

## The Root Causes and True Costs of Marine Piracy

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Photo: AP/Farah Abdi Warsameh

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## **Dalhousie Marine Piracy Project**

# **The Root Causes and True Costs of Marine Piracy**

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## 1. EXECUTIVE SUMMARY

Although the Socio Economic Module Draft Report conceptualizes piracy as an economic crime, it also considers political, social, and historical facts associated with piratical activity. The overall aim is to provide a report that may lead to more proactive approaches to combatting piracy in the future by considering the root causes and how to prevent future outbreaks.

The Socio Economic Module was tasked with investigating two major themes under the broader DMPP project, including:

- 1) The cost of piracy: the effect piracy is having on the commercial shipping, including responses by the shipping and insurance industry, and uses of risk management, including the safety of seafarers.
- 2) The prevention of piracy: considering the social, political and economic factors which contribute to the emergence of piracy, including and exploration of parallels between child soldiers and loss of livelihoods following natural disasters.

In order to address the broader themes listed above, the Socio Economic Module took a comparative case study approach to its research, focusing on geographic regions that are currently affected by piratical activity. This includes: Southeast Asia, Gulf of Guinea, Gulf of Aden, and Latin America and the Caribbean. Such an approach allowed us to identify both specific and common socio-economic factors related to piracy by tracing its origins and evolution.

The global analysis of the root causes of piracy can be summarized as follows:

- 1) **Economic Root Causes:**
  - a. The relatively high chances of substantial income;
  - b. The relatively low costs of and attack;
  - c. The relatively low opportunity costs and economic risks.
- 2) **Social Root Causes:**
  - a. Maritime Capacity and tradition in a region;
  - b. The ability to gain social status through piracy;
  - c. The existence of grievance;
  - d. The existence of community support for piracy.

### 3) Political Root Causes:

- a. The existence of corruption within the state;
- b. The presence of armed groups;
- c. Limited state capacity;
- d. Regional disputes.

Given these root causes, it is a challenge to address how to prevent the occurrence of maritime piracy. The Socio Economic Module seeks to provide new theoretical paradigms through which to address piracy:

- 1) Conflict Prevention Theory requires a multi-pronged approach that requires sincere commitment to short, medium and long-term objectives. The principles of the *Responsibility to Protect* doctrine should be born in mind and applied to the piracy problematique.
- 2) Addressing the Demand side of the problem in terms of the lessons learned from the drug and human trafficking paradigms provides potential remedies. The inelasticity in the demand for piracy has undermined the operational and security-centric interventions to date.
- 3) Corporate Social Responsibility and Globalization need to be considered as piracy is a profit making business that has benefitted from globalized markets and technology. Can the remedies to piracy be found in the principles of corporate social responsibility – through the creation of programmes, taxes, and infrastructure development that impacts poverty levels, unemployment, and violence and corruption levels in the regions where piracy exists?

**Key areas for further research** that have been identified include:

- 1) the Environmental impacts on piracy;
- 2) Latin America and emerging trends;
- 3) Links to the small arms trade;
- 4) Links to human trafficking;
- 5) Links to the drug trade;



- 6) Human costs of piracy;
- 7) The relationship between subsistence pirates and organized pirates;
- 8) Gender dimensions of piracy.

## 2. METHODOLOGY

One of the main findings of this report is that pirates are not a homogenous set of actors; they differ significantly in terms of their targets, tactics and motives. Accordingly, the socio-economic module has identified two dominant types of pirate groups that are prevalent across the regional case studies:

*Subsistence pirates* are often local fishers or traders who turn to piracy activity to supplement their income. They engage in small-scale, localized attacks, targeting fishers at sea, robbing vessels at port, and/or providing territorial protection in their local areas. Subsistence pirates often come from isolated coastal communities, where there are dire economic hardships and limited prospects.

*Organized pirates* rely on a higher level of sophistication, ambition, resources and frequently rely on violence. Their attacks extend beyond small-scale robbery, involving hijackings, kidnappings, cargo theft, or holding cargo, vessels and crew for ransom. Organized pirates often have links to organized crime groups that are involved in larger drug trafficking, arms smuggling, money laundering, and human trafficking, which facilitate the movement of their goods into the regional and global black markets.

The relationship between subsistence pirates and organised pirates is not clear from a global perspective. This is an under-researched dynamic that must be further explored.

### **Points for Further Discussion:**

- It should be noted that Donna Nincic (2012 forthcoming publication) has identified a third type of piracy called “Territorial Piracy” which refers to those who have mastered a greater level of technical and navigational sophistication than subsistence pirates but which do not yet reach the level of organized piracy.
- There is debate about the “permanent seizures” with crews killed, as referenced below by Liss as new information collected indicates that these incidents tended to happen in the late 1990s early 2000s. Also there is need to further research the geographical distinctions

– outside the Straits of Malacca we see a lot more organized gangs; within the Strait itself, quite a bit of piracy is still “mom and pop” “hit and run” in nature and opportunistic resulting in very little violence to the crew.

#### *Case 1: Somalia*

*Somalia lacks the onshore infrastructure needed to conduct large-scale theft. (Percy and Shortland, 2001,p.6) As a result, Somali piracy predominantly involves hijacking for the purpose of ransoming the vessel and crew. Piracy is thought to have emerged in Somalia as a form of self-defence and protection against illegal fishing and toxic dumping. This has now evolved and is primarily motivated by greed. (Hirsi, 2011, p. 22) There are numerous actors invested in the success of the pirate attacks, from the financiers, sponsors, organized crime elements and corrupt state officials, to the small scale recruits and communities who now depend on the economic opportunities its provides.*

#### *Case 2: Southeast Asia*

*Organized pirate gangs operating in Southeast Asia incorporate a higher level of organisation, sophistication and violence (Rosenberg, 2009, p. 46), and typically target medium-size vessels, including container ships, bulk carriers, and fishing trawlers. Long-term seizures, in which transiting vessels are attacked and their crew held hostage for a period of time, have been used to either unload the vessel’s cargo in a safe location or extort ransom payments. (Liss, 2003, p.62) Local fishers have also been the target of these attacks, to the point that they “have in recent years increasingly been forced to make up-front payments to pirate gangs in order to fish safely in certain areas” (Liss, 2007a, p. 87). Finally, permanent seizures, in which vessels are hijacked, the crew killed or left on life rafts, and the cargo sold or discarded, have been used to turn these vessels into phantom ships. (Liss, 2003, p.63) In this fashion, piracy has become part of the larger ring of organised crime, drug trafficking, arms smuggling, money laundering, and human trafficking prevalent across Southeast Asia. (Liss, 2009, p.48)*

## 2.1 The Socio-Economic Module

The socio-eco module was tasked with investigating two major themes under the broader DMPP project, including:

- 1) The cost of piracy: the effect piracy is having on commercial shipping, including responses by the shipping and insurance industry, and uses of risk management, including the safety of seafarers.
- 2) The prevention of piracy: considering the social, political and economic factors which contribute to the emergence of piracy, including an exploration of parallels between child soldiers and loss of livelihoods following natural disasters.

The purpose of the research was to synthesize and analyze existing literature on these topics rather than to produce new data. In doing so, we seek to identify both what is known and what is missing from these topics.

## 2.2 Research Questions

In consultation with the DMPP members, the socio-economic module developed six main questions to guide its research:

- 1) What are the main historical, social, political and economic factors associated with piracy?
  - (i) How do these factors manifest in the various regions?
- 2) Who are the main actors involved in piracy?
  - (i) What are their motives, tactics and targets?
  - (ii) How do other armed groups, operating in the same region, interact with pirate groups?
- 3) What are the enabling factors for piracy?
- 4) What are the economic impacts of piracy?
  - (i) How has piracy affected the commercial shipping industry?
  - (ii) How has piracy affected the fishing industry?
  - (iii) How has piracy affected regional economies?
- 5) What are the human costs of piracy?
  - (i) How have seafarers been affected by piracy?
  - (ii) How have fishers been affected by piracy?

- (iii) How have local communities been affected by piracy?
- 6) What have been the main local, national and international efforts to prevent piracy?

## 2.3 Methods

The socio-economic module took a comparative case study approach to its research, focusing on geographic regions that are currently affected by piratical activity. This includes: Southeast Asia, Gulf of Guinea, Gulf of Aden, and Latin America and the Caribbean. Such an approach allowed us to identify both specific and common socio-economic factors related to piracy by tracing its origins and evolution.

The research was divided into two phases. In the first phase we conducted a comprehensive literature review of each regional case study. It examined how, why and where piracy activity was occurring in each case, which resulted in four regional reports. Based on our regional reports, the socio-economic module identified dominant socio-economic patterns and trends regarding piratical activity. This second phase of our research examined these issues further and resulted in 24 thematic reports. This included an economic impact assessment (EIA) that focused on the effects of piracy on the commercial shipping industry, fisheries and regional economies. The EIA was also based on existing literature and was therefore mainly descriptive, as a result of the limited quantitative information available for all the regions.

To triangulate our data, members of the socio-economic module conducted semi-open interviews with regional and thematic experts. One of its team members, Carla Suarez, attended the “Human Face of Maritime Piracy: Consequences and Policy Options” hosted in Karachi, Pakistan in February 2012, which provided an opportunity to interview ship captains, owners and government officials regarding the impacts of piracy on seafarers. In addition, the team lead, Shelly Whitman, had meetings at the United Nations Headquarters in New York in February 2012. These meetings involved the discussion related to child pirates with the United Nations, Special Representative to the Secretary-General on Children and Armed Conflict. In addition, discussions were held with the UN Department of Peacekeeping Operations. Lastly, the socio-economic team developed a relationship with a Somali Diaspora member to discuss perceptions of piracy and to make linkages with officials in Puntland. In addition, we made contact and linkages with the Directors of the documentary, “the Pirate Tapes”. Roger Singh, one of the

Directors, conducted phone interviews with Shelly Whitman and met with Carla Suarez for an interview in Toronto.

## 2.4 Methodological Limitations

While the following report makes a unique contribution to the growing body of literature on maritime piracy, there were some methodological limitations to this study. First, there is a lack of systematic data regarding the root causes and costs of piracy, from a socio-economic perspective. As noted by other scholars and practitioners, most of the literature to date has primarily focused on the operational and legal responses towards piracy (Dawdy, 2011, p. 362; Martinez-Zarzosa; 2011, p.2; Oceans Beyond Piracy; 2011a, p. 9).

As the focus of the DMPP is to synthesize existing literature on the topic, we based our findings on secondary research and as a result there are still certain areas that require further primary research. These areas are included in the section “The Way Forward”. Interviews carried out with key informants were useful in verifying and confirming our analysis, but did not contribute to the creation of new knowledge in this area.

Second, the socio-economic module’s approach predominantly focused on examining marine piracy from a land based perspective. Accordingly, the regions affected by piracy involved various countries, which made it difficult to collect in-depth data on each single country during the research period June 2011 to February 2012.

Third, there is widespread under-reporting of piracy attacks. In fact, the International Maritime Bureau’s Piracy Reporting Centre estimates that half of all attacks go unreported (Liss, 2011, p. 25). In Nigeria, it is estimated that up to five times the number of reported attacks go unreported. (Nincic, SWG member 2011) This challenge occurs due to some of the following reasons: 1) there criticisms of the commonly agreed definition of piracy due to its narrow perspective which affects the ability to have concrete statistics on the topic, 2) reporting causes delays for vessels and hence has economic costs associated with it, 3) many countries do not keep adequate track of piracy incidents due to lack of processes, capacity or willingness to do so. Furthermore, piracy attacks involving fishers are even more difficult to assess due to under-reporting often caused by fear of revenge, a lack of education, or the perception that there is no advantage to reporting the

crime (Liss, 2007a, p. 86). In addition, it is difficult to have the most up to date information on the situation as analysis is often outdated.

These complications limit our ability to quantify the impacts of piracy, from both the human and economic perspective. Due to the lack of quantitative data, this report mainly provides a qualitative description of the costs and impacts of piracy. However, it is able to draw out general social, political and economic factors that contribute to the emergence of piracy in various environments.

### 3. REGIONAL CASE STUDIES

According to the Failed States Index Data 2011, created by the Fund for Peace Organization, six countries most affected by piratical activity fall within the top 15 most fragile states. This includes Somalia, Cote d'Ivoire, Guinea, Pakistan, Yemen and Nigeria. Piracy is not the main factor as to why these countries are fragile, at the same time not all fragile littoral states have maritime piracy; however, this does demonstrate the importance of looking at the broader social, political and economic environment that enables piracy, which is the focus of the following section.

#### 3.1 Southeast Asia

##### 3.1.1 Historical Context

Southeast Asia has a long and extensive history of piracy, dating back to the pre-colonial period. Observed off the coasts of Singapore, the southern Philippines, and elsewhere across the region, this historical piracy primarily targeted fishers and traders in the area (Teitler, 2001, 69). These attacks were an accepted custom in many local, maritime communities, and were often viewed as a highly respected activity reserved for “the most daring and courageous” men (Young, 2007, p. 78). In these areas, piracy was thus a “normal but illegal means of making money,” and used to supplement the meagre incomes derived from fishing and agriculture (Smead, 2000). In the southern Philippines, the powerful maritime Sultanate in Sulu used piracy as a deliberate and sanctioned tool of statecraft, such that this profession became “a traditional and prestigious way of life” for those involved (Teitler, 2001, p. 70). These activities persisted as late as the end of the nineteenth century, when European colonizers criminalized piracy and commenced extensive naval operations across the region. Although the European, and later American, campaigns against entrenched Southeast Asian piracy enjoyed an asymmetrical advantage in terms of technology and resources, these efforts were ultimately unable to cover this vast area. Consequently, despite the widespread efforts to suppress piracy, these interventions failed to eliminate the problem entirely (Liss, 2011, p. 4)

Piracy, in its contemporary form, continues to thrive across much of Southeast Asia. It first resurfaced in the aftermath of World War II, as colonial powers began to transfer governance to newly independent states in the region. The Sulu Sea off the southwestern coast of the



Philippines became particularly prone to these attacks, as pirates from this area began attacking local vessels and communities in British North Borneo, now Malaysia's Sabah state (Eklöf, 2005, p. 3). A subsequent outbreak from the mid-1970s to the early 1990s saw the systematic victimization of Vietnamese refugees, or 'boat people,' by Thai and Malaysian pirates in the Gulf of Thailand. These attacks were exceptionally violent, involving killings, hostage taking, torture and the rape of women and children. Although these attacks increasingly gathered international condemnation as the level of violence escalated over time, little changed until the flow of refugees began to subside in the late 1980s (Liss, 2011, p. 57-58).

In the 1990s, piracy emerged and steadily expanded in both the South China Sea and the Strait of Malacca. During this time, the centre of gravity, or "hot spots," of piracy continually shifted in response to regional developments, leading to the successive rise and decline of these activities in the Malacca and Singapore Straits, the 'HLH Triangle' between Hong Kong (China), Luzon (Philippines) and Hainan (China), and off the Indonesian coast. The rate of attacks peaked in 2000, when piracy across Southeast Asia accounted for more than one half of all global incidents, representing 242 out of 469 attacks (Liss, 2003, p. 55). Although the probability of attack remained relatively low, representing around 0.1 percent of the total number of cargo vessels transiting through the region, insurance premiums nonetheless increased during this time, as the Joint War Committee<sup>1</sup> listed the Strait of Malacca and certain areas in the southern Philippines as 'high-risk' areas.

