

¹⁰⁸ Bahadur 2011, p. 96

CHAPTER FIVE: CONCLUSION AND POLICY RECOMMENDATIONS

Conclusion

Based upon the quantitative and qualitative data provided in this study, there is currently no evidence to substantiate the claim that there is ideological or financial linkage between maritime pirates and foreign terrorist organizations. The author concludes that economic deprivation serves as a primary motivation for pirates rather than possible alliances with foreign terrorist organizations.

This conclusion is based on quantitative data provided by the International Maritime Bureau that measures the frequency of ships attacked by pirates and armed robbers by national registration. It is assumed that if there was an ideological tie between maritime pirates and foreign terrorist organizations, vessels flagged and registered by the United States and its allies would be attacked more frequently than ships of states that are not so registered. Data instead suggests that the frequency of a flag's vessels being attacked is most likely based on the frequency that its ships traverse troubled waters. This supports the conclusion that these criminals attack vessels based on opportunity rather than intentionally targeting a vessel based on its nationality.

The conclusion of the study is also based on qualitative data, largely provided by immersion into piracy social circles. Interviews conducted with maritime pirates, both known and suspected, further the belief that the aim of maritime pirates is personal profit and gain rather than the desire to achieve a political outcome. Ransom money spent by shipping and insurance

companies for the release of captured ships and crews are largely spent by the perpetrators on material goods rather than investments in foreign terrorist organizations.

However, it is necessary to caution that the lack of evidence to support the theory that maritime pirates and foreign terrorist organizations have formed an alliance does not mean that such an alliance does not or will not exist at all. Perhaps in the future there will be a “smoking gun” that will provide irrefutable proof that an organization such as al-Shabbab and maritime pirates will cooperate on a larger scale. It should be the responsibility of the United States government and the defense community to continue due vigilance against the terrorism and maritime piracy phenomena, never losing focus of preventing a future possible nexus between them.

Areas for Further Research

This study was conducted assuming that the United States of America’s and its allies’ ships would be more susceptible to targeting by maritime pirates if the latter were ideologically or financially tied to foreign terrorist organizations. The author has made good a faith effort to provide as near complete research as possible. Increased budget, time, and access to classified information may allow for a more complete and accurate analysis of the topics covered in this research.

One shortcoming of this study that must be acknowledged is that the gross domestic product per capita (purchasing power parity) of Indonesia used in the fifth chapter does not account for inflation. It is believed that the average inflation rate from Indonesia between 1997

and 2012 is 12.13 percent.¹⁰⁹ This seemingly high amount may have been skewed due to the September 1998 Indonesian inflation rate of 82.4 percent.¹¹⁰

Another shortcoming of this study is that economic data for Somalia, to be used as a foil against Indonesia's gross domestic product per capita, was impossible for the author to obtain. It is likely that such information was not accessible due to the country's continued economic plight and civil unrest. If armed with Somali gross domestic product per capita, the term "maritime pirates" may not necessarily be grouped together globally, but could be divided into separate entities based on geography for comparison. This will help further investigate potential theories regarding the relationship between a country's economic status and its susceptibility to piracy. Somalia would serve as no better case for such a study, for it is currently the epicenter of the piracy epidemic.

Policy Recommendations

"For whosoever commands the sea commands the trade; whosoever commands the trade of the world commands the riches of the world, and consequently the world itself," penned Sir Walter Raleigh in 1829.¹¹¹ Perhaps these words apply more now in the modern context than ever before. Armed bandits must be prevented from inhibiting global sea trade, or else disastrous economic or political consequences will ensue. How can piracy be combatted? To properly answer this question requires a comprehensive understanding of the state, and its role in remedying this situation. If a state has registered ships that are repeatedly attacked by pirates, is

¹⁰⁹ "Indonesia Inflation Rate" 2012

¹¹⁰ *Ibid.*

¹¹¹ Rosenburg and Chung 2008, p. 51

it better for that state to support anti-piracy efforts with Indonesia and Somalia or go beyond their authority?

