

AARRGH!

Piracy on the High Seas

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CE 5212/PA 5232 Case Study 5
October 15, 2008

HISTORY of PIRACY

Piracy has been a problem since maritime commerce started. There were records of piracy in Ancient Greek history. Piracy had not been a significant problem in maritime commerce until Rome took the power of the Mediterranean. The famous story of the earliest piracy victim was Julius Caesar, in 75 B.C. He was held for a large amount of ransom, but those pirates responsible were arrested and, reportedly, crucified. Julius Caesar was known as the first person to fight against pirates.¹ During that era, the pirates were better organized than the empire navy. Until 10 A.D, Rome's naval power had the capability to fight against pirates.²



Fig. 1. The painting of Julius Caesar. He was known as the first person (or governor) to fight against pirates.

The greatest outbursts of piracy in the history were in the 17th century (Buccaneering Era), and in the early 18th century (Golden Age). Since the discovery of the New World, gold and silver was shipped from Caribbean to Europe. Pirates sailed out of numerous ports to hijack colonial vessels filled with treasures. During the 17th century, there was a severe rivalry between Spain and England. Some pirates were actually sponsored, as privateers, by these enemies to rob ships from rival countries.³

¹ See Figure 1.

² Gottschalk & Flanagan, 2000.

³ Ibid.

The era from 1700 to 1730 was called 'the Golden Age of Piracy'. Although the most troubled area was still the Caribbean, piracy was also found in the Eastern seaboard of North and South America, in the Indian Ocean and off the West Coast of Africa⁴ The so-called "Pirate Round" was following the trade paths from America to India via Africa. The thriving of piracy was the result of the following circumstances:

- The end of the War of the Spanish Succession (between France and an Alliance of England, Holland and the German States). Countries were more focusing on seeking treasures from America.
- The numbers of unemployed sailors after conflict ended.



Fig. 2. A preserved pirate ship at Soufriere, St. Lucia, by Richard P. Johns

Jolly Roger

"Jolly Roger" was the name of the banner on a pirate ship that people used in the "Golden Age" piracy, in the 18th Century. The origin of the name is not known with certainty; however, a common thought is that "Jolly Roger" came from *joli rouge* (very red). It was a description of the bloody banners that were flown by privateers in

⁴ Gottschalk & Flanagan, 2000.

French.⁵ The flags were symbols of inhumanity of pirates. And they meant to strike mortal terror of the pirate's intended victims. The patterns on the flags were commonly appeared with skeletons, daggers, cutlasses, or bleeding hearts. These features were patterned on white, red, or black fields. The first appear of the skull and crossbones motif was approximately in 1700, when a French pirate named Emanuel Wynne hoisted his fearful ensign in the Caribbean. An embellishing hourglass was placed under the skull and crossbones, indicating victims that they were running out of time. The different base colors of the flags have different meanings. Generally, a white flag was flying when pirates were in chase of a potential victim. In some cases, the victim would strike back since their ship might also be armed to have self-defense capability, the black and white flag was raised to indicate that the pirates were ready to fire and seeking chance to board on the victim ship.



Fig. 3. The flag pattern of the skull and crossbones with an hourglass on the French pirate Emanuel Wynne's ship.

Modern Piracy

In 1992 a Piracy Reporting Center (PRC) was established by the International Maritime Bureau (IMB) in Kuala Lumpur, Malaysia. Since then, the PRC has maintained statistical records of pirate attacks around the world. Their record shows that in the year 2000, 469 pirate attacks occurred, and in the year 2004, 30 mariners

⁵ See Figure 3.

were killed during 325 attacks of piracy, which was believed as the bloodiest year in of modern piracy. Among those victims, half of them were murdered in waters off Nigeria. The first and second quarter Piracy Reports in 2005 showed that more than half of pirate attacks (51%) occurred in Southeast Asian waters near the Malacca Straits (Fig. 4); attacks in East African coastal water was in 2nd place (20%). Other piracy victims were claimed in America, Far East, and India, according to the IMB's statistics records.⁶



Fig. 4. the map of modern piracy (IMB Live Piracy Map 2007)