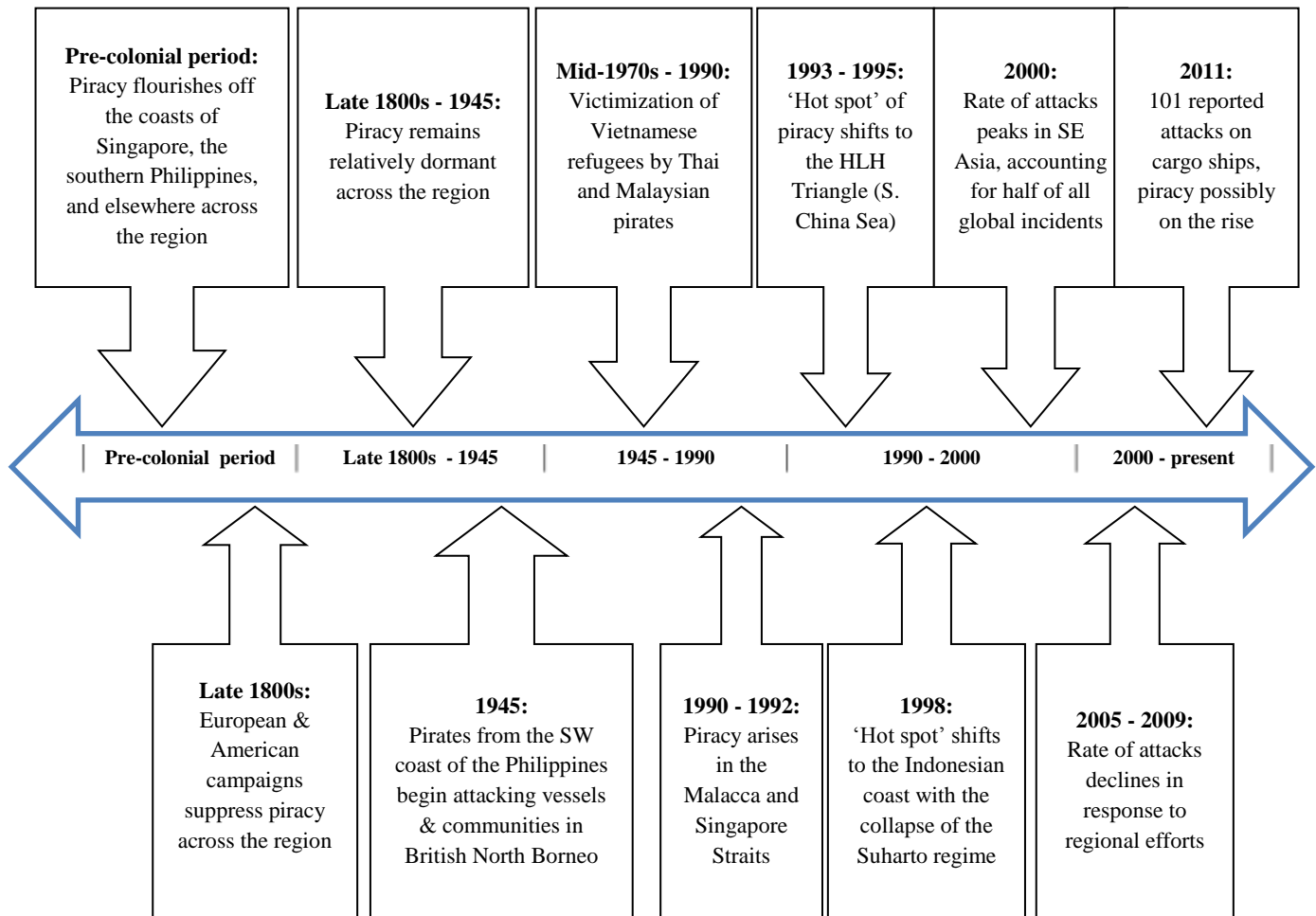
Between 2005 and 2009, the rate of attacks in Southeast Asia significantly declined, such that this area is no longer considered the global epicentre of piracy. In 2006, the Strait of Malacca was delisted as a 'high-risk' area following the implementation of several regional security measures, including the Malacca Straits Security Initiative and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP). However, parts of the Philippines, Indonesia and Malaysia are still considered high-risk areas today (Joint War Committee, 2011). In fact, the number of attacks rose from 72 in 2009 to 119 in 2010, suggesting that piracy may again be on the rise in this region (ReCAAP, 2010; Banlaoi, 2011, p. 25). However, the increase in attacks in recent years appears to be attributable to one

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<sup>1</sup> The Joint War Committee comprises underwriting representatives from both the Lloyd's and IUA company markets. They advise on the areas in which higher war risk insurance premiums should be charged to ship owners.

“knife-wielding gang” that got lucky and may not represent a systemic increase. (Nincic, SWG member 2011) Given the scale and impact of piracy during the 1990s and 2000s, as well as its potential return, this report will focus specifically on this latest outbreak in Southeast Asia.

**Figure 3: Piracy Timeline for Southeast Asia**



### 3.1.2 Actors

Although the “hot spots” in Southeast Asia have shifted over time, this criminal activity has generally involved both small-scale, subsistence piracy and organized gangs characterized by their level of sophistication and violence. The former are typically perpetrated by small groups of fishers as a means to supplement their incomes. Described by Eric Frecon as “countryside pirates” (2011, p. 61), these individuals reside in remote areas characterized by poverty,

inadequate infrastructure and isolation from the state. They are particularly exposed to the effects of overfishing and environmental degradation, which have significantly damaged estuaries, wetlands, and reefs and depleted local stocks across the region, while remaining vulnerable to the consequences of war and economic downturns. However, with their knowledge of the local geography, nautical skills, and fishing equipment, the transition into piracy has proven to be an alternative and easy means of survival for these individuals and their families. Furthermore, as a result of the historical traditions of piracy across much of this region, their involvement in this activity is often perceived as an illegal yet normal and acceptable means of supplementing one's income (Young, 2007, p. 78).

Over time, Southeast Asia also saw the emergence of organized and occasionally transnational pirate gangs. These groups often have links to organized crime networks working in the region, which provide the substantial capital and resources needed to conduct larger operations. Chinese triads, for example, have been implicated in several hijackings, although no high-ranking triad member has yet been arrested and charged for their involvement in piracy (Liss, 2007b). Carolin Liss suggests that these groups will often coordinate attacks across international borders, as “individual triads do not have branches in other countries and therefore rely on local triads or criminal gangs in places where parts of the operation take place” (2007a, p. 227). The actual attack is then carried out by low-ranking members of the syndicate, or by recruits from the area. The latter are typically composed of either “unemployed or desperate fishers,” who have the nautical skills needed to navigate and participate in the attack (Liss, 2011, p. 113), or urban youth “on standby” (Frecon, 2011, p. 61). Described by Frecon as “town pirates”, these individuals migrated to coastal communities and boom towns in search of employment, yet found few opportunities following the economic crises of 1997 and 2008. These “idle, desperate, bitter and rootless men” thus represent ideal candidates for recruitment into organized crime and piracy, as they wait for the “small businesses” offered through local gangs (Frecon, 2011, p. 61). Although the circumstances are different, the transition from poverty and unemployment to criminality is thus analogous to the underlying causes of subsistence piracy found in isolated and impoverished regions.

In addition to subsistence and organized piracy, several insurgent groups operating in the region have been implicated in pirate activities. Both Abu Sayyaf in the southern Philippines and the

Gerakan Aceh Merdeka (GAM, or Free Aceh Movement) in Aceh, Indonesia have used piracy tactics to fund their ongoing insurgencies against the state (Banlaoi, 2011, p. 122; Liss, 2003, p. 64). GAM, for instance, has reportedly attacked vessels and taken hostages solely to extract ransom payments and finance their struggle against the Indonesian government (Liss, 2003, p. 64). Abu Sayyaf has engaged in similar tactics, as well as maritime terrorism against passenger vessels in the area (Banlaoi, 2007, p. 122). However, there are few reported links between piracy and Jemaah Islamiyah, an Islamic terrorist organization that operates in the states of Indonesia, Singapore, and Malaysia and has links to al Qaeda, despite some suggestions that the group may engage in maritime terrorism in the future (Kuppuswamy, 2004; Muklis & Rondonuwu, 2010).

Another key armed group to discuss in the region is the Liberation Tigers of Tamil Eelam (LTTE) which was a Sri Lankan secessionist group that described itself as "...the national freedom movement of the people of Tamil Eelam and a predominant actor in Sri Lankan politics. It [was] both a political organization as well as a military power, running a de-facto administration in the majority of areas in north-eastern Sri Lanka, the historical homeland of the Tamil-speaking people."("About Liberation Tigers of Tamil Eelam" <http://www.eelam.com/ltte>. 20 June 2012.) It was established in May 1979, in response to what it perceived to be "...[a succession of] Sinhala majority governments [that] unleashed a systematic form of oppression that deprived the Tamils of their linguistic, educational and employment rights."(<http://www.eelam.com/freedom-struggle/a-struggle-for-justice.jsp>. 20 June 2012.)

Sri Lankan President Mahinda Rajapaksa declared victory against the LTTE on 16 May 2009, after a protracted offensive that had been launched by the Sri Lankan military on 26 July 2006.

Over the course of the 30-year conflict, the LTTE repeatedly "...recruited and used children, some as young as nine, as soldiers..."(Amnesty International, 1998) According to estimates made by the Sri Lankan government, at least 60 percent of LTTE fighters were below the age of 18, though a study of actual LTTE casualties would suggest that some "...40 percent of the [group's] fighting force consisted of boys and girls between the ages of 9 and 18" (Hogg, 2006)

These underage soldiers were frequently made to fight at the war's front lines and were often used in the capacity of suicide bombers.

As part of its military strategy, the LTTE maintained “...the most comprehensive naval networks among the [US-designated] foreign terrorist organizations...”(Karunaratne, *Asian Tribune*. 21 April 2009) This branch of operations, called the Sea Tigers, launched a multitude of attacks upon international cargo ships, including several – such as the Greek-registered freighter “Stillus Limassul” – that were carrying weapons to be used by the Sri Lankan military. (Ibid) Like its army, the LTTE’s naval branch actively recruited and deployed child soldiers. Indeed, there is evidence that during periods of LTTE-sponsored disarmament of child soldiers, underage members of the Sea Tigers were surreptitiously retained, as they had frequently received resource-intensive training that made them particularly strong military assets (Hogg, 2006) It was also common for “very young Tamils (some as young as 13) [to be] pressed into service to fill the [naval] ranks as the long-running insurgency depleted LTTE manpower.”(Povlock, 2011)

### 3.1.3 Targets and Tactics

Subsistence pirates in the Straits of Malacca typically engage in small-scale, hit-and-run robberies, often targeting other fishing vessels or cargo vessels near the coastline or in port due to the navigational challenges of this area. However, subsistence pirates have not been successful in the South China Sea. (Nincic, SWG member 2012) Fishers entering the exclusive economic zones of neighbouring countries to illegally fish are also vulnerable to attack, as they are unable to call upon local authorities for help (Liss, 2007a, p. 141). However, despite the high risk of attack, many fishers are often unable to avoid these zones, as overfishing has narrowed the areas in which they can operate. The majority of these attacks occur at night and involve the theft of cargo, equipment, or the vessel itself, although they often “vary in nature and character according to local conditions” (Liss, 2011, p. 65). These piracy attacks are thus comparable to the routine crime and petty theft experienced on shore in any population centre.

Organized pirate gangs operating in the area incorporate a higher level of organization, sophistication, and violence (Rosenberg, 2009, p. 46), and typically target medium-size vessels, including container ships, bulk carriers, and fishing trawlers. Three different types of attacks have been generally employed by these gangs. Armed assaults and robberies are among the most common, and involve the theft of goods that can be easily moved and re-sold, such as equipment, electronics, and personal valuables (Liss, 2003, p. 62; Graf, 2011, p. 20). Long-term seizures, in which transiting vessels are attacked and their crew held hostage for a period of time, have been

used to either unload the vessel's cargo in a safe location or extort ransom payments, after which the crew and vessel are released (Liss, 2003, p. 62). Local fishers have also been the target of these attacks, to the point that they "have in recent years increasingly been forced to make up-front payments to pirate gangs in order to fish safely in certain areas" (Liss, 2007a, p. 87). Finally, permanent seizures, in which vessels are hijacked, the crew killed or left on life rafts, and the cargo sold or discarded, have been used to turn these vessels into "phantom ships" (Liss, 2003, p. 63). In these cases, the vessel is re-painted, re-flagged under a false name, and either sold on the black market or used by organized crime syndicates. As Carolin Liss describes, "Registering a vessel under a false name is surprisingly simple, as temporary registrations are – for a certain price – 'issued indiscriminately by officials of some ship registries,'" thereby preventing their later tracing under the law (IMB, 2003, p. 63). Piracy has also become part of the larger ring of organized crime, drug trafficking, arms smuggling, money laundering, and human trafficking prevalent across Southeast Asia (Liss, 2003, p. 63; Rosenberg, 2009, p. 48). Anti-piracy efforts in the region must therefore disentangle the complexity of piracy activity within this criminal network, in order to be successful.

The hot spots of this organized piracy have been subject to frequent change, as these gangs tend to gravitate to areas where the opportunity cost of engaging in these activities is lower. Their area of operation therefore migrates "as law enforcement agents increase patrols or arrest gangs, or pirates simply move on to more lucrative waters, or stop their activity altogether" (Liss, 2007a, p. 90). These shifts often coincide with regional 'triggers.' Between 1993 and 1995, for instance, piracy prospered in the 'HLH Triangle' between Hong Kong, Luzon and Hainan, in large part due to the complicity of Chinese port authorities who were perceived as "soft and lax toward piracy" (Guoxing, 2002, p. 18). Although Chinese enforcement later tightened in this area, this simply displaced this piracy "hot spot" to the Indonesian coast, committed by Indonesian nationals, where the Asian financial crisis in 1997 and the collapse of the Suharto regime in 1998 made these waters more congenial for piracy (Liss, 2007a, p. 54). Vagg (1995) argued that piracy like smuggling and corruption may be a source of unofficial income for military and law enforcement personnel. He further states that within the Singapore Strait, Indonesian, Vietnamese and Philippine waters, the frequency of pirate attacks in the early 1990s could be attributed to economic dislocation brought about by rapid development, recognition of piracy as an available cultural possibility and opportunity coupled with the condoning actions of

the state agencies. (Vagg, 1995, p.63) The resurgence of GAM at this time equally led to a rise in both subsistence and organized piracy, due to both the lack of opportunities amid the destruction of war and the Indonesian government's limited control over these waters. Due to these fluctuations, areas that were previously safe from attack could suddenly be dangerous for transiting vessels. Those characterized by their isolation and the limited capacity of the state to suppress piracy appear to be particularly vulnerable to the sudden emergence of piracy.

#### 3.1.4 Motives

The motivations driving both subsistence and organized piracy appear to be primarily opportunistic. In remote areas with limited connections to economic and administrative centres, where the majority of the population still relies on fishing and agriculture, despite an increasingly globalized economy, which has the probability of making them more vulnerable to global economic downturns (Rosegrant & Hazell, 2001, p. 1), subsistence pirates have both the freedom and the capacity to engage in this form of petty crime as a means of survival. Organized piracy has equally gravitated to areas of isolation and state weakness. Moreover, it has substantially expanded with the help of crime syndicates and armed groups operating in the area, which have provided the substantial upfront capital needed to pay the individuals involved in the attack and cover the costs associated with the hijacking. The proximity of major commercial shipping lanes has provided an abundance of targets, such that organized piracy has developed into a profitable business model comprising a range of actors and tactics.

#### 3.1.5 Enabling Factors

Although piracy in Southeast Asia has thrived in this environment of opportunity and organized crime, these activities are reliant on their connections within the social, economic, and political milieus in which they operate. Ger Teitler suggests that piracy “cannot survive without the help of receivers, a market on which to dispose of their plunder, and a friendly community that assists them with moral and material means” (2001, p. 72). Phil Williams expands this thought, suggesting that:

the specific connections that facilitate criminal entry into the licit world can be understood as gateways or portals, while the relationships at the boundaries of the

criminal network and the world of government and/or licit business can prove vital to a whole series of criminal operations and activities” (cited in Liss, 2007a, p. 230)

The criminal ‘underworld’ thus depends on its links to the “upper world,” composed of the government officials, politicians, bureaucrats and communities that may not be directly involved in pirate attacks but allow this activity to survive within the licit domain through their cooperation or leniency (Teitler, 2001, p. 72).

Corrupt state officials, in particular, have been implicated for their involvement in piracy in the Philippines, Indonesia, and China (See Frecon, 2008, p. 43; Guoxing, 2002, p. 18 and Vagg, 1995, p. 68-69). Motivated by financial gain as opposed to political motives, customs officials, law enforcement agents, or military officers may often turn a blind eye to piracy in exchange for a share of the proceeds (Young, 2004, p. 97). In other cases, these officials have allegedly become directly involved in piracy. Frecon suggests that in Indonesia in 1999, an independent investigation into piracy “confirmed that Customs officials by day could transform themselves into pirates by night,” as rebel and corrupt elements among the military began targeting oil tankers in the region to sell stolen petroleum on the black market (2008, p. 43). Additionally, this phenomenon has been demonstrated by Chinese officials during the late 1990s. (Nincic, SWG member 2011) As the potential gains from piracy are often substantially higher than the salaries of senior officers, the tacit or direct involvement of corrupt state officials in these activities is thought to be widespread (Teitler, 2001, p. 79).

#### **Case Study: Bangladesh**

Between 2000 and 2003, Bangladesh was witness to a spate of piracy attacks off its coast. Although these numbers declined in 2004 in response to a short-lived crackdown (Liss, 2007, p. 55), the number of attacks sharply increased again in 2005 and 2006 and exploded in 2011. Bangladeshi piracy differs from the other regions presented in this report in that these activities emerged far from international shipping lanes, and have thus predominantly targeted the local fishing industry. Gangs numbering up to 50 people will attack both smaller fishing vessels and larger trawlers, for the purposes of kidnapping, theft of their gear or catch, or to extract protection payments (Ibid., 94-98). At peak times, fishers may face attacks on an almost daily basis (Kleih et al., 2003, p. 42). In June 2006 alone, over 500 attacks on fishing trawlers occurred in these waters (Liss, 2007, p. 230). The perpetrators of these attacks are often well-known to the authorities and journalists, and in some cases, have provoked militant community responses (Liss, 2007, p. 100). Despite the scale and organization of piracy in these waters, these activities remain “grossly underreported” (Menefee, 2010, p. 133). However, as one analyst warns, “if piracy remains unchecked, it could easily mushroom and lead to increased national and regional stability” as these attacks on the Bangladeshi fishing industry “might in time grow to piracies against supertankers” (Ibid.).



Community support has been equally important to the expansion of piracy in Southeast Asia. In remote areas, isolation from economic and administrative centres “reduces the dependence of local populations on the state” (Turner, 2003, p. 393), prompting many communities to turn to other sources of power and influence in their area. As a result, some of these communities have grown to tolerate the presence of pirate gangs, providing a safe haven, resources, and market links in exchange for the reinvestment of their gains in the local economy (Graf, 2011, p. 31; Liss, 2003, p. 61). Liss suggests that “social pirates” or “Robin Hood type” actors, in particular, have gained considerable fame in areas of state oppression or economic crisis (2003, p. 61). In Indonesia, for instance, she reports that small groups of men from impoverished communities have taken to planning and conducting pirate attacks on passing vessels, in order to share the spoils with the community. Portrayed as “robbing the rich to give to the poor,” these depictions are often located within historical traditions of piracy, such that these men are perceived as champions, fighters for justice, and men to be admired and supported (Liss, 2003, p. 61). John Vagg (1995) argues that local populations would tolerate pirates for at least three reasons: intimidation of the populace, economic incentives and that raiding ships at sea is deemed “culturally thinkable.” (p.67) Despite the illegal nature of these activities, these local communities thus have much to gain from supporting these alternative sources of power.