Traditionally, states have had the responsibility to enforce laws onboard ships that fly their flags. Furthermore, these states have had the responsibility to protect this shipping, since the crew or owner/operator were nationals of that particular state. In the modern context, this is no longer the case. Hypothetically, a chemical tanker in the globalized world in which we live today is registered in state "A," may be owned/operated by a corporation headquartered in state "B" with a cargo bound for and sold to state "C." This vessel may be manned by a crew whose nationalities are states "D," "E," and "F," but it is attacked in the waters of state "G." Do states A, B, C, D, E, and/or F have an obligation to protect its citizens and property from piracy? If so, do they cooperate with state "G" to combat piracy, or go beyond state "G" because they are extra-national.

There are positive aspects for states A through F to go beyond state G to combat piracy. A rapid military response may yield the capture and trial of the perpetrators of a particular attack, acting as a deterrent for colleagues to conduct similar actions. Another positive aspect is that the state(s) with citizens and property affected can have its military muscles flexed in an effort to affirm and project power. A realist in particular would likely argue that an international organization such as the United Nations has the inability for swift and decisive action that would capture and deter pirates from aggressive deeds.

However, there is considerable risk in such unilateral action, which may be perceived as a violation of the sovereignty of state G. Thus, state G and its citizens will likely not approve such

action, as it undermines the authority and capability of its government. Furthermore, a retaliatory response may instigate a “snowball effect” that would effectively deteriorate the situation. Consequently, an internationalist would argue that a multinational cooperative effort is needed to combat piracy. Since state G lacks the capability of enforcing laws to prevent piracy, or likely lacks the economic opportunity to provide sufficient legal means of making a living other than piracy, institutions such as the United Nations are needed to uplift the government of state G and its people.

Success of the internationalist argument is illustrated in the Indonesian case as described in chapter four. An informal international institution, the alliance of Indonesia, Singapore, and Malaysia, proved to be successful in reducing the amount of piracy incidents in the region. The author concedes that this internationalist solution is lengthier, and costlier than a realist retaliatory response. A military strike against pirates that circumvent the host state’s sovereignty presents a mere short term solution to a long term problem, like placing a small Band-Aid over a severe wound. Efforts to work *with* the troubled states’ piracy problems offers the best hope for long-term and permanent solutions. Thus, the author submits the following policy recommendations to interested parties that may help reduce the frequency of maritime piracy attacks: development, monitoring, and cooperation.

Incubate Industrial Development in Somalia

It is difficult to ascertain a sole reason as to why the Indonesian experience with maritime piracy has been on the decline in recent years. There are a variety of variables, such as law enforcement operations and international agreements, that may have an effect on the dwindling

number of piracy cases. However, there is an unmistakable inverse relationship between Indonesian PPP and attempted and actual pirate attacks. A more robust Indonesian economy may significantly boost Indonesian military financial allocation. The study of Indonesian economic growth and its military expenditures is a subject that warrants further investigation. Based on such investigation, it may be worthwhile to assist Somalia and its regional neighbors with economic vitality that will hopefully further dissuade youth from aspiring to maritime piracy. However, the political environment in and around Somalia makes it highly unlikely that this would happen in the near future.¹¹²

To address the piracy situations in other states of the world, it is necessary to address the root cause of piracy, which may be linked to economic poverty. To address this issue, it is necessary to encourage economic development in the most piracy susceptible regions of the world. This will provide an alternative for people to earn a living. To further add to the risk-to-reward ratio, a stronger government to implement deterrence is also necessary.¹¹³ A stronger government requires more resources to operate effectively, and the primary means to do so by a self-sufficient state is internal tax revenue. An increase in economic productivity will lead to an increase in tax revenue attained by the government, thus allowing for an increased law enforcement capability but also viable alternatives for Somalis to make careers from hijacking ships.