From their Piracy Report, between May 2005 and July 2005, there were eight violent incidents that had been reported between May and July 2005. Every involved pirate was armed with automatic rifles and grenades. They fired upon the ships, and boarded. After the robbery; they would hold at least four crews as hostages for ransom. These pirates hijacked a vessel carrying United Nations' food and medicinal aid from Japan and Germany to feed tsunami victims in Somalia. Captain Pottengal Mukundan, Director of IMB, said of the incident:

“Pirates operating off the Somali coast have become increasingly audacious, routinely seizing vessels well outside territorial limits and forcing them closer to the lawless shore. Demands for ransom are higher than ever before and negotiations for the release of vessels and crew are often difficult and prolonged.”

However, pirate attacks have not attracted enough attention yet. Charles Dragonette, the author of the weekly “Worldwide Threat to Shipping Mariner Warning

⁶ Anon-1, 2005.

Information” and a senior analyst for the Civil Maritime Defense Department at the United States’ Office of Naval Intelligence, recently wrote, “The victims are...the least represented among the world’s seafarers.” The current situation is that when a plane is hijacked, the news is spread out all over the world quickly. And the hijackers can’t expect to get away with it. However, when a ship or a vessel is hijacked, no one would care.⁷

Past vs. Present

Many centuries have passed since pirates first attacked sailing vessels, but piracy in the past and in the present still share some similarities. The following 3 conditions lead to a thriving of piracy:

- ◆ Somewhere to prowl. Pirates hunted vessels laden with treasures from Americas and the Far East, in Caribbean. Today, their favorite targets are tankers filled with products easily sold on the black market —fuel, palm oil, and steel.
- ◆ Low risk of detection. In ancient times, the favorite hunting grounds were the Mediterranean and the Caribbean. These areas are far from continent; navies were not able to cover all the area under control. Today, piracy is thriving in the Malacca Straits, South China Sea, and water off African coast.
- ◆ A safe haven. In the ancient times, Port Royal was a good place to hide. Today, Indonesia’s 17,508 islands also provide ideal hiding places. Marine Colonel Buyung Lelana of the River Mouth Task Force says, “People who are living on the coast always protect them. The pirates are like Robin Hood. They always give some of their takings to the people, so people protect them from us.” As a result, it is extremely difficult to eliminate them.⁸

Besides of these similarities, modern pirates also have very huge differences their predecessors. They might still use the Skull and Crossbones, but they are no longer using cutlasses. Instead of using cutlasses and muskets, they were armed with very high technology automatic weapons instead of Cutlasses and muskets.⁹ They use small but high-speed chasing boats to hunt their prey, and the boats are equipped with powerful communication tools. In the past, a pirate crew usually had one hundred fifty to two hundred men; in contrast, there are only twenty to thirty men on

⁷ Hympendahl, 2006

⁸ Gottschalk & Flanagan, 2000.

⁹ See Figure 5.

a pirate boat because ships today are highly roboticized. It no longer requires large crews to operate a cargo vessel, which generally average less than thirty sailors aboard. The pirates in the past used to wait until any ships or cargo vessels cross their path to take action. Unlike their precursors, modern pirates tend to plan their attacks, they chase preys through Global Position System even preys are far away. Some their preys are selected even before the targets take off.