In addition to these connections to the ‘upper world,’ the limited enforcement capacities of states across Southeast Asia have facilitated the expansion of piracy. At the national level, the countless islands, inlets, and narrow waterways prevalent throughout the Strait of Malacca and the South China Sea have significantly hindered enforcement. This geography provides extensive hiding places and safe havens for both subsistence and organized piracy, and has rendered “effective sea patrol a daunting, if not impossible, task” (Koo, 2004; Keyuan, 2000, p. 108). Moreover, several bottlenecks in the region, including the Phillip Channel in the Strait of Malacca, the Lombok / Makassar Strait, and the Sunda Strait, have served to concentrate the high volume of international traffic passing through this region, thereby providing innumerable targets for pirates operating in the area (Rosenberg, 2005, p. 4; Bateman, Ho, & Chan, 2009).

At the regional level, various disputes over territorial and maritime boundaries across Southeast Asia hindered multilateral cooperation on piracy throughout the 1990s and much of the 2000s. Most notably, China, Taiwan, Vietnam, Malaysia, Brunei, and the Philippines have all made

territorial claims over the Spratly Islands and the Paracels Archipelago, and continue to dispute their respective maritime boundaries across much of this region (Keyuan, 2000, p. 115, Frecon, 2008, p. 39). This limited regional cooperation began to improve by the mid-2000s. In the Strait of Malacca, Singapore, Malaysia, and Indonesia implemented the ‘Malacca Straits Security Initiative’ in 2004 and the ‘Operation Eyes in the Sky’ initiative in 2005, which increased naval patrols in the area and facilitated cooperation between these states in combating piracy (Graf, 2011, p. 35; Raymond, 2009, p. 36). Moreover, in 2006, 17 countries in the area finalized the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP), representing the first regional government-to-government agreement to promote and enhance cooperation against piracy (ReCAAP, 2011). However, as Frecon points out, “information-sharing centres are mainly reactive in spreading alerts and news – they rarely prevent attacks” (Frecon, 2011, p. 62). Eyes in the Sky (EIS) and the Malacca Strait Patrols between Indonesia, Malaysia, Singapore and later Thailand are initiatives that have been considered to make a difference. (Nincic, SWG member 2011) Moreover, Malaysia and Indonesia, representing two of the states most affected by piracy, are not members of this regional body due to lingering concerns over sovereignty. Although regional cooperation is gradually increasing in Southeast Asia, these disputes over maritime boundaries remain “a constant irritation in interstate relations” and have obstructed effective counter-piracy efforts in the area (Frecon, 2011, p. 27).

### 3.1.6 Root Causes

Piracy in Southeast Asia thus involves a range of actors, tactics, and motivations. At the subsistence level, poverty, unemployment, inadequate infrastructure and isolation from the state have rendered local populations vulnerable to the effects of overfishing, environmental degradation, war, and economic downturns, all of which are thought to contribute to the rise of piracy in a particular area. The established maritime traditions across the region have further facilitated the transition of many fishers into piracy as a means of survival. Organized and occasionally transnational pirate gangs are also prevalent across the region, although they too often draw on the ranks of unemployed and desperate fishers and youth. With a plethora of targets, provided by the proximity of shipping lanes and the constraints of overfishing, and

access to markets, provided by the links to organized crime and communities, piracy has developed into a profitable business model in some areas.

## 3.2 Gulf of Guinea

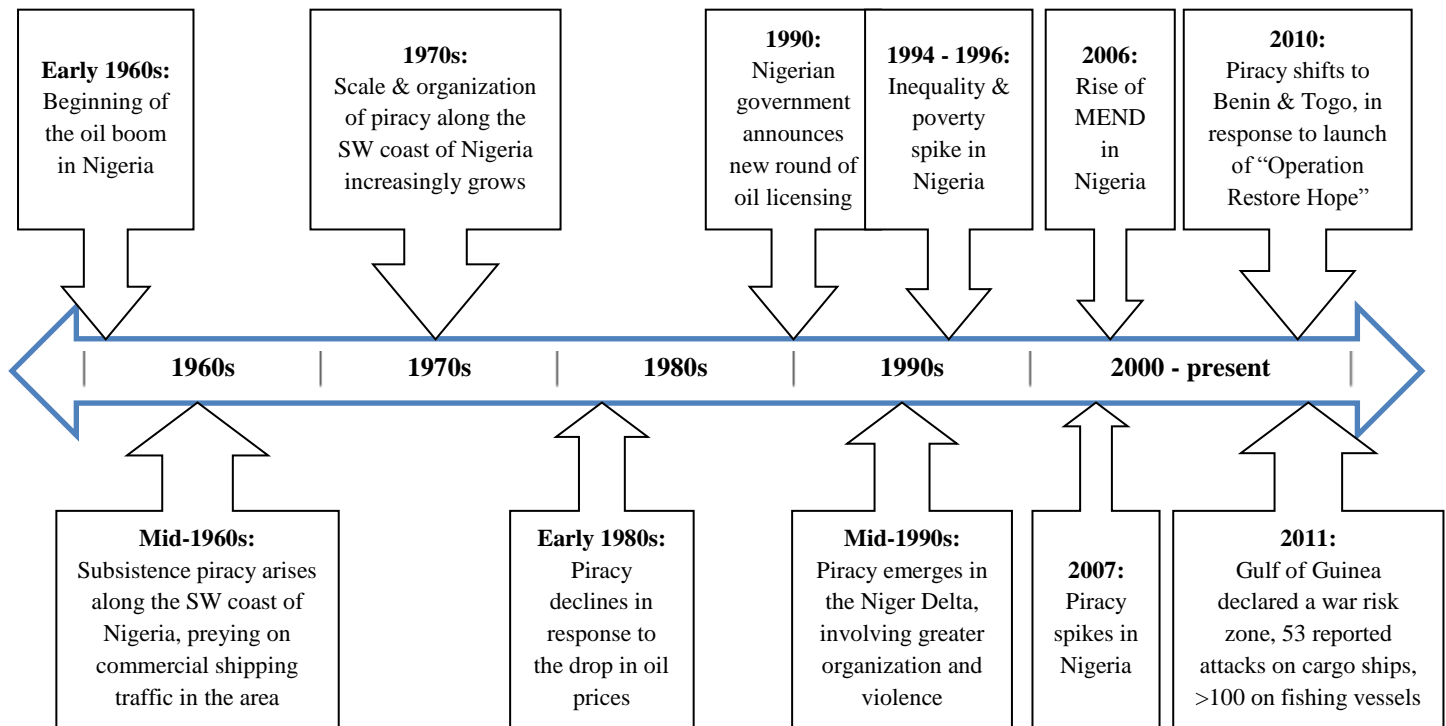
### 3.2.1 Historical Context

There have been two distinct phases of piracy in the Gulf of Guinea, both originating off the coast of Nigeria. The first coincided with the oil boom in Nigeria in the 1960s, when small groups based out of Lagos and the south western coastline of the country began to prey on the commercial shipping traffic carrying construction supplies to the region. Facilitated by the poor coastal and port security at the time, these attacks typically ranged from minor harassment and financial shakedowns to the theft of cargo and equipment (Mbekeani & Ncube, 2011, p. 5; Nincic, 2009, p. 7). Although the scale and organization of these attacks grew over time, their numbers declined through the 1980s in response to the fall in oil prices and the subsequent lack of targets.

Piracy rebounded in the mid-1990s following the government's latest round of oil licensing in 1990 (Vaughan, 2011). Originating from the Niger Delta region, this second phase has witnessed a higher level of organization and violence than seen in the first (Murphy, 2011, p. 10). Attacks have no longer been constrained to small-scale robbery, but have expanded to target the container ships and oil tankers in the region for the purposes of cargo theft and oil-bunkering (Smith, 2011). The rate of these attacks has also steadily increased over time, with spikes in 1996, 2003 and 2007 (IMO, 2010). In 2011 in response to increased Nigerian naval patrols, the hot spot of these attacks appeared to shift down the coast to neighbouring Benin and Togo, while attacks have also been reported in Cameroon, Guinea, and Côte d'Ivoire, among others. In August 2011, the Joint War Committee extended the high risk area to include Benin in addition to Nigerian territorial waters, resulting in higher insurance premiums for transiting vessels (FP Marine Risks, 2012). The economic effects of piracy extend beyond littoral states to land-locked countries, which depend on these ports for their imports and exports. According to the United Nations assessment mission on piracy in the Gulf of Guinea, the annual loss to the economy of the West African sub region as a result of piracy is thus an estimated \$2 billion (United Nations Security Council, 2012, p. 11). Moreover, the waters off Nigeria remain the deadliest in the

world (Raidt & Smith, 2010, p. 21), involving a level of violence not seen in the other regions surveyed in this report; however, it will be interesting to see if this reputation continues with the increasing violent trends off the coast of Somalia.

**Figure 4: Piracy Timeline for Gulf of Guinea**



### 3.2.2 Actors

The first phase of piracy off the coast of Lagos was largely small-scale and subsistent in nature. Motivated by a lack of economic opportunities, rampant unemployment, deep inequality, environmental devastation in the Niger Delta, and assisted by the maritime capacity drawn from Nigeria's significant fishing industry, the resort to piracy became a means of survival for those involved (Hansen and Steffen, 2011; Murphy, 2011, p. 69). The crimes of opportunity perpetrated by small, shore-based groups became increasingly organized over time, with the size of these groups ranging from 20 to 30 individuals prior to the decline of piracy in this region in the 1980s (Murphy, 2011, p. 73).

The resurgence of piracy in the last two decades has incorporated a growing level of sophistication, organization, and violence. According to the UN assessment mission in the Gulf

of Guinea, both national and international interlocutors have expressed the view that criminal organizations are responsible for many of the pirate attacks (United Nations Security Council, 2012, p. 4). Piracy thus represents one component of the larger transnational organized crime networks that are active in oil bunkering and trafficking in cocaine, children, counterfeit medicines, and cigarettes across the region (United Nations Security Council, 2012, p. 9). Young, unemployed men are frequently enticed into these crime networks “by promised riches, fancy cars, luxury consumer goods and weapons” (Nincic, 2009, p. 7), such that piracy gangs are increasingly composed of younger members. It has been suggested that ex-militants have also become involved in piracy, motivated by their growing frustration with the national amnesty program implemented in 2009, yet this is difficult to prove with tangible data. Although this program initially led to a reduction in piracy attacks, the dissatisfaction of former insurgents with their share of the amnesty proceeds and the shortcomings of the rehabilitation and training programs has evidently limited the sustainability of this program, and forced these individuals to pursue alternative, and often illicit, means of income (Hansen & Steffen, 2011).<sup>2</sup>

A number of insurgent groups operating in the area have further employed piracy as a means to achieve their political goals. The Movement for the Emancipation of the Niger Delta (MEND), in particular, is a key player in maritime piracy, as its rise in 2006 coincided with a spike in piracy in the following year (Murphy, 2011, p. 73; Hansen & Steffen, 2011). However, it should be noted that MEND has never claimed participation in pirate attacks, but rather frames its actions as attacks on the oil industry installations. (Dalby, SWG member 2012) Given its dissatisfaction with Nigeria’s oil regime, the platforms and tankers located offshore have become an important and lucrative target for attacks as they allow the group to make a strong political statement and to fund their ongoing insurgency (Hansen & Steffen, 2006). The long-running border dispute between Nigeria and Cameroon over the Bakassi Peninsula has equally provoked a series of militant, maritime attacks off Cameroon, as groups based out of both countries have claimed responsibility for a number of attacks on oil tankers in the area (BBC, 2008; Reuters, 2011). The Bakassi Freedom Fighters officially opposed the retrocession of Bakassi to Cameroon. Behind

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<sup>2</sup> In 2009, the Nigerian government implemented a national amnesty program in an effort to encourage militants operating in the Niger Delta to lay down their arms in exchange for the commencement of rehabilitation and training programs. Although militant groups initially responded positively to the amnesty initiative, by 2010 several announced that they would no longer adhere to the ceasefire. Other former soldiers, frustrated with their share of the amnesty proceeds, subsequently turned to piracy (AIV, 2010, p. 13; Hansen & Steffen, 2011).

this was the fear that Ijaw residents would be denied access to fishing areas and involvement in the illegal trade in fuel and drugs. (Dalby, SWG member 2012)

There is no apparent connection between Boko Haram, an extremist Islamist movement seeking the establishment of Sharia law in the country, and piracy. Militant attacks did increase in number after Boko Haram kicked off in order to, in MEND's words, "remind the government of its presence." (Dalby, SWG member 2012) However, all of these groups draw support from "unemployed northern youth who see a corruption-riddled government stealing the country's vast oil wealth," which could potentially indicate a link between piracy and terrorism in the future (Heinlein, 2012).

### 3.2.3 Targets and Tactics

The commercial shipping traffic in and out of Nigeria has remained a primary target of attack throughout both phases of piracy in this region. The first attacks off the coast of Lagos were relatively small-scale, and largely targeted the fleet of vessels carrying construction materials to the country. As this "cement armada" began to amass offshore as its vessels waited for berths – a wait that could often last for months – it fell victim to the growing frequency and violence of piracy in the region (Murphy, 2011, p. 73). At first, these attacks were mostly petty in nature, ranging from minor harassment and financial shakedowns to the theft of personal valuables. However, as the size of these groups grew and the use of outboard motors became increasingly common, the cargo and equipment of these commercial vessels were often the target of attack (Mbekeani & Ncube, 2011, p. 5; Nincic, 2009, p. 7; Murphy, 2011, p. 73).

The later phase of piracy in the Delta region, characterized by the growing organization of pirate gangs and the influx of experienced militants, has seen a notable change in tactics. Expanding to include the container ships and oil tankers in the region, attacks often involve well-organized insurgent raids, multiple attack vessels, and the use of heavy weaponry (Hansen & Steffen, 2011). The majority of attacks take place at night, often occurring at a distance of over 40 to 100 nautical miles offshore and targeting stationary oil and chemical vessels conducting ship-to-ship transfers in order to steal oil cargo and other high-value assets (United Nations Security Council, 2012, p. 4). The hijackings of tankers and hostages taken from offshore platforms have also been documented (Smith, 2011). As described by the UN assessment mission on piracy in the Gulf of

Guinea, these attacks are “not seen as isolated or opportunistic, but rather as systematic and organized” (United Nations Security Council, 2012, p. 4).

Some authors have argued that the enforcement capacities of the Nigerian state have proven sufficient to prevent gangs from holding a seized vessel off the coastline for more than a few days (Gladstone, 2011; Smith, 2011). Others have suggested that the pirates’ decisions to release hijacked tankers has little to do with the pressure from Nigerian security forces but rather with the time it takes to steal the cargo. Once they have taken the hijacked tanker into the high seas, there is very little chance of the Nigerian Navy catching them or forcing them to let the ship go. (Nincic, SWG member 2012) As a result, these gangs will instead typically sail to a destination onshore or far out to sea where a ship to ship transfer will be carried out and where the oil cargo is discharged through land-based organized crime elements prior to resurfacing in the main ports along the Gulf of Guinea (United Nations Security Council, 2012, p. 4). Kidnappings have also been widespread, with crew members held for ransom as opposed to the vessel itself (ASI Global, 2011). Seized vessels have also incurred substantial losses from damage caused during attacks, as ships are often vandalized in search of valuables (IRIN, 2011). More recently, groups operating off the coast of Lagos have begun to copy many of the tactics found in the Delta region, contributing to the escalation of piracy and violence in this region (Hansen & Steffen, 2011).

Small, local operators continue to be targeted as well. Although the IMB’s Piracy Reporting Centre has recorded a relatively low number of attacks on fishing vessels in the Gulf of Guinea, the Nigerian Trawlers Owners Association (NITOA) contends that between 2003 and 2008 fishing trawlers were attacked 293 times (APO, 2008). These assaults have ranged from demands for ‘protection’ money to the theft of fish cargos, engines, or the vessels. Kidnappings, violent assaults and killings have been common as well. In 2008, the security situation deteriorated to the point that Nigerian trawlers refused to leave port in protest of the state’s marginal response (Raidt & Smith, 2010, p. 21). Trawlers are also faced with rising insurance premiums as brokers have become more reluctant to cover these vessels (Ezem, 2011). The piracy attacks in the Gulf of Guinea further incorporate a level of violence not seen in the other regions surveyed in this report. In 2008, according to sources in the oil industry, attacks off the coast of West Africa killed more than 70 crewmembers, compared to the 18 seafarers killed in

Somalia in the same year (Edwards and Lee, 2011, p. 1). In particular, the ex-militants involved in these gangs are often less willing to tolerate resistance and are more likely to turn their weapons against crewmembers to vent their frustration (RiskIntelligence, 2011, p. 3). The frequent use of violence in this latest phase of West African piracy perhaps derives from the Niger Delta's long history of politically and economically motivated militancy and violence. Political coups, state oppression, ethnic division, insurgency, and vigilantism have all "normalized violence and created an expectation that violence is an acceptable means for dealing with threats to social order" (Smith, 2006, p. 133; See also Ismail and Ginifer, 2005; Siollun, 2009). The illegal distribution of small arms, circulated by smugglers operating across the borders of Benin, Niger, Chad and Cameroon, have further contributed to widespread banditry and ethnic and religious violence (IRIN, 2006). Among youth, in particular, Oruwari argues that the lack of social mobility and the struggle for survival now necessitate the use of violence, as "society gradually stopped recognising merit and force became a plausible avenue to the top of the social and economic strata with drug trafficking, smuggling and other perceived negative moneymaking ventures like armed robbery and pen-robbery, becoming attractive ways of getting rich quickly" (2006, p. 4). Considered within this backdrop, the prevalence of violence among West African pirates may simply be an extension of the violence and crime found onshore.