An increase in economic productivity cannot come without infrastructural support. The land mass of Somalia is 250 million square miles, but it only has a limited and unmaintained

¹¹² Choung 2010, p. 18

¹¹³ Choung 2010, p. 21

system of paved roads that run along major coastal cities. Furthermore, there is no functioning land based telephone system in Somalia as of 1995.¹¹⁴ Limited infrastructure, caused by decades of civil unrest, inhibits the ability for substantial economic growth. Inversely, the international community may be reluctant to invest in Somali infrastructure, just as the Italians in the 1950s, due to uncertain success.

The author challenges concerned states and international institutions to incentivize the private sector to invest in Somalia's resources: an abundance of land, strategic geographical proximity to major shipping lanes, and an untapped pool of labor. This can help increase the legitimacy of the *local government* in Somalia and dissuade its populace from the appealing nature of maritime piracy. Although a legitimate federal government such as the Transitional Federal Government (TFG) is critical to maintain state unity and foster relations with the international community, Somalia would likely fare best with local, decentralized governments that have minimal intrusion from the TFG. Not only would this measure convince Somalis that an authoritarian regime would not come to power again, but it would also allow for more direct interaction and accountability between those in power and those who democratically elected them.¹¹⁵

Continue to Monitor Foreign Terrorist Organizations and Maritime Pirates for Alliances

This particular study was unable to prove that an ideological or financial nexus has been formed between maritime pirates and foreign terrorist organizations. However, the inability of the author to find such proof does not mean that there is absolute certainty that there is no

¹¹⁴ Allard 1995, P. 11-12

¹¹⁵ WSP International Somali Programme, p. 88

relationship, or that there will always be no relationship between both groups. It is wise to err on the side of caution and treat the situation that there may be or eventually may be ties forged between both groups. If financial ties were to be established between maritime pirates and foreign terrorist organizations, it may be a literal “green light” for American and allied militaries to begin large scale pre-emptive strikes against pirates on land. Further, it may allow for international laws to be passed prohibiting the transfer of funds to pirates in the hopes of preventing such monies from eventually making their way into terrorist hands. The risk, of course, may come at harsher treatment of hostages, and perhaps even loss of life if all ransoms were cut off completely due to legal constraint.

Intelligence will be the only way to determine if an ideological or financial nexus is formed between maritime pirates and foreign terrorist organizations. In the meantime, the author believes it necessary that the existing international maritime presence that secures seaways should be continued. The placement of warships to deter or respond to piracy does not provide a long-term solution to the problem, for it does not address the underlying motives that drive pirates to engage in their acts.

Foster International Cooperation of Law Enforcement

In the case of Indonesian maritime piracy, a regional effort was made to increase law enforcement capabilities and patrols. The risk of being caught by authorities was heightened, helping dissuade potential pirates from engaging in violent hijackings. Regional cooperation with Kenya, Ethiopia, and local hegemony such as Egypt and India can assist the Somali government with intelligence sharing and additional patrols to provide deterrence and a more rapid response once a hijacking attempt has commenced. This of course assumes that Somalia’s government is

stabilized and a more substantial effort to combat piracy can be waged. Further, states in a hypothetical cooperative including Kenya, Ethiopia, Egypt, and India may have enough incentive to help their geographic neighbor. Many neighboring states, however, have limited resources; their politicians may have difficulty in convincing their constituents that precious manpower and equipment sent to Somalia is a wise investment.

One of the strategies utilized to eradicate maritime piracy on the ground has been the use of private security firms to act as proxies. The United Arab Emirates has taken a leading role in hiring mercenaries with likely tacit support from American clandestine organizations. This initiative to hire thousands of African soldiers has had moderate success with little political price to pay for the governments involved.¹¹⁶ It would not be too difficult for one to imagine the political fallout resulting from an American politician if he/she supported direct military intervention. Nevertheless, there is concern that the continued use of a non-transparent private army may lead to unintended consequences in the future. Just as the Italians abandoned colonization efforts in Somalia, the mercenaries may find themselves on their own once financing runs out. The well trained and well equipped private forces may turn to the next highest bidders, which may very well be maritime pirates or foreign terrorist organizations.

¹¹⁶ Mazzetti and Schmitt, 2012

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