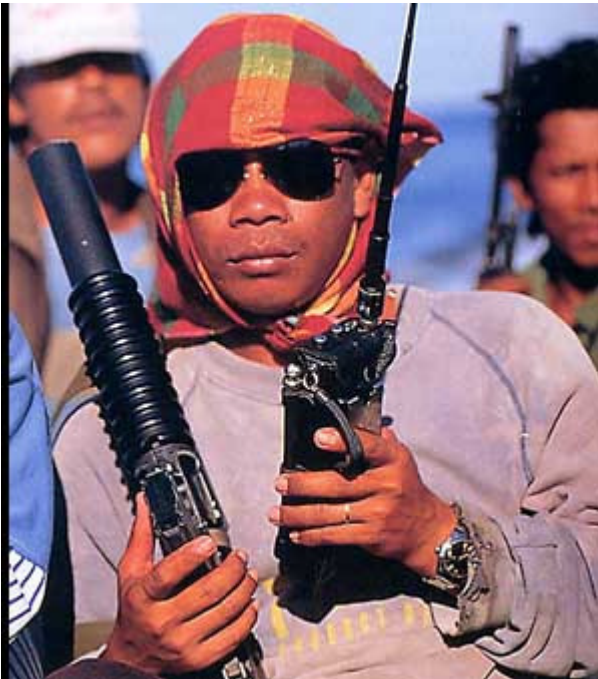


Fig. 5. the photo of a modern pirate with weapon and satellite “*They use speed boats, automatic weapons and satellite technology to create a wave of terror on the high seas. The pirates of the Nineties are far deadlier than the heroes of the past.*” Nick Ryan.

The most important different between piracy in the past and the present is the punishment. During the old days like the Buccaneering Era (1620-1700) or the Golden Age of Piracy (1690-1730), pirates knew the consequences of being caught. Pirate hunters and navy had the power to execute pirate that were being caught. They would often be summarily hung from the yardarm. Captain William Kidd was caught and found guilty of murder and piracy, he was executed. After the execution, his body was tarred, placed in an iron cage, and displayed to warn other pirates the consequences of being a pirate. In 1999, Chinese police arrested thirty-eight pirates because they hijacked the Cheung Son and murdered her crew. Having been proved guilty, thirteen pirates were executed in the next year. However, among the rest of them, six persons were found guilty, only one was sentenced his life in prison, others

received sentences of one to twelve years.¹⁰

On the evening of December 5th, in 2001, eight armed and hooded pirates boarded a yacht near the mouth of the Amazon River. The yacht had many tourists from America and Europe aboard. These pirates believed that these passengers were wealthy. They were not expected that the victim might fight back. One did, but he was shot by the pirates. These pirates were arrested by local police, they were sued with murder and pirating. However, those killer and intruders were eventually sentenced to spend thirty-seven years in prison.

Modern pirates are often violent and inhumane. There was a seminar about modern piracy held in Singapore in 1999 by IMB. Captain Jayant Abhyankar, Deputy Director of the IMB, and Captain Noel Choong, head of IMB's PRC both implied that violence has always been the characteristic of piracy through out the time. Their tactics did not change much, though modern technology made them smarter, faster, and greedier. "The truth is that modern piracy...made the more fearsome by the knowledge on the part of the victims that they are on their own and absolutely defenseless and that no help is waiting just round the corner."¹¹

Discussion

- ◆ Why does piracy exist in past and present?
- ◆ Why are (were) pirates difficult to eliminate?
- ◆ What do you think about pirates as modern-day Robin Hoods?
- ◆ Who are receiving benefits from piracy robberies?

¹⁰ Anon. 2000.

¹¹ Anon-2. 2005.

COSTS of PIRACY

Economic Costs

The economic costs of piracy are difficult—at best—to quantify. Pirates do not keep regular books, let alone make the readily available to the general public. In addition, though several international organizations are involved in tracking and combating piracy, none claim to be able to emphatically state the full scope of the economic issues associated.

One reason for the ambiguous nature of economic losses due to piracy is the fact that many—if not most—incidents of piracy are thought to go unreported.¹² As far as numbers of individual instances of piracy are concerned, it is generally believed that the vast majority of pirate attacks do not involve either the stealing of a vessel, or the holding of its crew for ransom. These most common pirate attacks can occur either in port or under way, and tend to unfold more along the lines of a mugging at sea, with pirates boarding the target ship, emptying the ship's safe and the crew's wallets, possibly stealing some compact, high-value cargo, and going on their way. Since the main way pirate attacks are officially reported is through insurance claims, and most mugging-type attacks involve losses significantly smaller than the deductibles of most maritime insurance policies, these attacks often go unreported.¹³ In some cases, shipping companies are even reluctant to report smaller attacks in port to civil or international authorities to avoid being delayed by an investigation.