### 3.2.4 Motives

Given the variety of actors involved in West African piracy, including subsistence-based groups, youth and adults, criminals, ex-militants and insurgents, the motives driving these activities are appropriately diverse. Some are merely exploiting the instability generated by the politico-militant struggles over oil revenues, which provides these actors "all the cover they need to

#### *Case Study: MEND*

The Niger Delta is home to a vast array of armed groups, most of which are motivated by some combination of ideological aims and criminal interests, including drug dealing, the kidnapping of oil workers, and oil bunkering (Asuni, 2009, p. 4). The most notorious of these groups is the Movement for the Emancipation of the Niger Delta (MEND), a loose coalition of armed militias that emerged in 2006 and has claimed responsibility for a number of kidnappings and attacks on oil facilities and vessels, some of which have been located miles offshore (Murphy, 2011, p. 74). The group seeks to resolve local grievances in the Delta, demanding: the release of jailed militants; the demilitarization of the Delta; the payment of \$1.5 billion to compensate for the environmental degradation caused by the oil industry; and the transfer of local control over resources (Nodland, 2010, p. 198). However, as described by Judith Asuni, MEND is also "heavily involved in the oil-bunkering trade, which provides a steady stream of income to buy weapons" (2009, p. 4). Its leaders have emerged as bunkering 'kingpins' in Delta State, in control of vast resources and a formidable arsenal (Ibid.) As with many of Nigeria's armed groups, the blend of militancy and criminality within MEND's leadership has thus clouded any clear distinction between the two for outside observers (Murphy, 2011, p. 74).



conduct their activities” (Murphy, 2011, p. 76). Others are motivated by their anger towards the unlicensed fishing perpetrated by European and Asian vessels offshore, which has strained regional fishing industries and diminished economic opportunities (Raidt & Smith, 2010, p. 21). Many former insurgents or militant group members have similarly gravitated towards piracy as a result of their growing frustration with the limited prospects offered through amnesty and reintegration.<sup>3</sup>

The institutionalized corruption, inequality, and environmental damage inherent in Nigeria’s oil regime are thought to be another key driver of piracy in the region. Martin Murphy suggests that the Niger Delta is now “rich in resentment,” as political actors and their cronies have taken too great a share of the oil wealth and left communities with too little (2011, p. 74). Consequently, both pirate gangs and insurgent groups have attacked oil tankers and offshore platforms, often for the purposes of oil bunkering (Nodland, 2010, p. 192). MEND has been particularly active in this regard, and has attacked oil vessels both to fund their ongoing insurgency and to achieve their political goals. In 2008, for instance, it attacked Shell’s main offshore facility, the Bonga floating production and storage platform, successfully cutting Nigerian production by 220,000 barrels per day during the period it was shut down (Murphy, 2011, p. 75). Despite the economic consequences, these activities typically receive considerable support from local communities, particularly as these “illicit actors spread money around to win public support” (Raidt & Smith, 2010, p. 21). Given the widespread resentment among the public regarding the oil industry, these attacks are thus seen as rectifying some of the inequality caused by the corruption and exploitation of the country’s natural resources.

### 3.2.5 Enabling Factors

Although corruption in Nigeria has been a source of considerable resentment and a key driver of piracy, these activities ironically rely on this extensive graft to access markets for their illicit gains. In the first phase of piracy off Lagos, Murphy reports that the frequency and success of attacks continued to the point that “ship captains’ became convinced that the gangs were being

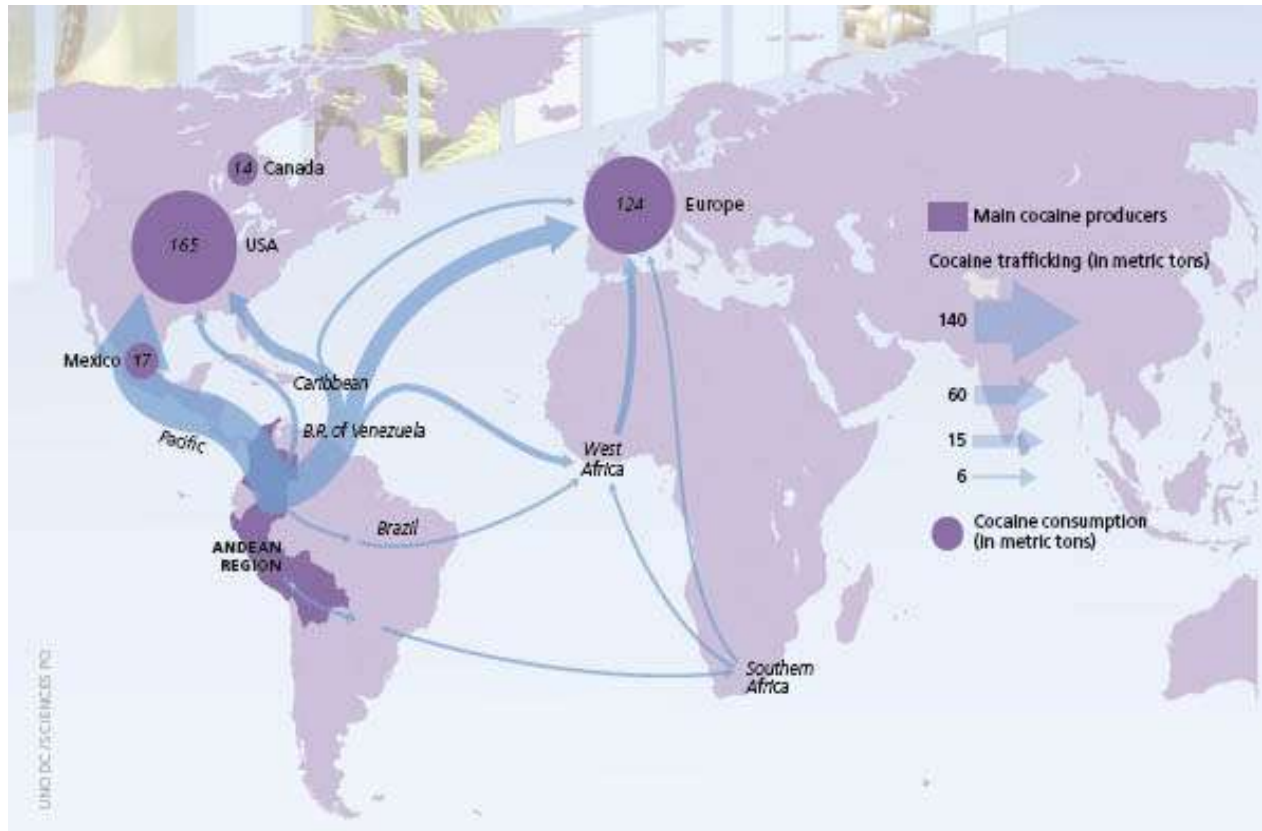
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<sup>3</sup> It should be noted, that with reference to the MEND there is some suspicion that groups are splintering off from MEND as some wish to remain more a political organization and others demonstrate a preference for criminality and violence over any political issues. (Nincic, SWG member 2012)

guided to their targets by corrupt port and customs officials” (2011, p. 73). Government officials, politicians, and bureaucrats have been equally implicated in the latest phase of piracy in the Niger Delta, through payments to individuals controlling export, military, private companies, or local government (Souare, 2010, p. 9; Asuni, 2009, p. 4). Oil bunkering, for example, is believed to involve complicit port officials and oil company employees (United Nations Security Council, 2012, p. 4). Large-scale bunkering requires forged bills of lading – documents that list and acknowledge the transport and receipt of goods and specify the terms of delivery – thus requiring the participation of officials who grant oil-lifting contracts (Raidt & Smith, 2010, p. 24). However, tackling this problem has proven particularly problematic, due to “the tenacity of certain leaders and high ranking officials in maintaining the status quo given the significant personal financial stakes in continued oil theft” (Raidt & Smith, 2010, p. 15). Piracy, much like other forms of organised crime in this region, thus carries a degree of political protection, which provides the enabling environment needed for this activity to prosper and there are expectations among political officials that they should benefit financially from this activity.

Other links have been documented between pirate gangs and organized crime, which provides the market for stolen cargo and oil. Murphy, for instance, suggests that “only the most public act takes place on the water; the rest, the organization, the finance, the recruitment, the technical support, the disposal of goods, the ransoming of people, the political support all take place on land” (2011, p. 66). Peter Pham further contends that most analyses of West African piracy have focused on the political nature of these attacks, “less attention, however, has been paid to criminal motives and organization behind some of the assaults” (2011, p. 14). Indeed, cash, drugs, and weapons have all been traded in exchange for the illegal oil derived from piracy, thus linking these activities to wider patterns of organized crime (Raidt & Smith, 2010, p. 24). This is of particular concern as there is increasing evidence linking organized crime networks in South America with those in the Gulf of Guinea (UNODC, 2010). In fact, the Gulf of Guinea is now a central cocaine trafficking lane for the European market.

**Figure 5: Main Global Cocaine Flows, 2008** ([http://www.unodc.org/documents/data-and-analysis/WDR2010/WDR10\\_Poster\\_Cocaine2.pdf](http://www.unodc.org/documents/data-and-analysis/WDR2010/WDR10_Poster_Cocaine2.pdf))



Piracy has further expanded through this region due to the limited enforcement capacities of the countries involved. In Nigeria, poor coastal and port security facilitated the initial rise of piracy off the coasts of both Lagos and the Niger Delta, while in Benin, the UN assessment mission on piracy in the Gulf of Guinea reports that “pirates generally utilize faster boats and more advanced equipment during these attacks than those operated by the Benin navy” (United Nations Security Council, 2012, p. 4). In addition it should be noted that piracy off Benin is linked to Nigerian pirates. Across the region as a whole, naval patrols have too often remained port bound “due to lack of maintenance, trained personnel, or both,” thereby limiting their capacity to deter this activity and enforce the rule of law at sea (Raidt & Smith, 2010, p. 33). Accordingly, pirate gangs operating across the region have responded to increased deterrence efforts by shifting their activities to areas more congenial to their continuation. Most notably, although the 2009 launch of Nigeria’s “Operation Restore Hope”, a Joint Military Task Force designed to take strong action against piracy and maritime security threats through intensified

naval patrols, successfully reduced the number of attacks in Nigerian waters, it subsequently displaced the locus of piracy to neighbouring areas (Crippa, 2011). Benin, in particular, saw a marked increase in attacks in 2011, as 21 attacks were reported off its coast compared to none in the previous year (United Nations Security Council, 2012, p. 4). It is speculated that pirate gangs operating in the area have “spotted a window of opportunity with weak local security and a craggy coastline which offers natural hideouts” (Reuters, 2011, p. 1). Cameroon is also vulnerable to attack, as pirates have begun to “exploit a weakness in Cameroon’s existing law enforcement and security structure” (OSAC, 2011). Nigerians are reportedly responsible for the majority of attacks in these countries, suggesting that Nigeria’s deterrence efforts have simply displaced this criminal activity to other areas of state weakness rather than ending the practice entirely (McCalahan, 2011). As Benin augments its own maritime security measures in collaboration with Nigeria and other bilateral partners, there is speculation that piracy will continue to migrate down the coast to other vulnerable states, including Togo (attacks occurring in October 2011, and February and April 2012) and Ghana (Crippa, 2011).

At the regional level, conflicting maritime laws and border disputes have limited multilateral cooperation on piracy. These disputes have not only impeded policing and emergency response efforts but have undermined the chain of rule of law across the region, thus providing de facto safe havens for pirates (Raidt & Smith, 2010, p. 33). Moreover, the relatively short coastlines of these countries –the Gulf of Guinea has a total coastline of 5,733 kilometres divided among 15 countries, compared to Somalia’s coastline of 3,025 kilometres (CIA World Factbook, 2011) – enable pirate gangs to easily move between territorial waters and avoid capture. This reality heightens the need for regional cooperation and coordination, a feat not yet achieved.

### 3.2.6 Root Causes

Piracy in the Gulf of Guinea thus poses a growing threat to regional stability. Originating in a context of poverty and unemployment, subsistence piracy initially thrived among the poor coastal and port security of Nigeria. As the state proved incapable of deterring these activities, piracy became more organized and increasingly threatened the growing volume of commercial shipping in and out of this country. A number of grievances born of the country’s deep inequality, entrenched corruption, and destructive oil industry further provided justification for these attacks, such that the presence of pirate gangs is tolerated in many communities (Raidt &

Smith, 2010, p. 21). Youth, in particular, are frequently enticed into these gangs through the promise of wealth, power, and status. Links to corruption, organized crime, and insurgent groups have provided the opportunity and market availability for organized piracy, such that this business model has been able to expand with relative ease. The alleged involvement of corrupt state officials, in particular, has provided these activities with a certain degree of political protection under the rule of law. The national deterrence efforts employed to date have been largely unsuccessful or have simply displaced piracy to other areas of state weakness, thereby highlighting the need for expanded regional cooperation.

### **Key Points for Further Research**

- Donna Nincic has provided her latest research into the Nigerian maritime piracy situation; it is to be published in the fall of 2012. Key figures and motivations should be reviewed in this section based on access to this new research material.

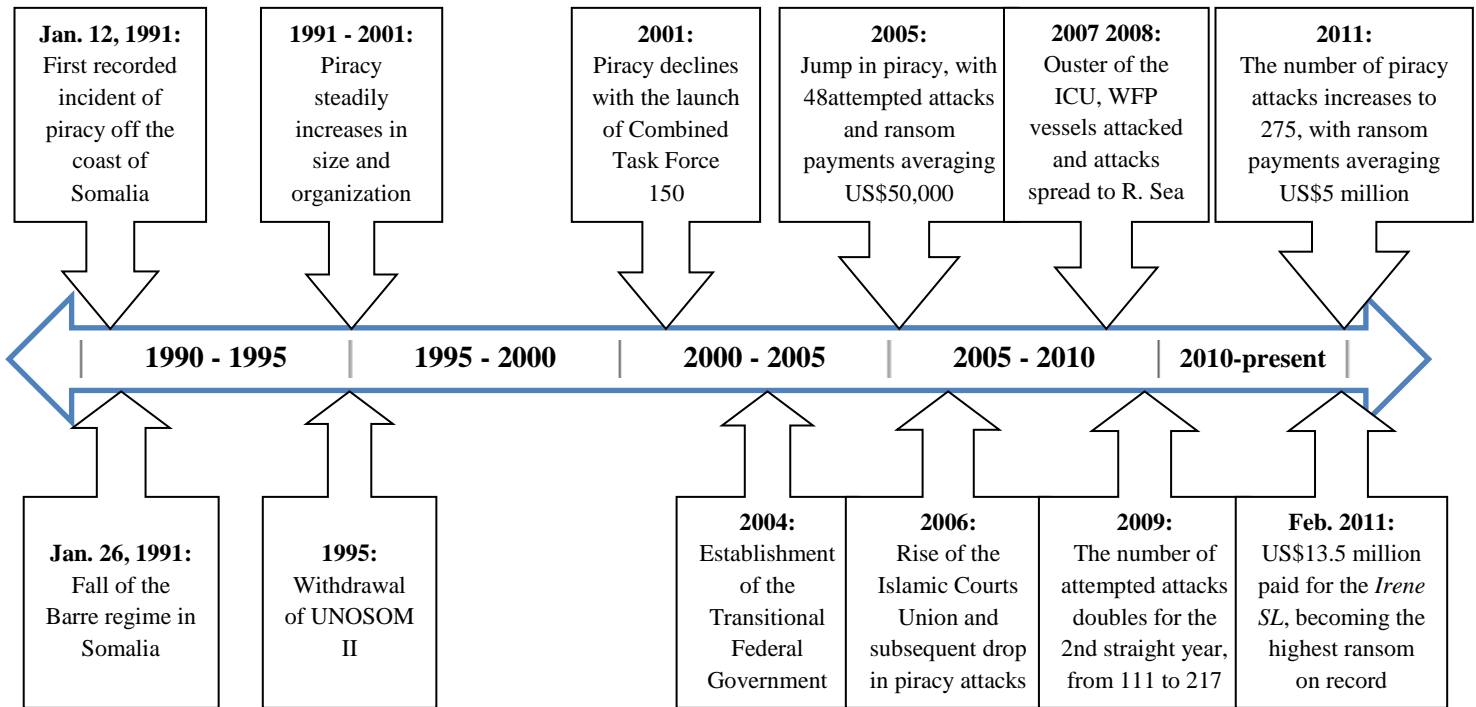
## **3.3 Gulf of Aden**

### **3.3.1 Historical Context**

Piracy off the coast of Somalia originated in the early 1990s, and is often thought to be correlated with the fall of the Barre regime (Pham, 2010, p. 326). Indeed, the first recorded incident of piracy in the area, involving the seizure of a cargo ship bound for Saudi Arabia and the killing of three Filipino crew members by Somali assailants, occurred on 12 January 1991, amid the collapse of the Somali state (Pham, 2010, p. 326). However, other reports suggest that piracy arose as a form of self-defence and protection against toxic dumping and illegal fishing by foreign vessels in the area, although this grievance tends to be minimized by the international community (Hirsi, 2011, p. 17). We contend that the combination of the fall of the Barre regime which allowed the conditions of toxic dumping and illegal fishing to take place created the rationale and opportunity for piracy to flourish. Piracy attacks have steadily increased through the 1990s until 2001, when the 9/11 attacks and the introduction of NATO warships (Combined Task Force (CTF) 150) off the coasts of Yemen and Somalia for the purposes of counterterrorism led to a marked decrease in reported cases of piracy in the area (Murphy, 2011, 70).