Though exact costs are hard to pin down, it does seem fairly clear that the total economic loss inflicted on humanity due to maritime piracy is miniscule in comparison to the total value of maritime trade. In a study for the International Maritime Board, Abhyankar estimated the maximum annual economic loss attributable to maritime piracy in the years 1991-1997 as varying between USD \$1.2 million and \$72.6 million, with the large variance due mainly to fluctuations (from zero in 1994 to fourteen in 1997) in the number of actual ships lost. Over the same period, Abhyankar lists the total value of global maritime commerce as rising from USD \$908-billion in 1991 to \$1.42- *trillion* in 1997. Based on these figures, piracy, in the worst year studied, resulted in the loss of roughly three-thousandths of one percent of all seaborne trade, and inflicted an economic loss equal to roughly 32¢ for every \$10,000.00 carried on the world's oceans. Various assumptions involved in estimating these losses were all deliberately chosen to err on the side of overstating

¹² Gottschalk & Flanagan, 2000.

¹³ Ibid.

the economic damage caused by piracy.¹⁴ Clearly, if piracy is seen as a purely economic problem, any attempt to combat it would have to be fairly inexpensive to make sense.

Human Costs

Piracy is universally considered a crime. Crime prevention often goes far beyond minimizing monetary losses for the simple reason that crimes involve significant human costs which do not always translate easily into economic terms. Crime prevention is generally also based on a common belief that human beings have a right to be secure against violence. In this light, piracy seems to become a larger problem, though one likely even more difficult to quantify.

Being mugged or kidnapped is generally considered a traumatic experience under any circumstances—in the case of being isolated and far from home on an ocean-going ship, it is likely even more so. Though low rates of reporting for both pirate attacks and mental health problems make this particular aspect of the piracy problem almost impossible to put into reliably numeric terms, psychological trauma inflicted on the crews—and occasionally passengers—of hijacked ships may be a highly significant human cost. The degree of personal violation experienced by the victims of pirate attacks may be exacerbated by the fact that a ship is both a vehicle and a home for her crew, making a pirate attack almost the equivalent of a home invasion.¹⁵

In addition, though the infliction of bodily harm on their victims is not generally an aim of pirates, it is not uncommon for pirate attacks to escalate to the level of physical violence. Especially in the case of hijackings, pirates seldom operate unarmed, and armed criminals always present the possibility of violence. In 2007, 433 seamen were killed, wounded or held for ransom by pirates.¹⁶ As with economic losses, the number of law-abiding seafarers wounded or killed by pirates in any given year represents a tiny fraction of the total number of people who sail on the oceans. However, loss of innocent life is a loss which cannot be described in purely numerical terms. In addition, the growing trend towards hijackings with the intent of holding ship and crew for ransom¹⁷ raises serious concerns for the escalation of physical violence, as any ransom demand by armed men carries with it a rather grim implicit threat.

¹⁴ Gottschalk & Flanagan, 2000.

¹⁵ Gottschalk & Flanagan, 2000.

¹⁶ Burnett, 2008.

¹⁷ Keaten, 2008.

Piracy in the waters off the Somali coast—one of the world’s growing hotspots for piracy—have the potential for especially dire human costs, as more than 40% of the Somali population depends on maritime-shipped World Food Program aid for survival.¹⁸ In fact, in response to concerns over the impacts of a possible disruption in aid shipments, NATO recently ordered seven frigates, in the Gulf of Aden for an exercise, to begin operating as screen vessels for World Food Program shipments bound for Somali ports.¹⁹

Discussion

- ◆ Should piracy be considered—and responded to—mainly as an economic cost or in the same vein as gang violence?
- ◆ What are the responsibilities of the international community to fight piracy and protect humanitarian aid shipments?

¹⁸ Hassan. 2008.

¹⁹ Ibid.

PIRATE OPERATIONS

Pirate attacks themselves can be broken down into two basic categories referred to by Gottschalk and Flanagan as “muggings,” in which a ship is boarded with the intent of stealing cash and/or portable valuables, and “hijackings,” in which pirates actually seize the entire ship.²⁰ Based on recent trends, it also seems useful to distinguish between hijackings with the intention of actually making off with a ship and her cargo, and those with the intention of simply holding ship, cargo, and—most concerningly—crew for ransom.