These incidences of piracy, however, remained relatively small-scale until 2005, when a group from central Somalia hijacked and ransomed off a tanker travelling 50 nautical miles off the coast of Somalia (Murphy, 2011, p. 80). This attack precipitated an explosion of piracy in the Gulf of Aden that, aside from a brief decline in attacks following the rise of the Islamic Courts Union (ICU) in 2006 and their strong anti-piracy stance, has weathered both the sustained international naval presence in the area and continued internal strife between the Transitional Federal Government and various insurgent groups (Murphy, 2011, p. 80). However, it should be noted that the ouster of the ICU by 2007 is thought to have led to the explosion of piracy attacks. During this time, these activities have expanded from an area concentrated off the coast of Somalia to over 1000 nautical miles into the Indian Ocean (Middleton, 2011, p. 3). Regions at risk now include the Arabian Sea, affecting Yemen, Oman, Pakistan, and India; the coast of East Africa, affecting Kenya, Tanzania, Mozambique, Madagascar, Mauritius, Seychelles, and South Africa; and most recently the Bay of Bengal. The average payment for seized vessels has risen from hundreds of thousands of dollars in 2006 to an estimated \$5 million by mid-2011 (Middleton, 2011, p. 23). The highest ransom on record is \$13.5 million, paid in February 2011 to release the Greek flagged *Irene SL* Very Large Crude Carrier (Oceans Beyond Piracy, 2011a, p. 11).

The economic impact of piracy, based on ransoms, insurance, deterrence, re-routing, and prosecutions and imprisonment, is estimated from anywhere between \$500 million (Mikhail, 2011) and \$6.9 billion (Oceans Beyond Piracy, 2011a). Over 80 percent of these costs have been borne by the shipping industry, 19 percent by foreign governments, and less than 1 percent by civil society (Oceans Beyond Piracy, 2011a, p.39). The Joint War Committee has declared an area covering the Indian Ocean, the Gulf of Aden, the Red Sea, and the Gulf of Oman a war risk zone, such that vessels transiting this region are now required to pay war risk premiums (Oceans Beyond Piracy, 2011a, p. 14).

**Figure 6: Timeline of Piracy in Gulf of Aden**

### 3.3.2 Actors

Since the emergence of the first self-defence groups in the early 1990s, the pirate gangs operating off the coast of Somalia have grown in size and frequency. These original groups were composed largely of fishers who, in the absence of a national coast guard, had mobilized to defend their livelihoods against toxic dumping and illegal fishing by foreign and unlicensed vessels in their waters. Although this militia initially levied fines against the ships they managed to board, this practice quickly evolved into hijackings and piracy. The names of these groups, including the Central Somalia Coast Guard, the National Volunteer Coast Guard, and the Somali Marines, reflect both their perceived identity and the political grievances from which they were formed (Gilpin, 2009, p. 5). Many of these groups are still in operation, including the National Volunteer Coast Guard and the Somali Marines, and are considered to be among the principal piracy networks operating in the area (Gilpin, 2009, p. 7).

These revolve around clan and sub-clan lines, yet members from other clans may be accepted into the group if they have a particular skill that is required or extra numbers are needed. There is

also evidence that suggests youth are entering into piracy activity because their fathers, uncles, and brothers had participated in this activity before them. Pirates also entice *bona fide* fishermen to forego using their skiffs at sea and use them to assist the pirates, who will be paid far more than they can earn fishing.

**Figure 7:** (Source: “The Pirate Tapes” 2010, Directed by Roger Singh and Andrew Moniz)



The most active groups involved in piracy include the following:

- Eyl Isse Mahmuud and Leelkase of the Darood clan
- Garad Omar Mahmuud of the Darood clan
- Hobyo Habargedir (Saad, Ayr, Suleiman) of the Hawiye clan
- Hardheere Habargedir (Ayr, Sarur, Suleiman) of the Hawiye clan
- Mogadishu Habargedir (Ayr) of the Hawiye clan (International Expert Group, 2008, p. 20)

These networks are comprised of armed militia, conscripted fishers, and unemployed young men, all organized by a handful of “pirate bosses” (Gilpin, 2009, p. 6). For the average Somali, the promised riches of piracy are hard to ignore. According to an interview with one Somali pirate currently serving time in prison, he left his job as a coast guard in Somaliland, with an income of \$45 a month, to pursue the financial gains offered through piracy, estimated to be \$6,000 per attack (Knawp, 2011, p. 1). Money gained from piracy does not only provide a social



mobility opportunity, but it also some greater security for families. If a pirate dies during an attack – an estimated seven percent of Somali pirates drown or are killed at sea annually (Oceans Beyond Piracy, 2011b, p. 25) – the family of the victim will reportedly receive approximately \$15,000 in compensation (Maouche, 2011, p. 22). Furthermore, there are rumours that the first pirate to successfully board the ship will also receive a hefty reward, which could be considered a “social security benefit”.

The money and social status offered through piracy are particularly attractive to Somali youth. With unemployment rates among this age group estimated at roughly two-thirds of the population, youth often look up to pirates as heroes (Lendon, 2011, p. 2) and will gather in piracy towns in the hope of being recruited into this “fashionable” line of work (Maouche, 2011, p. 20). These youth are always in plentiful supply; as one pirate from Somaliland commented, “whenever 20 die, there are always 20 more to replace them” (cited in Knawp, 2001, p. 2). Pirates, for their part, recruit indiscriminately, only requiring newcomers to be strong, experienced seafarers (Abdi, 2011). Recent reports have detailed that a number of pirates have died due to the fact that they have been inexperienced swimmers. (Nincic, SWG member 2011)

Many of pirates involved in attacks are typically children and young adults as well, while their bosses and financiers remain onshore. However, there needs to be more research done on the evolving roles that youth undertake in piracy gangs. As stated by Radhika Coomaraswamy, the UN Special Representative of the Security-General for Children and Armed Conflict, the individuals they send out to “do the dangerous stuff are young children and youth, between the ages of 15, 16 and 17” (Interview, February 10, 2012). In contrast to the considerable danger of death, injury, or imprisonment faced by pirates, the financiers and sponsors of these attacks face comparatively few risks. Thought to be based further inland in urban centres (Shortland, 2012, p. 3), these individuals provide the ‘seed money’ for pirate gangs to function, as well as resources and equipment, in exchange for upwards of 50 percent of the proceeds of attacks. Pirates, alternatively, are believed to receive approximately 30 percent of the profits, split between the commanders, mothership crew, and attack squads (Atallah, 2011, p. 53). The financiers have thus gained considerable wealth from piracy, far above that of the foot soldiers at the frontline of attacks. In addition, some pirates feel obliged to tithe some of their share of the ransom to the local mosques. (Nincic, SWG member 2011)

The relationship between piracy and armed groups in the area is less understood. Maouche suggests that, due to influence of warlords in most coastal regions, “it is unthinkable that piracy could flourish the way it has without their support, or at least their approbation” (2011, p. 25). The potential link between piracy and al-Shabaab, in particular, has been a subject of considerable debate (Hamilton, 2010; Special Representative of the Secretary-General to Somalia; 2010). Despite the insurgent group’s professed opposition to the practice, there is some speculation that pirate activities occur in al-Shabaab-controlled territories (United Nations Security Council, 2011, para. 113). Moreover, in January 2012, two Spanish aid workers kidnapped by al-Shabaab were sold to pirates located in the central area of Somalia, suggesting that potential business ties may exist between these groups (Deperani, 2012a). In the same month, a disturbing report indicates that Somali pirates holding the crew of the hijacked Taiwanese flagged FV Shiuh Fu adopted a common tactic of al-Shabaab by cutting the arm off of their captives (Deperani, 2012b); whether this suggests mobility between these two groups or simply the use of copycat tactics remains to be seen. However, as both recruit from the same pool of unemployed, frustrated, and marginalized youth, it is also possible that recruits may be moving from one group to the other in order to maximize their gains. As a report for the United Nations Security Council concludes, these trends suggest that “closer, more structured cooperation between the two groups cannot be ruled out in the future,” even though there is no confirmation of al-Shabaab’s systematic involvement in piracy to date (United Nations Security Council, 2011, para. 113). In addition, anecdotes of Somali pirates paying “docking fees” and “taxes” to al-Shabaab and possibly other terrorist groups were recurrent in information collected for the “Organised Maritime Piracy and Related Kidnapping for Ransom Report” of July 2011 conducted by the Financial Action Task Force. The report further details evidence that al-Shabaab ordered pirates in central Somalia to provide a cut of twenty percent of their profits to the terrorist group. When the pirates refused to do so, al-Shabaab reportedly detained four of the pirates’ investors (AFP 2011).

### 3.3.3 Targets and Tactics

Based primarily out of central Somalia and the autonomous Puntland region in the northeast, the target of Somali piracy is the high volume of commercial shipping traffic transiting through the Gulf of Aden en route to Europe and North America, including container ships originating from

Asia and oil tankers from the Middle East. The number of attacks and attempted hijackings has risen over time, from 50 in 2007 to 237 in 2011 (Middleton, 2011, p. 22; Oceans Beyond Piracy, 2011a, p. 8). In 2011, 28 vessels, including container ships, tankers, and fishing trawlers, were successfully hijacked (Oceans Beyond Piracy, 2011a, p. 8). However, unlike the hijackings found in Southeast Asia and West Africa, where the cargo of seized vessels is offloaded and sold on land, Somalia lacks the onshore infrastructure needed to conduct these large-scale thefts (Percy & Shortland, 2011, p. 6). As a result, Somali piracy predominantly involves hijackings for the purpose of ransoming the vessel and crew.

These operations typically unfold in a number of phases. They begin with the gathering of information, speculated to involve the participation of corrupt port officials in Mombasa, Kenya and Yemen who track AIS shipping information and who provide important information on routing, capacity, cargo, crew and defences (Gilpin, 2009, p. 5; Maouche, 2011, p. 33). The pursuit, boarding, and takeover follow, often taking place during the day time unlike attacks in Southeast Asia or West Africa (Discussions at the “Human Face Of Piracy Conference, March 1, 2012). These attacks are typically coordinated from seized medium-sized fishing boats from which smaller boats and attack teams launch their operations. This ‘mothership’ strategy has enabled the expansion of piracy activity into the Indian Ocean, as pirates are no longer constrained to operate from the shore. Successfully captured vessels are then steamed to safe areas – usually coastal communities in Somalia – from which the negotiations and ransom payments will take place. Once these payments occur, via drop or private security companies contracted by shipping agents or insurance companies, the vessel is released and granted safe passage (Gilpin, 2009, p. 4-5). Negotiations last an average of six months, during which the psychological and physical health of captured seafarers can undergo significant harm (Oceans Beyond Piracy, 2011b, 16).

This model has proven remarkably durable, and has thus far survived both the increasing international naval presence in the Gulf of Aden and continued fighting between the TFG and insurgent groups. The former, in particular, has forced a number of tactical changes among pirate gangs. On any given day, there are between 10 and 16 naval vessels deployed in the Gulf of Aden and the Indian Ocean, from the European Union Naval Force Operation Atalanta, NATO’s Operation Ocean Shield, and Combined Task Force 151, in addition to national and private

security vessels operating in the region (Oceans Beyond Piracy, 2011a, p. 25). In response, the hot spot of piracy has expanded from the immediate coastline of Somalia to incorporate an area over four million square kilometres, or roughly equivalent to one and a half times the size of mainland Europe (Oceans Beyond Piracy, 2011a, p. 25). Their tactics have equally adapted to prolong their length of time at sea, particularly through the use of ‘motherships’ and investment in new equipment and technology, including the use of AIS interception and satellite positioning systems to identify and track their intended target (Middleton, 2011, p. 22). Some observers also believe that the pirate gangs are receiving information from “spotters” working in ports around the region, who are providing advanced knowledge on the routes and physical details of potential targets (International Expert Group, 2008, p. 18). These tactical changes have enabled Somali pirates to avoid the naval patrols located in the Internationally Recommended Transit Corridor through the Gulf of Aden and expand their activities into the unpatrolled waters of the Indian Ocean (Middleton, 2011, p. 3), thus threatening the considerable volume of commercial shipping transiting through this region.

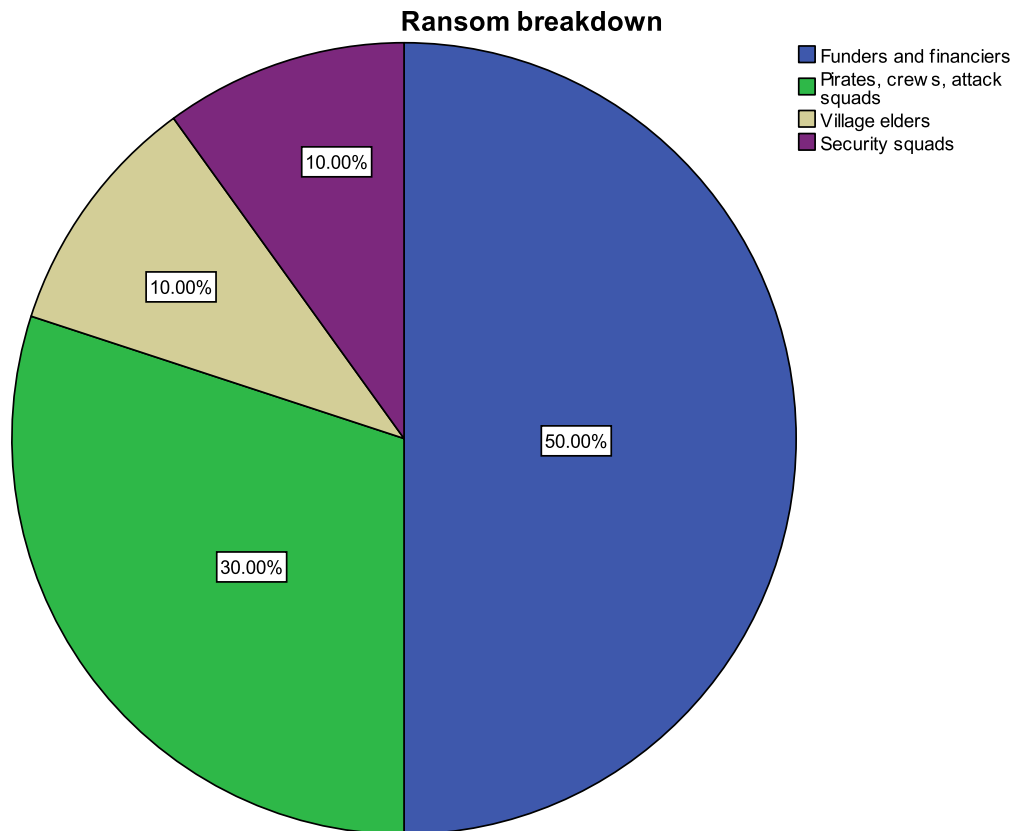
The international deterrence efforts, however, appear to have significantly augmented the risk involved in these activities. Although there were once “noticeable seasonal variations in the geographical attack patterns of Somali pirates during the north-east (winter) and south-west (summer) monsoons,” during which piracy incidents would typically decrease in areas of intense weather conditions and increase elsewhere, this trend appeared to change in 2011 (Commercial Crime Services, 2011). Despite monsoon conditions in the Indian Ocean from June to August of that year, pirates continued to threaten transiting vessels in the area, when “in the past they would have stayed away in such difficult conditions” (Commercial Crime Services, 2011). Some authors suggest that this is because the pirates are increasingly desperate because the percentage of successful attacks is decreasing combined with more people to pay off, individual pirates are often making less than they did in the past. (Nincic, SWG member 2011) According to Edwards and Lee, the use of violence in these attacks appears to be escalating as well, as the number of piracy-related fatalities among seafarers has grown from 8 in 2009 to 24 in 2011 (Edwards & Lee, 2011, p. 1). However, IMB Reports from 2011 state that only 8 seafarers were killed in 2011 and understanding the discrepancy in this reporting is in need of further research. On the one hand, these tactical changes may suggest the growing desperation of Somali pirates in light

of the presence of foreign navies. On the other hand, these changes may simply indicate their increasing boldness.

### 3.3.4 Motives

As discussed, piracy is thought to have emerged in Somalia as a form of self-defence and protection against toxic dumping and illegal fishing. Although Ahmed Hirsi observes that this piracy business model has since evolved and is now motivated primarily by greed (Hirsi, 2011, p. 22), these original grievances have yet to be resolved. Indeed, the international community and particularly the European Union, whose members are allegedly responsible for these violations related to toxic dumping and illegal fishing, continue to downplay their importance (Hirsi, 2011, p. 17).

The escalating ransom payments and geographic expansion of Somali piracy, however, have extended far beyond a grievance-based account of these activities. Within a context of state collapse, instability, extreme poverty, and limited opportunities, the first pirate groups likely found this activity to be a viable and lucrative economic alternative (Maouche, 2011, p. 30). This business model has since developed to the point that multiple stakeholders are now invested in the continuation of this practice. Rudolph Atallah (2011, p. 43) breaks down the average ‘take’ of pirate ransoms as follows:

**Figure 8: Ransom Breakdown**

As is evident from this division of spoils, there are numerous actors invested in the success of these attacks, from the financiers, sponsors, organized crime elements and corrupt state officials reluctant to give up this lucrative side business, to the small-scale recruits and communities who now depend on the economic opportunities it provides. The inelasticity in demand has ensured the continuation of this practice, such that intervention and the increasing risk involved in piracy have been unable to dissuade the individuals involved in these attacks. The insurance industry, for its part, has played into this business model by offering increasingly higher ransom payouts in exchange for captured vessels. Given the low risk of attack compared to the potential gains, for these brokers it is “not in their interest for piracy to stop altogether” (Percy & Shortland, 2011, p. 27). As a result of the various stakeholders invested in piracy, this practice is unlikely to be abandoned lightly.

### 3.3.5 Enabling Factors

This systemic business model, comprising stakeholders from all facets of society, has evolved to the point that pirate ransoms now represent the second largest source of revenue in the country, estimated around \$200 million, second only to remittances from the Somali Diaspora (Middleton, 2011, p. 23).<sup>4</sup> Some analysts attribute the success of this model to the combination of state collapse, availability of arms, and proximity to a major commercial shipping lane, which in addition to the economic motives driving this activity have created a “perfect storm” for piracy off Somalia (Murphy & Saba, 2011, p. 1). From this perspective, the state’s inability to monopolize the use of violence and enforce the rule of law over its territory has enabled piracy networks to develop and expand with relative impunity. For individuals, the low risk of sanction further lessens the opportunity cost of engaging in this criminal activity, particularly in comparison to the limited economic prospects available in the formal economy (Maouche, 2011, p. 27).

Although the state failure thesis effectively characterizes the lawlessness of central and southern Somalia, it fails to account for the weak yet functioning state structures found in Puntland, from which the majority of attacks originate. Despite some weaknesses, this region only partly corresponds to the failed state categorization, as its institutions have proven capable of guaranteeing a certain level of security over its territory (Maouche, 2011, p. 9-10). Nonetheless, the Office of the Secretary-General of the UN has denounced the complicity of the Puntland administration in the continuation of piracy in this region (Maouche, 2011, p. 23). Several state officials, including Puntland President Faroole and Minister of the Interior, General Ilka Jir, have been implicated in abetting piracy networks through the provision of financing, protection, and political support, in exchange for a share of the proceeds (McKenzie, 2008; Maouche, 2011, p. 23; International Expert Group, 2008, page 17). In addition to high level politicians, the Pirate Tapes documentary also demonstrates how pirate groups have basic control over police forces. Different pirate groups will buy the allegiance and protection from the police. This will fluctuate according to the area where the pirate group operates.

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<sup>4</sup> Middleton estimates these remittances to be around \$1 billion

These different levels of intersections suggest a “symbiosis” between piracy and the state – in exchange for offering the public goods and economic opportunities that the state is unable to provide, these criminal activities have been granted certain freedoms over the environment in which they operate (Percy & Shortland, 2011, p. 20). Consequently, as Alexandre Maouche suggests, “building security institutions is not necessarily sufficient to guaranteeing the decrease of attacks ... [as] weak or corrupted state security can even contribute to worsen the situation by offering protection and even material support to pirates in exchange for money or other advantages” (2011, p. 28). As opposed to operating within a context of state failure, piracy in Puntland is therefore thought to be maintained and strengthened through its connections to weak state structures.

Clan dynamics equally play into these relationships. As the “main identifying factor within the population” (Maouche, 2011, p. 16), pirate groups have equally been organized along the lines of clan loyalty and hierarchy. Consequently, as most Puntland officials belong to the same Majerteen sub-clan as the main pirate groups in the area, it is thought that cooperation and solidarity between these members is likely to occur on a number of different levels (Maouche, 2011, p. 23). Even without their direct involvement in these activities, these officials most likely benefit from the distribution of ransom gains among clan networks (Middleton, 2008, p. 5). These dynamics add a further layer of complexity to the symbiosis of piracy and the state, such that the links between the two will be difficult to root out.

Furthermore, pirates and financiers are also believed to use the *hawalah* systems – a traditional form of transferring funds used in the Middle East and parts of Africa – to launder ransom money into ‘legitimate’ businesses or to issue loans to local businessmen (Atallah, 2011, p. 45). This underground system of transferring money makes it difficult to trace the financiers of piracy activity off the coast of Somalia. Although many academic and policy reports have noted that the Somali Diaspora living in Europe, North America and the Middle East are the main financiers of piracy activity, other evidence suggests that these sponsors are actually Americans (Pirate Tapes, 2011). As Atallah notes, “there is limited research that identifies the key piracy financiers and their associated business investments; this represents a gaping hole in the counter-piracy approach” (Atallah, 2011, p. 43). Mombasa is often referred to as “Little Mogadishu” due to the



role it plays in money laundering for the pirate gangs and is considered to be a driving factor behind the dramatic rise in real estate in Mombasa. (Nincic, SWG member 2011)

The dissemination of ransom gains among clan networks has also generated considerable support in coastal “piracy towns.” Communities will often provide beach access, food and shelter, and financing to pirate groups of the same sub clan, in exchange for the reinvestment of their spoils in the area (Atallah, 2011, p. 43; Hunter, 2008; Maouche, 2011, p. 34). The dissemination of ransom gains among clan networks has also generated considerable support in coastal “piracy towns.” Communities will often provide beach access, food and shelter, and financing to pirate groups of the same sub clan, in exchange for the reinvestment of their spoils in the area (Atallah, 2011, p. 43; Hunter, 2008; Maouche, 2011, p. 34). These activities have further generated considerable employment opportunities in these communities, as it is estimated that for every 50 pirates used in the actual attacks, there are another 50 individuals on the coast employed as guards, cooks, producers and traders (Shortland, 2012, p. 4). According to Lang, the “point of no return” for many Somali communities is fast approaching, involving “the creation of a veritable mafia, piracy-driven economy and the deep disintegration of Somali society” (2011, para. 16). However, although piracy does provide viable employment opportunities for certain individuals, the overall relation with community members is far more complex. There is evidence that some communities, for instance, are taking their own initiatives to eradicate piracy activity.

*Case Studies: Local Initiatives against Piracy: Eyl and Bargal Communities*

The small community of Eyl, located in Galmudug, which is considered to be the heart of piracy since 1990s, have begun to take actions against pirate gangs under the leadership of community elders. A locally driven advocacy campaign was launched to send the message that “piracy is *haram* (forbidden)”. Economic trade with the pirates was frozen and when a notorious pirate leader was unable to purchase a can of Coke for US \$100, pirate groups packed up and left (STATT, 2012, p. 4). Similarly in Bargal, community members created a community police force with 80 volunteers to keep piracy out, after they failed to meet a list of community demands drafted by the community regarding their lifestyle. In particular, residences from Bargal were “fed up with thefts, drinking, rowdy behaviour and the unwanted attention piracy brought to the area” (STATT, 2012, 4).

As the case studies of Eyl and Bargal demonstrate, certain coastal communities are equally concerned about the long term threats to their established lifestyles. Indeed, one report observes that “at the community level in Somalia, there is a genuine desire to eradicate piracy – speak

with Somalis across the country and it is clear that they want a chance at a legitimate and peaceful life and want to rid themselves of criminal actors ... Notably, women often take the lead in expressing these views” (STATT, 2012, p. 5). There is anecdotal evidence that some young pirates drop out of the business because their mothers and grandmothers refuse to allow them to remain as pirates. (Nincic, SWG member 2012)

The economic benefits of piracy for communities are equally in dispute. A report by Oceans Beyond Piracy suggests that the rise of local pirate economies has also been accompanied by considerable inflation in the prices of basic goods, petrol, and housing; although they acknowledge that it is difficult to disaggregate the specific impact of piracy from Somalia’s other afflictions (Oceans Beyond Piracy, 2011b, p. 24). In contrast, a study by Chatham House shows that the rice prices in regional markets in Somalia have, if anything, fallen as a result of piracy (Shortland, 2012, p. 7). This report instead suggests that the benefits of piracy have been mostly felt in provincial capitals and other urban centres, where the sponsors of these attacks are believed to be located, as opposed to the coastal communities complicit in these activities (Shortland, 2012, p. 13-15). Using satellite imagery to track the developmental growth of different communities, it suggests that piracy-related investment in urban centres “is on a completely different scale from that in the coastal areas” (Shortland, 2012, p. 19). Despite these contrasting views, a greater understanding of the relationship between piracy gangs and communities is essential in considering land-based solutions to piracy.

The World Food programme’s Head of Logistics, Amer Daoudi, remarked that the WFP would often directly communicate with the tribal elders in Somalia to negotiate the release of their vessels. This resulted in many vessels being released without ransom payments. (Interview with Donna Nincic, SWG member, 2009)

### **Key Issues for Further Research**

- The World Food Programme has employed its own negotiators for difficult humanitarian situations. It would be instructive for this report to understand their techniques for negotiation in light of piracy incidents that the WFP ships have encountered.

### 3.3.6 Root Causes

The causes of piracy in the Gulf of Aden thus stem from a combination of grievance and opportunity. On the one hand, the resentment generated by toxic dumping and illegal fishing are thought to underlie the initial incentives to engage in piracy. On the other hand, Somali piracy has expanded beyond these original grievances, as organized pirate gangs have thrived in an environment of state collapse and the complete absence of the rule of law. The promises of wealth and social status are often hard to ignore for youth, unemployed fishers, and ex-militia members, particularly in comparison to the limited economic prospects available. The business model derived from this combination of grievance and greed is now systemic, as coastal communities, local economies, corrupt state officials, and financiers all have an active stake in the continuation of this practice. This will undoubtedly pose significant challenges to the international actors investing in long-term, sustainable solutions to piracy in Somalia.

#### **Key Areas for Further Research**

- Reviewers have commented on the links between al-Shabaab and Hibul Islam and the piracy gangs. As such, this needs to be re-examined. Jeffrey Gettleman of the NY Times has written on this aspect.
- It is not just the pirates themselves who are gaining from piracy; there are businesses, governments, financiers and nations that are benefitting. A more detailed examination into the insurance risk assessment and their profits/gains would benefit this section as well.
- Additionally, an examination of the parallel economies created by piracy – such as private security industry, the industrial companies providing technical assistance to the joint maritime patrols (coastal radars, offshore and maritime patrols). An example provided was CASSIDIAN.
- How has the piracy off the Coast of Somalia benefitted the creation of new markets in the region? For example, the judicial system in Seychelles, the Yemeni Navy's decision to contract itself out as a private security provider for commercial cargo ships?

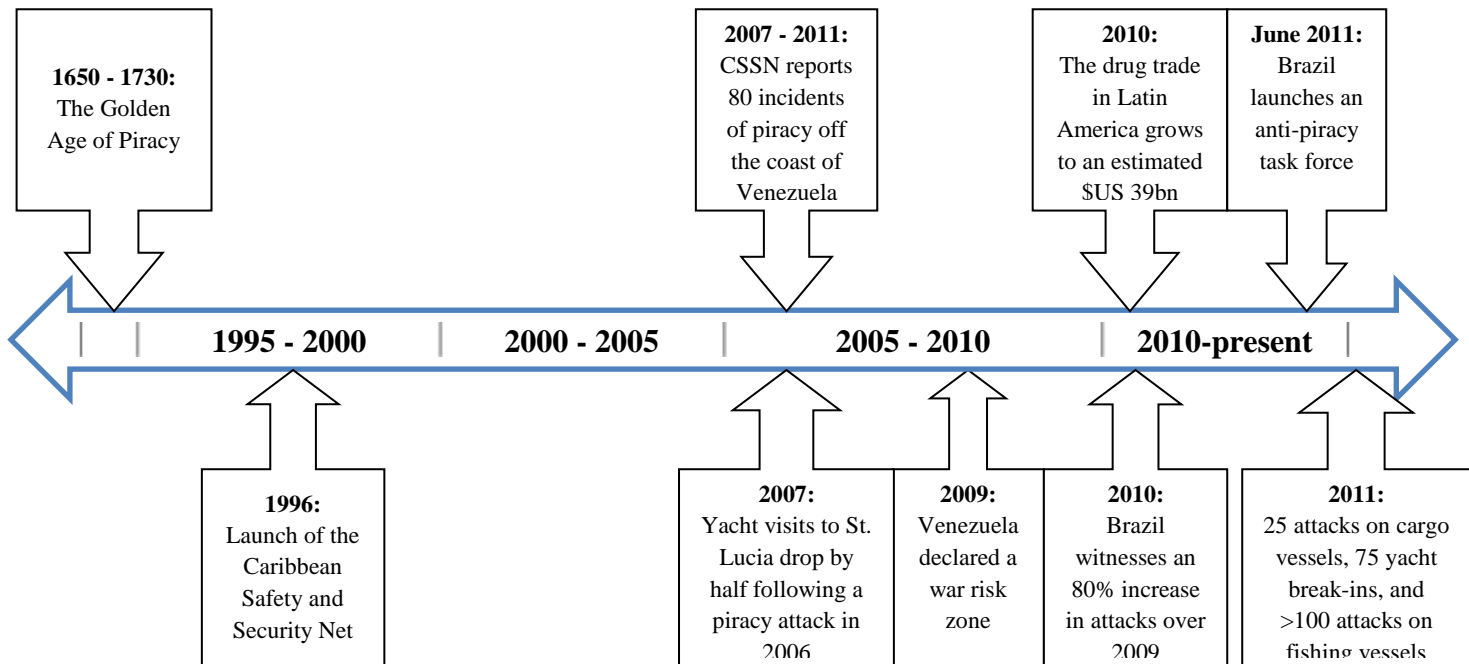
## 3.4 Latin America and the Caribbean

### 3.4.1 Historical Context

Aside from its well-known historical roots, contemporary piracy in Latin America and the Caribbean has received little publicity, particularly in comparison to its counterparts in East and West Africa and Southeast Asia. In 2010, 39 of the 40 incidents recorded by the IMO in this region occurred in port areas, 32 of which while the vessel was at anchor (International Maritime Organization, 2011b, p. 29). Most of these attacks were perpetrated against yachts and other small, private ships, and involved the theft of the electronics, equipment or cash onboard. There have also been several reports of piracy among container vessels, resulting in the theft of part of the ship's stores. Due to the proximity of these attacks to shore, the line between petty theft and piracy is difficult to distinguish in these instances. Lastly, piracy is self-reported, if an attack occurs and it is not reported, then there is no record of the attack, which leads to under reporting.

Other reports correspond more closely to the definition of piracy used in this report. In 2011, a Liberian tanker off the coast of Ecuador reported an attempted boarding by pirates (IMB, 2011, p. 22). Similar attacks have been reported off Columbia and Peru (IMB, 2012). Ecuador, in particular, is experiencing an increasing number of attacks on vessels in or approaching the Guayaquil River, and is the only country in this region to be listed under the IMB's 2011 report on piracy-prone areas (IMB, 2011, p. 22). Although occurring farther inland, Brazil has also reported a number of attacks on passenger vessels in the Amazon Delta (Phillips, 2011). Overall, however, pirate attacks against cargo and passenger vessels in Latin America and the Caribbean have remained relatively isolated. Attacks on fishing vessels are believed to be more common, although the lack of a regional reporting agency for assaults of this nature has limited an analysis of this trend.

Figure 9: Timeline of Latin America and the Caribbean



### 3.4.2 Actors

Due to the limited data or analyses collected from this region, little is known about the identity of these actors. However, given the relatively small-scale and isolated nature of these attacks, piracy in this region can be assumed to be predominantly subsistent in nature, analogous to petty theft in any population centre. Indeed, in the Latinobarómetro public opinion polls in 2005, 70.6 percent of respondents across 17 countries in Latin America and the Caribbean stated that crime had “increased a lot” in the last year, only slightly down from the 74.9 percent that responded likewise in a 2002 poll.<sup>5</sup> In 2005, respondents further declared crime to be among the most important problems facing their country, and second only to unemployment.<sup>6</sup> With some of the highest unchecked crime rates in the world (Seelke, et al., 2010, p. 6), piracy in this region is perhaps best viewed as the expansion of criminal activity offshore. This distinguishes the

<sup>5</sup> Respondents were asked: “Has crime increased or decreased?” and were given the following choices: “not asked,” “no answer,” “increased a lot,” “increased a little,” “remained the same,” “decreased a little,” “decreased a lot,” “don’t know.” There were 19,209 respondents in the 2005 survey, and 18,521 in the 2002 survey. Countries surveyed were: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Chile, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela. <http://www.latinobarometro.org/latino/>

<sup>6</sup> Respondents were asked: “What is the most important problem in the country,” and were provided a list of 35 possible answers. Crime / public security was chosen by 14.8 percent of respondents.

situation in this region from the other regions in the report where piracy began as localized criminal activity and then later grew into more organised and dangerous forms of piracy.