In all cases, modern pirates who attack ships while under way tend to operate from small speedboats, which are both much faster and more maneuverable than any freighter. In cases, such as in the Gulf of Aden, where pirates attempt to take ships sailing a significant distance from shore, these boats are generally launched from a mother ship—often a fishing trawler. On approaching the ship, they board using grappling hooks and ropes, in much the same manner as the crew of an Athenian trireme would have boarded a Persian galley more than two millennia ago. Once aboard they subdue the crew through the threat or use of various small arms, ranging from machetes to Kalashnikovs to rocket-propelled grenades.²¹

Though modern pirates lack the heavy guns mounted by Blackbeard or Captain Kidd, their speedboats have an overwhelming advantage in terms of speed. A destroyer—the fastest ship in any navy—can generally make 40 knots or so at flank (short-term maximum) speed. Even a modest speedboat with a large outboard motor can easily exceed this maximum. It is unusual for a freighter to make more than 15-20 knots. Though pirate mother ships have no such tactical advantage, it would seem difficult to distinguish them from legitimate civilian ships without subjecting every fisherman in a trouble zone to boarding and search.

Many modern pirate operations require significant support on land. Though most likely do not maintain traditional shore offices, operations involved in hijacking ships require significant financial backing and logistical support.²² This is especially true in cases where a hijacked ship is actually stolen, rather than simply held for ransom. In the best-organized cases, a target ship will be identified before sailing, and her cargo pre-sold—potentially to a legitimate buyer—by a front company. Once the ship is captured, she is repainted and renamed at sea, finally sailing openly into port under a flag of convenience with professionally forged document. In other cases, a

²⁰ Gottschalk & Flanagan, 2000.

²¹ Ibid.

²² Ibid.

hijacked tanker will rendezvous at sea with an empty, often legally purchased, tanker; the cargo will then be transferred and the target ship released. Such operations would not be possible without the aid of organized crime.²³

In recent years, something of an innovation in the business model, so to speak, of hijacking-based piracy has appeared: that of holding ship, cargo and crew for ransom. In fact, given the large organizations needed to profitably dispose of the amount of stolen goods the actual theft of a freighter leaves a pirate with, the trend toward the kidnap/ransom type of hijacking may be an attempt on the part of smaller players in the piracy world to go after bigger game. Simply radioing a ship's owner with ransom demands requires somewhat less of a support organization than making off with a ship, and cash certainly requires much less effort to fence than an oil tanker. This hypothesis seems consistent with the recent large upswing in hijackings—14 worldwide in 1997, versus 26 in this year to date in the Gulf of Aden alone.²⁴

²³ Ibid.

²⁴ Keaten, 2008.

COUNTER-MEASURES

Onboard Counter-Measures

In response to the recent surge in pirate attack, the crews of merchant ships operating in pirate-infested waters are beginning to take some counter-measures. The most basic of these is simply to keep the entire ship brightly illuminated at all hours of the night. As they are quite vulnerable while climbing up the side of a tall freighter, pirates are less likely to attack a ship that appears likely to detect them before they are on deck.²⁵ This tactic would seem especially useful for deterring mugging-type attacks.

If pirates are sighted before they can grapple their quarry, increasing speed and engaging in evasive maneuvers can often foil them. Since pirates often approach their prey from astern, a maneuver known as wagging the tail, basically rapid zigzagging intended to make the stern difficult and dangerous to approach, has shown itself particularly successful in fending off attacks.²⁶

Once the grapple has been made, various non-lethal tactics have been employed as well. At least one company sells a 9,000-volt electric fence of sorts designed to automatically stun attackers and sound the ship's alarm. High-pressure water hoses, a common feature on commercial ships, have also been employed quite successfully in literally washing away pirates as they attempt to climb on board. In addition, the risk of going overboard is not one any sailor—pirate or otherwise—is normally eager to take, a fact which likely lends some deterrence ability to this tactic.²⁷

Finally, it is possible to “fight fire with fire” and simply arm merchant crews. Though many crews have until recently been reluctant to carry lethal weapons, and reluctant to disclose if they do for possible legal reasons, the current growth rate in pirate attacks may well induce some merchant ships to begin carrying small arms.²⁸

²⁵ Gottschalk & Flanagan, 2000.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

Legal Counter-Measures

According to Zou Keyuan, writing in the *Journal of International Affairs*, “Piracy is traditionally regarded as *hostis humani generis*, the enemy of the human race.”²⁹ international law dealing with piracy stems from this, and as such, any nation theoretically has the authority to arrest, prosecute and punish any pirate for any act of piracy, regardless of where said act occurred. Unfortunately, the legal definition of piracy itself is not nearly so simple, and can considerably complicate the prosecution of pirates. Primary among international laws dealing with piracy is the 1982 United Nations Convention on the Law of the Sea, which defines piracy as follows:

Piracy consists of any of the following acts: (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State; (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).³⁰

The three critical aspects of this definition of piracy which can limit the effective prosecution of it are, first, that an act must occur “on the high seas” (meaning in international waters) to be considered piracy, that an act must be “committed for private ends” to be considered piracy, and that it must be perpetrated from one ship or aircraft against another.³¹ Based on this definition, the hijacking of a World Food Program aid shipment to Somalia would not be an act of piracy if it occurred after the ship carrying the food aid entered Somali territorial waters, the hijacking of a ship would not be considered piracy if committed by militants for political reasons, and the hijacking of a ship in international waters for private reasons would not be considered piracy if the hijackers stowed away before the ship left port.

Though the manner in which international terrorism suspects have been pursued in recent years might lead one to question if such niceties of international law would actually be entirely respected, a recent directive issued to the British Royal Navy

²⁹ Keyuan, 2005.

³⁰ Keyuan, 2005.

³¹ Gottschalk & Flanagan, 2000.

indicates that the legalities of apprehending pirates can indeed be problematic. According to John Burnett, writing for the *New York Times*:

While the French were flying six of the captured pirates [after storming a hijacked cruise ship] to Paris to face trial, the British Foreign Office issued a directive to the once vaunted Royal Navy not to detain any pirates, because doing so could violate their human rights. British warships patrolling the pirate-infested waters off Somalia were advised that captured pirates could claim asylum in Britain and that those who were returned to Somalia faced beheading for murder or a hand chopped off for theft under Islamic law.³²

Though not a problem caused specifically by the UN definition of piracy, this illustrates the thorny legal issues which can arise from any attempt to prosecute a crime with such a global scope.

Military Counter-Measures

Partly in response to the recent hijacking—which at the time of writing remains unresolved—of *MN Faina*, a Ukrainian freighter carrying 33 Russian-built T-72 main battle tanks, as well as various rocket launchers and small arms, the international community has begun a move towards much more of a military stance against piracy, particularly in the waters around the horn of Africa. Only a few days ago, the United Nations Security Council passed Resolution 1838 calling on all nations with warships in the area to do all in their power to combat piracy.³³

Unfortunately, with ships available for such an operation measured, at most, in the dozens, the sheer expanse of open water in even one pirate-prone area will make naval measures aimed at protecting normal shipping, rather than at close escort of specific humanitarian aid ships difficult at best. Even so, overwhelming naval force, culminating in the infant United States Navy's 1803-1805 blockade of Tripoli which brought the final years of the "golden age" of piracy firmly to a close.³⁴

Given that modern-day pirates almost invariably operate out of ports in unstable regions or simple failed states, some have suggested that restoring some measure of stability to these areas may be the only ultimate solution to the piracy problem, potentially through the deployment of UN peacekeepers. Both views likely hold

³² Burnett, 2008.

³³ Keaten, 2008.

³⁴ Gottschalk & Flanagan, 2000.

some merit, and attempts at shipboard self-defense and improved legal remedies also hold some promise for success. Still, history seems to show that piracy is unlikely ever to vanish from the Earth.

Discussion

- ◆ How do you feel about the idea of arming merchant ships to deal with the piracy? Could such a practice raise maritime security concerns of its own?
- ◆ Should the British Foreign Office be so worried about the human rights of pirates? Could international law governing piracy be improved to alleviate such concerns?
- ◆ Is NATO's plan to patrol the Gulf of Aden—presumably with the prospect of NATO warships firing on pirates in international waters—a legitimate response to the issue? What might be the advantages of a purely naval response, rather than one involving peacekeepers as well, or vice-versa?

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