### 3.4.3 Targets and Tactics

Although there is no regional reporting agency for attacks and robberies among fishers, reports from individual countries and national newspapers suggest that attacks against this industry represent the most widespread example of piracy and may number in the hundreds each year (Andes, 2011; El Nacional, 2011; Thompson, 2008). Fishers are often robbed of their catch, outboard engines, equipment and electronics, or simply the vessel itself (Phillips & Gabriel, 2010). Despite the importance of the local fishing industry to coastal communities, the fear of attack and the cost of replacing stolen engines or boats, combined with the effects of overfishing, have forced many to abandon their livelihoods (FAO, 2011).

Nationally, these attacks have generated significant economic costs for both fishers and the industry. In Ecuador, for instance, the cost of piracy against fishers was estimated at \$1.3 million in 2011 (Andes, 2011); in the Bahamas in 2010, it was estimated at \$16 million (CARICOM, 2010). However, as this sector is “localized and highly concentrated” across Latin America and the Caribbean as a whole and plays a minor role in most national economies, the regional impact of piracy on the fishing industry is presumably small. Instead, the economic impacts have most likely been constrained to remote, coastal communities where there are few alternative sources of income.

Yachts and other smaller private ships in the region have also fallen victim to piracy. These attacks typically occur in port areas and consist of small-scale robberies, involving the theft of equipment, electronics, or cash. The costs of these attacks generally range from \$1500 to \$2000, and are largely unreported as a result (Stone, 2008, p. 8). Although most occur when there is no one onboard, several have involved violent assaults, resulting in the injury or death of crew members (Williams, 2008). In Venezuela, for instance, the Caribbean Safety and Security Net reports that groups armed with knives and guns have assaulted and killed crew members while robbing yachts and commercial ships. In contrast to the hijackings and cargo thefts found in Southeast Asia and East and West Africa, these small-scale attacks, perpetrated in port areas and involving the theft of material goods, often blur the distinction between piracy and petty theft.

This form of piracy has had significant consequences for local and national economies dependent on tourism. The Caribbean Safety and Security Net, for instance, reports that an attack in 2006 in St. Lucia, in which the captain was severely beaten and his wife raped, caused the number of yacht visits to drop by half the next year (CSSN, 2012). Presumably, the movement of these vessels from piracy-prone areas has also inhibited the rise of organized piracy. Without the convenience of a consistent and steady target, the likelihood of a sustainable business model emerging around this activity is unlikely. There have also been several reports of pirates targeting container vessels and tankers, resulting in the theft of part of the ship's stores. These attacks are most likely under-reported, as the cost of potential delays due to an investigation into the attack could easily be higher than the value of the stolen goods (Vaknin, 2011). There is no evidence that these attacks have forced shipping companies to adjust their routes or the type of ships deployed. Moreover, the number of reported attacks and their severity do not suggest that cargo vessel owners are likely to pay higher insurance premium as a result of piracy in the region. The exception is Venezuela, which has been classified as a high risk area by the Joint War Committee. This classification, however, is mostly due to its nationalization of foreign assets, including commercial vessels, as opposed to increasing levels of piracy (BMI, 2009). However, it should be noted that the oil trade in Venezuela has the potential to become an attractive target for pirates if those operating in the region become organised pirates.

#### 3.4.4 Motives

Piracy in Latin America and the Caribbean has thus remained relatively local and subsistent in nature. Without access to a consistent target, there is little means or incentive for pirates to expand their operations and become more organized. Although piracy has occurred in greater frequency among fishing communities, these activities have remained relatively local. As most of the region's fishing industry is located in "remote rural communities that lack income earning opportunities from other economic sectors" (Murray, 2004, p. 2), piracy in these areas is most likely a crime of opportunity and desperation, carried out in an environment of isolation and weak state capacity.

### 3.4.5 Enabling Factors

The island character of the Caribbean has proven to be a significant obstacle to local enforcement efforts. Some countries comprise hundreds of islands – the Bahamas, for instance, is an archipelago of over 700 islands and 2,000 cays. This geography “permits entry into and use of Caribbean territories from hundreds of multiple places in the surrounding sea,” and has posed a significant challenge to the territorial policing and security efforts of Caribbean countries (Taylor, 2000, ch. 1). As seen in the other regions surveyed in this report, pirates operating among these island territories have most likely taken advantage of the natural hideouts offered by this favourable geography.

Entrenched corruption in Latin America and the Caribbean is another factor that may contribute to the future expansion of piracy. Although there have been few documented links between the two, criminal activity has generally flourished under the region’s most corrupt governments. In Venezuela, for instance, crime has considerably increased under the current presidency of Hugo Chavez, as murder rates in the country have grown from 4,550 in 1998, the year of Chavez’s election, to 19,113 in 2009 (The Economist, 2010). The Latinobarómetro public opinion poll further reveals that 64% of Venezuelans, more than any other country surveyed, identify crime as the most important issue their country needed to address (Latinobarómetro, 2010, p.14). These crime rates have soared within an environment of increasing corruption – in 2011, Venezuela ranked 172<sup>nd</sup> out of 182 countries with a score of 1.9 on Transparency International’s Corruption Perceptions Index, in which 0 means that a country is perceived as highly corrupt and 10 means that it is perceived as very clean. Although Venezuela represents an extreme case, the apparent correlation between crime and corruption could facilitate the future expansion of piracy in a region known for its history of corruption (Smith, 2005, p. 273-279)

Despite the potential for growth, a number of other factors may be suppressing the emergence of more organized piracy in Latin America and the Caribbean. Although the region’s major commercial shipping lane and bottleneck through the Panama Canal is a cause for concern, the proximity of the United States – a Caribbean state itself – may be one possible deterrent to the systematic targeting of vessels in transit. The US Southern Command (SOUTHCOM), based out of Doral, Florida, conducts routine naval operations in the Caribbean, primarily for the purpose of combating transnational organized crime (US SOUTHCOM, 2012). The US also recently



launched the Central American Regional Security Initiative and the Caribbean Basin Security Initiative with partner countries across Central America and the Caribbean, both of which are aimed at countering drugs and organized crime. Although none of these initiatives explicitly address piracy, the presence of US vessels in the region and their cooperation with national militaries for the purposes of arresting transnational crime may be sufficient to deter individuals from pursuing more organized piratical activities.

The Caribbean also encompasses a number of bilateral and multilateral cooperative agreements, many of which include maritime security arrangements. The Caribbean Community (CARICOM), for instance, composed of 15 states and centred on economic integration and cooperation, has a number of institutions relevant to the deterrence of piracy in the region. CARICOM's Implementation Agency for Crime and Security is the body's security and law enforcement agency and is "specifically geared towards strategic research, program and project implementation, evaluation, analysis and mobilization of resources to support the collective fight against serious crime and to counter other security threats in the region." The 2008 Maritime and Air Space Security Cooperation Agreement provides a further mechanism for cooperation relative to "the prevention of piracy, hijacking, and other serious crimes" (CARICOM, 2008, Article II, 2, (g)). In contrast to the limited regional cooperation found in Southeast Asia and the Gulf of Guinea, which has adversely enabled piracy to move across borders with relative impunity, the regional security arrangements in Latin America and the Caribbean may be another deterrent to piracy in this area, and may compensate for any deficiencies in the policing and security capacities of the states involved.

Finally, there may simply be more lucrative options available to those involved in criminal activity. The drug trade, in particular, is well-established in the region – in the Caribbean alone, the United Nations Office on Drugs and Crime estimates that drug trafficking in 2008 was equivalent to approximately 3.5 percent of GDP (cited in *The Economist*, 2008). Some organized crime elements have formidable resources and capabilities, and "possess extensive paramilitary and counterintelligence capabilities that allow them to rival state security forces" (Seelke. et al, 2010, p.3). With organized crime heavily invested in this trade, there may be simply no market for an expansion into piracy. It should also be considered that much of these activities are based on land and as security continues to tighten, we may see more drug trade moving to the ocean as

criminals become more accustomed to working on the water. This could therefore lead to the willingness to expand into piracy activity. (Nincic, SWG member, 2012) Moreover, for unemployed or desperate fishers, the drug trade further provides an existing and viable economic alternative. Indeed, fishing vessels have been implicated in a number of activities related to the drug trade, including “as transport vessels for point-to-point delivery of cocaine consignments, as transport from offloading mother ships to remote landing sites and commercial ports, and as the providers of offshore refuelling and provisioning for “go-fast” boats in transit (UNODOC, 2006, p.11). Human smuggling and weapons trafficking also play into this trade, and have been linked to fishers in the region. For the average fisher, looking for alternative incomes as a means of survival, the existing and viable opportunities available through the drug trade may simply provide a more lucrative and low-risk option than the boardings and armed assaults involved in piracy.

### 3.4.6 Root Causes

To date, piracy in Latin America and the Caribbean has predominantly involved small-scale, opportunistic attacks perpetrated against fishing vessels and yachts. In most cases, these attacks have involved little more than petty theft; as a result, they may simply be suggestive of the expanding reach of the region’s considerable criminal activity. Entrenched corruption across Latin America and the Caribbean may provide future opportunities for collusion and growth. However, with few consistent targets and with organized crime invested in the lucrative drug trade, there is neither the opportunity nor the market to expand this business model into organized piracy. Moreover, regional cooperation between states and with the US has most likely compensated for any limitations in the policing and security capacities of the states involved. These factors have possibly suppressed the emergence of more organized piracy in this region beyond its subsistence roots.

## 3.5 Regional Overview

In an effort to try to summarize and assist with the analysis of the various regions affected by global piracy and through the lenses of the three broader main root causes: Economic, Social and Political, we attempted to provide a table to create a comparative approach.

		Southeast Asia	Gulf of Guinea	Gulf of Aden	Latin America & Caribbean
<b>Economic Root Causes</b>	Income / availability of markets	-subsistence piracy, used to supplement low incomes -organized piracy, with links to transnational criminal networks	-subsistence piracy, used to supplement low incomes (Lagos) -organized piracy, with links to transnational criminal networks	-organized piracy, with no known links to transnational criminal networks	-subsistence piracy, used to supplement low incomes -access to other lucrative forms of criminal activity (drug trade)
	Cost of an attack	-availability of financing (crime syndicates) -availability of small arms (Indonesia, Philippines) -availability of recruits (“town pirates”)	-availability of financing (oil bunkering) -availability of small arms (regional) -availability of recruits	-availability of financing ( <i>hawalah</i> , sponsors unknown) -availability of small arms (Somalia) -availability of recruits	-no availability of financing -limited availability of small arms -limited availability of recruits
	Opportunity Costs	-localized poverty -high unemployment rates (Indonesia, Philippines) -declining fish stocks	-extensive poverty -high unemployment rates (regional)	-extensive poverty -high unemployment rates (Somalia)	-localized poverty -declining fish stocks
	Proximity to shipping lanes	-high volume of international trade -bottlenecks for international trade	-high volume of regional trade	-high volume of international trade -bottlenecks for international trade	-high volume of international trade -bottlenecks for international trade -high volume of maritime tourism
<b>Social Causes</b>	Maritime Capacity	-knowledge of local geography and nautical skills -affinity with the sea -extensive history of maritime piracy	-knowledge of local geography and nautical skills	-knowledge of local geography and nautical skills	-knowledge of local geography and nautical skills

	Gaining Social Status	-‘fashionable’ line of work for desperate youth	-‘fashionable’ line of work for desperate youth	-‘fashionable’ line of work for desperate youth	-other illicit opportunities available to youth
	Grievance	-illegal fishing	-systemic inequality, corruption, and environmental degradation caused by oil industry -frustration with amnesty program	-foreign toxic dumping and illegal fishing	-no known grievances with links to piracy
	Community Support	-provision of safe havens, resources, and market links -“social pirates”	-no known links to communities	-provision of safe havens, resources, and market links -emergence of local pirate economies -dissemination of gains among clans	-no known links to communities
Political Causes	Corruption	-localized corruption	-systemic corruption	-systemic corruption	-systemic corruption, but no known links to piracy
	Presence of armed groups	-Abu Sayyaf (southern Philippines) -Gerakan Aceh Merdeka (Aceh, Indonesia) -armed criminal syndicates -no known links to terrorism	-Movement for the Emancipation of the Niger Delta (Niger Delta, Nigeria) -other militant groups operating in Niger Delta and Cameroon -no known links to terrorism	-assumed link between pirate gangs and regional warlords -no known links to terrorism	-no known links to drug cartels

	Limited state capacity	-primarily in remote coastal communities -weak enforcement capabilities, shifting 'hot spots' -conducive geography (islands, inlets, reefs, etc)	-weak enforcement capabilities, shifting 'hot spots' -conducive geography (short national coastlines)	-primarily in remote coastal communities -weak enforcement capabilities, shifting 'hot spots' -conducive geography (long coastline)	-primarily in remote coastal communities -conducive geography (islands, inlets, reefs, etc) -proximity to United States a potential deterrent (US SOUTHCOM)
	Regional disputes	-disputes over territorial / maritime boundaries -limited regional cooperation	-disputes over territorial / maritime boundaries -limited regional cooperation	-extensive international naval cooperation (NATO, EUNAVFOR)	-extensive regional cooperation, particularly in the Caribbean (CARICOM)

## 4. SOCIO-ECONOMIC IMPACTS

### 4.1 Global Impacts

#### 4.1.1 Economic Impacts on the Commercial Shipping Industry

The majority of all international trade is transported by sea, both in terms of value and weight (Mandryk, 2009), while millions of people make use of maritime transport for travel and recreation (IMO, 2011).

The presence of pirates in several regions around the world affects maritime transport. This section analyzes the economic impacts of piracy on the commercial shipping industry. For reasons explained in the first chapter, there are methodological limitations that make it impossible to give an accurate quantitative assessment of the impacts of piracy on the commercial shipping industry in each region. For that reason the report provides quantitative information where possible, but is mostly limited to a description of the economic impacts. These impacts are derived from both the threat of piracy and the consequences of actual attacks. The threat of attacks has prompted changes in vessel management, including routing, speed and scheduling adjustments; provoked the application of various security measures, including the use of armed guards and the installation of citadels and razor wire, among other equipment; and raised the cost of insurance, including both ‘war risk’ and ‘kidnap and ransom’ insurance premiums. The impact of actual attacks has resulted in the payment of ransoms for kidnapping and hijackings not covered by insurance; and incurred losses due to damage to or theft of the crew’s belongings, cargo and the vessel (Oceans Beyond Piracy, 2011a).

The 2010 and 2011 annual IMB reports on piracy and armed robbery attacks against ships clearly show that the majority of all reported piracy attacks are aimed at cargo vessels, once again illustrating the difficulties with self-reporting of pirate attacks. It also shows that most of the successful piracy attacks take place while the cargo vessels are at anchor and relatively close to shore. In most of these cases the goal of the pirates is to steal the ship’s stores during which they attempt to remain undetected. However, in the Gulf of Guinea, i.e. in the waters of Nigeria, Benin and Cameroon, pirates appear to take their time onboard and ransack the crew’s quarters in search of personal valuables (IMB, 2011). Though these attacks can be horrible to endure, the direct costs as a result of such attacks will most likely not cause serious financial problems for

the ship owners or operators. This could be different for ship owners or operators of ships that are frequently successfully attacked by pirates, but this study found no evidence of that.

Successful pirate attacks in which the vessel is hijacked can have serious financial impacts on the ship owner or operator. In most of these cases the pirates intend to demand a ransom payment for the vessel and/or steal the cargo of the vessel (IMB, 2011). In the past, a number of vessels have been hijacked in Southeast Asia and attempted to be re-sold. In 2010 and 2011, a total of 6 tugs and 1 cargo vessels were hijacked at Sea, but all were later recovered (ReCAAP, 2011). Similar incidents in recent years in the region have shown that specific tugs are targeted and attacks are well organized. Arrested pirates have admitted to being offered US\$35,000 to steal a tug (ReCAAP, 2011). New-built and used tugs can cost several million dollars and the daily rates for chartering a tug are often more than US\$ 10,000 (Marcon, 2011). This means that for the ship owner or insurance company the loss of a tug could cost them millions of dollars. Tugs are being targeted because they transit near shore, have a low-freeboard and, in general, fetch a good price on the second hand market (ReCAAP, 2011).

In the Gulf of Guinea pirates more frequently target the cargo of the vessels they attack. In 2011, there were 10 hijack incidents reported to the IMB and these incidents lasted at most a couple of days. In three cases (part of) the cargo was stolen. This included an incident with an 11,520 tonne (DWT) oil tanker, of which the cargo was stolen completely (IMB, 2011). There were no reports of vessels being hijacked in South America in 2011 (IMB, 2011). Overall, the number of hijackings in Southeast Asia, the Gulf of Guinea and South America are relatively low. The direct costs of these attacks have consequently been low for the commercial shipping industry, though in individual cases the ship owners may have suffered high financial losses.

The number of vessels that were hijacked in and near the Gulf of Aden has been substantially higher than in the other regions. In 2011, there were 35 of such incidents reported to the IMB (IMB, 2011) and the Oceans Beyond Piracy (2011a) report lists 31 cases in which ransom was paid. In total they estimate the cost of the ransom payments in this region around US\$160 million and a similar amount for costs associated with the 'loss of hire', damages to the vessel, negotiations and the logistics of the ransom payments. The overall costs for ship owners and operators depend on the insurance coverage they have, but there is little public information on

this topic. The Oceans Beyond Piracy (2011a) report estimates that 50% of the costs are borne by the commercial shipping industry and the other 50% is covered by insurance companies. The vessels in the Gulf of Aden can also be held for months, whereas in the Gulf of Guinea we have only seen ships held for a number of days.

Overall the literature review performed for this assessment only found estimates for the direct costs associated with pirate attacks for the Gulf of Aden, As described above, these amounted to an estimated US\$320 million in 2011 (Oceans Beyond Piracy, 2011a). These costs are relatively low compared to the estimated insurance premiums paid for vessels transiting the region. In the Oceans Beyond Piracy (2011a) report, these premiums were estimated at US\$635 million. The same report estimates that other costs associated with the threat of piracy, such as re-routing, speed increases in the region and security equipment cost the industry an estimated US\$4.7 billion per year.

The costs associated with the threat of piracy will be much lower for the other regions, since the amount of reported attacks and the costs that resulted from these attacks are lower. The main costs in these regions will likely be the additional insurance premiums as a result of piracy. Currently, the Joint War Committee has listed several areas in Southeast Asia and part of the Gulf of Guinea as “high-risk” areas directly as a result of piracy attacks. This means that they advise War Risk insurers to charge higher premiums<sup>7</sup> in those areas (FP Marine Risks, 2012). The Malacca Strait was listed as a “high risk” area in 2005, but delisted in 2006. Today only less frequently transited areas remain listed in Southeast Asia.

The descriptions of the attacks reported to the IMB give some indication that ship owners and operators are not only taking security measures in the Gulf of Aden, but also in the other regions. Especially in the Gulf of Guinea they appear to hire security guards on their vessels, but no information was found on how widespread this practice is. There is no evidence to suggest that the commercial shipping industry is faced with substantial costs as a result of re-routing or speed adjustments outside the Gulf of Aden region.

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<sup>7</sup> “...any vessel intending to maintain War Risk Insurance during a breach of the War Risk Trading Warranties (i.e. by sailing to a place listed as a Current Exclusion) is required to obtain prior agreement from War Risk underwriters and, if so required, pay an Additional Premium.” (FP Marine Risks, 2012)



The number of attacks on commercial passenger vessels has been limited in recent years. By far the most incidents occur in the form of break-ins of pleasure boats and yachts, but at times these incidents escalate to armed robberies with terrible outcomes (Noonsite, 2011). In terms of economic impacts to the vessel owners or operators, the effects have in the majority of the cases been low. The costs per incident is estimated to be at most US\$15,000 (Liss, 2007), but the economic impact for the region in which an attack occurs could be much higher. This is further discussed in the regional impact section.

#### 4.1.2 Impacts on Fisheries

Attacks on fishers form a problem in all the analyzed regions, but statistics of these attacks were not found for this analysis. However, newspaper articles, reports and academic literature have made notice of numerous attacks on fishers in the regions. The total number piracy and armed robbery attacks on fishers most likely far outweighs all other attacks. This statement is based on the fact that reports often mention several attacks on the same day. For example in Trinidad & Tobago it was reported that on a single day in 2010, 6 fishing vessels had been attacked (Shah, 2010). In 2011, three men with shotguns attacked and robbed 7 fishing vessels in Guyana and Suriname waters on the same day (Knews, 2011). Another example is the attack on 22 fishers from Yemen in the Gulf of Aden in 2008 (Kasinof, 2009). However, it is not only these types of incidents that provide evidence of the widespread attacks on fishers; organisations protecting the interests of fishers have also raised the issue in the media. For example, an organisation representing artisanal fishers in Ecuador stated that in 2011 approximately 200 pirate attacks took place on fishers (Andes, 2011). The chairman of a fishers' co-operative in Jamaica stated that robbery at sea was at "intolerable levels", indicating that piracy is also a problem in Jamaica (Thompson, 2008). The Nigerian Trawlers Owners Association (NITOA) has also been quite vocal on the issue and claims that between 2003 and 2008, 293 pirates attacks took place on Nigerian fishing trawlers (APO, 2008). The Association stated that in the first month of 2011 alone there were already 30 attacks on fishing vessels (Aderibigbi, 2012). In Southeast Asia piracy on fishers also forms a large problem. For example, in a small village of 200 artisanal fishermen and their families in the southern Philippines almost 50 fishers lost their boats or engines to pirates (Liss, 2007).

The main reason for attacking fishers is because the pirates are after valued catch, outboard engines, batteries, navigation equipment and communication devices. In some cases the fishers are robbed of their vessels, fishing gear and supplies such as clothing and food (Liss, 2007; CARICOM, 2010; Ochai, 2011; Somalia Report, 2011). There are also cases mentioned in Southeast Asia and the Gulf of Guinea, where fishers have to pay ‘protection money’ to pirate gangs (Liss, 2007; Nincic, 2009). Especially in the Gulf of Guinea and the Gulf of Aden, fishers are also attacked and forced to assist or provide cover for the pirates in order for them to attack more lucrative targets (Kasinof, 2009; Ochai, 2011). Somali pirates in the Gulf of Aden sometimes do not have enough water and fuel onboard to get back to the coast or continue waiting for targets. In those cases they will also try to attack fishers to take their fuel and supplies (Termansen, 2011). In Southeast Asia, the Gulf of Guinea and the Gulf of Aden fishers have also been hijacked in order to extort ransom money from the vessel owners. In the African regions the attacks have been targeted at both western and non-western fishing vessels (Kasinof, 2009; Reuters, 2010; Chassot et al., 2010; Douda, 2011). In Southeast Asia, pirates especially target Malaysian owned fishing vessels. Malaysian fishers mostly do not carry arms and the vessel owners are able to pay higher ransoms than Philippines or Indonesian owners (Liss, 2007)

A first impact of piracy attacks on fishers in all regions is the relatively high number of deaths among fishers as a result of piracy attacks. For example in Guyana pirates have murdered an estimated 18 fishers at sea in 2008 and 2009 (Stabroek, 2010). The Nigerian fishing industry recorded over 15 deaths from 2006 to 2009 (Ships and Ports, n.d.) and in January 2011 pirates had killed two fishers in Nigeria (Aderibigbi, 2012). However, fishers are not only being killed by the pirates. In 2009, an attempt to free a fishing vessel by Indian navy resulted in the death of 9 crewmembers of the fishing vessel (Mozambique News Agency, 2011). In another incident two Yemeni fishers were killed in the Red Sea by an international warship (Kasinof, 2009) and two Indian fishers were killed in 2012 by armed guards on an Italian tanker (The Maritime Executive, 2012). In all piracy related incidents where fishers die the families suffer a tragic loss. This is often not only an emotional loss, but will likely also lead to a substantial economic loss, as a source of family income is taken away. Additionally, mistakes have been made by those attempting to address piracy, in particular navies. A suspected pirate vessel that was destroyed by the Indian navy near Somalia on November 18, 2008, was actually a Thai fishing trawler that had been hijacked by pirates, a maritime official said today. Noel Choong, who heads the

International Maritime Bureau's piracy reporting center in Kuala Lumpur, said one Thai crew member died. (Houston Chronicle, 26 November 2008, [http://article.wn.com/view/2008/11/26/Official\\_Indian\\_navy\\_sank\\_fishing\\_boat\\_not\\_pirate\\_ship/](http://article.wn.com/view/2008/11/26/Official_Indian_navy_sank_fishing_boat_not_pirate_ship/))

Examples in South America and the Caribbean show that piracy attacks that target valuable items of the fishers often result in the costs of US \$4,000 – US \$5,000 (El Nacional, 2010; Knews, 2011) For Ecuador alone the estimated costs of piracy attacks on artisanal fishers were estimated at US \$1.3 million in 2011 (Andes, 2011). These piracy attacks have led many fishers to abandon their livelihoods. In some cases this is due to fear of being attacked and in other cases the cost of replacing stolen engines or boats is more than they can afford (FAO, 2011). The same has happened in the Gulf of Guinea to the fishing trawlers. The loss of vessels, equipment and fish was estimated at over US\$18 million by the NITOA for the period 2006 – 2009 (Ships and Ports, n.d.). As a result companies and fishers have left the industry. According to NITOA up till year 2004 there were over 200 fishing trawlers operating in Nigeria and in 2011 there were less than 120 (Aderibigbi, 2011). The crew of the fishing trawlers even went on strike in 2008 out of fear for the high number of piracy attacks (Raidt and Smith, 2010). Similar trends have been witnessed in the Gulf of Aden, where fishing has decreased due to piracy and this has resulted in the rebound of fish stocks off the coast.(Nincic, SWG member 2012) In Southeast Asia the Malaysian fishing vessels in the north of the Straits of Malacca are tempting targets for pirates, as they carry a minimum of US \$250 to US \$1,370, in order to bribe Indonesian officials and for emergency repairs. In 2004 pirates demanded US \$27,400 ransom after hijacking a Malaysian fishing vessel, worth US \$232,000, and two crew members. In other hijack incidents the vessel owners paid between US \$3,850 and US \$8,190 (Liss, 2007). These ransom payments are substantially lower than the ransom amounts paid for cargo vessels in the Gulf of Aden. However, one incident suggest that Somali pirates also accept far lower ransoms if they hijack low value vessels, In 2009, they demanded US\$75,000 ransom for fishing vessels from Yemen (Kasinof, 2009). Not in all hijacking cases the pirates are after ransom. There are several cases in Southeast Asia of fishing vessels being hijacked to be repainted and renamed with the intention to be sold. In those cases the shipowners suffered relatively large economic losses (Liss, 2007).

Overall it appears that artisanal fishers are harder hit by piracy than industrial fishers. There has also been some suspicion in Somalia that the international task forces against piracy were

actually protecting illegal fishers.(Nincic, SWG member 2012) Given the fact that in all analyzed regions fish populations are overfished (GIWA, 2006), fishers have less options for areas to fish and consequently possibility to avoid areas prone to pirate attacks. Industrial fishers, especially from western countries, have relocated their vessels to less dangerous areas (Chassot et al., 2010). As a result many artisanal fishers have stopped fishing. The impacts of piracy on artisanal fishers can be felt in places such as the Seychelles in the following ways:

1. Fishermen are targeting fish in specific areas designated by the Seychelles Coast Guard in collaboration with the Seychelles Fishing Authority. Concentrating a number of fishing vessels in a limited area will no doubt have a negative impact on our fish stocks, especially in the case where juvenile fish are being caught.
2. Fishermen are no longer able to meet the demands of local communities and the tourists who visit our shores.
3. The price of fish on the local market has increased tremendously bringing real hardship to the communities.
4. Fish for export to Europe and Asia is also in undersupply with the result that fish workers in the processing plants are being put on standby and being laid off. (Napier, 2012, [http://masifundise.org.za/wp-content/uploads/2012/01/AOS\\_Piracy\\_Report\\_January-2012.pdf](http://masifundise.org.za/wp-content/uploads/2012/01/AOS_Piracy_Report_January-2012.pdf))

In some cases, but certainly not all cases, this has resulted in artisanal fishers that have engaged in illegal activity such as arms, drugs, and human trafficking in order to provide for their families (Termansen, 2011). There are reports of positive impacts of piracy for fishers. A recent article on fishers in Kenya reports that Kenyan fishers believe that piracy has resulted in increased catches for the artisanal fishers. They claim that fish stocks have been up "enormously – across all species" (Straziuso, 2010). However, apart from a few incidental positive signals, fishers appear to be very negatively impacted by piracy.

Table 2 provides an overview of the economic impacts of piracy on the commercial shipping industry and fisheries. The qualification of the impacts is based on the importance of the region for fisheries and the shipping industry, the number of attacks and the impact per attack.

Overview of economic impact of piracy on the commercial shipping industry

	Cargo vessels	Passenger vessels	Fisheries
LAC	<p><u>Low impact</u></p> <ul style="list-style-type: none"> <li>- Relatively low # of attacks (mostly burglaries)</li> <li>- No indication of higher insurance premiums<sup>8</sup></li> <li>- Main target ship’s stores, while vessel anchored/ berthed</li> <li>- No indication of high costs in damages, loss of cargo or vessels</li> </ul>	<p><u>Low impact</u></p> <ul style="list-style-type: none"> <li>- Only attacks on yachts (mostly burglaries)</li> <li>- Yachters avoid high risk areas</li> <li>- No indication of higher insurance premiums or costs of security measures</li> <li>- Main target personal belongings, outboard motors (max loss US\$15.000)</li> </ul>	<p><u>High impact</u></p> <ul style="list-style-type: none"> <li>- No indication of high costs due to the threat of piracy, but high number of incidents mentioned in reports and newspapers</li> <li>- Robbery of gear, fish, motors &amp; boats</li> <li>- Fishers often have to stop fishing and some engage in crimes</li> </ul>
Sea	<p><u>Low impact</u></p> <ul style="list-style-type: none"> <li>- Relatively low # of attacks</li> <li>- Parts designated “high-risk” areas by JWC and higher insurance premiums, but no major trade routes included</li> <li>- Most attacks are break-ins at anchorages and berths and hijacking is exceptional, but leads to high costs for ship-owner/operator</li> </ul>	<p><u>Low impact</u></p> <ul style="list-style-type: none"> <li>- High volume of ferries in the region, but no reports of attacks and yachts avoid high risk areas</li> <li>- Yachts mainly targeted, but no indication of high costs for security measures</li> <li>- Yacht break-ins targeted at personal belongings and cash (max loss \$15.000)</li> </ul>	<p><u>High impact</u></p> <ul style="list-style-type: none"> <li>- Evidence of fishers paying organised gangs security money and high number of incidents mentioned in reports and newspapers</li> <li>- Robbery of gear, fish, fuel, motors and vessels.</li> <li>- Fishers often have to stop fishing</li> </ul>

<sup>8</sup> Venezuela is listed as ‘high-risk’ area by the Joint War Committee, but this is not the result of piracy in the region

	Cargo vessels	Passenger vessels	Fisheries
GoG	<p><u>Moderate impact</u></p> <ul style="list-style-type: none"> <li>- Benin’s and Nigeria’s waters declared ‘high-risk areas by JWC leading to higher insurance premiums</li> <li>- Ship-owners hire security guards and have installed citadels / safe rooms<sup>9</sup>.</li> <li>- Attacks are often violent and ships are ransacked</li> <li>- In some cases pirates know the exact content and take the most valuable cargo</li> </ul>	<p><u>Low impact</u></p> <ul style="list-style-type: none"> <li>- Number of ferries, yachts and cruise ships relatively low and number of attacks low</li> <li>- Some evidence of ‘security’ money payments</li> <li>- In case of an attack the pirates are after the personal belongings of passengers and crew</li> </ul>	<p><u>High impact</u></p> <ul style="list-style-type: none"> <li>- Fishing trawlers in Nigeria are frequently attacked and faced with higher insurance premiums or have left the deep-sea fishing industry</li> <li>- The attacks cost the industry millions in ransom and entitlements</li> <li>- Little information on artisanal fisheries and fisheries outside Nigeria</li> </ul>
GoA	<p><u>High impact</u></p> <ul style="list-style-type: none"> <li>- Region declared high-risk by JWC</li> <li>- Increased insurance premiums</li> <li>- Many vessels outfitted with security equipment and guards</li> <li>- Shipowners / operators have made costly fleet management adjustments</li> <li>- Hijacked vessels released after high ransom payments</li> <li>- Vessels and crew hijacked for several months causing loss of income for shipowner / operator</li> </ul>	<p><u>Low impact</u></p> <ul style="list-style-type: none"> <li>- Relatively low number of passenger vessels in the region (maritime tourism market was not yet developed)</li> <li>- Attacks on cruise ships have taken place, but unsuccessfully</li> <li>- A small number of yachts has been hijacked and high ransom payments have been made</li> </ul>	<p><u>High impact</u></p> <ul style="list-style-type: none"> <li>- Industrial fishers avoid part of the region and vessels are deployed in other oceans</li> <li>- Insurance and security costs have increased for industrial fishers</li> <li>- Many artisanal fishers are too afraid to fish</li> <li>- Fishing vessels and crew are held for high ransom</li> <li>- Artisanal fishers are robbed of fuel, water, motors, vessels or used as human shields</li> </ul>

<sup>9</sup> It is unknown how widespread these measures are

## 4.2 Regional Economic Impacts

Piracy does not only directly impact the commercial shipping industry and fisheries, it also impacts regional economies. This section of the reports focuses on the regions in which piracy occurs, though regions such as Europe are also impacted through their stake in the commercial shipping industry.

The economic impacts for the purpose of this report include the impacts on trade and tourism. A quantitative analysis of these impacts would be very complex, because there are many factors that are of influence. For example, terrestrial criminality, instability of national economies and governments will likely have a far greater impact. For that reason this section remains, for the most part, descriptive.

### 4.2.1 Impacts on Trade

The economies of most of the countries in the regions affected by piracy are strongly dependent on foreign trade. The vast majority of this trade is facilitated by maritime transport and increased transport costs will negatively influence this trade. Transport costs have very likely increased for cargo shipped through the Gulf of Aden region as a result of, especially, re-routing and increased insurance costs. The Oceans Beyond Piracy (OBP) report (2011a) mentions the example of the export of agricultural products from Kenya. Exports are estimated to be around US\$ 120 million, but piracy has resulted in transport delays and cost increases. As a result profits of fresh produce exporters have fallen, which will also impact farmers.

Due to the geographic expansion of the attacks by Somali pirates, more and more countries are being affected by the increased threat for maritime transport. For example, the OBP (2011a) report states that there is evidence that the costs of coal imports into India from South Africa have increased due to longer transit times and higher insurance premiums in the region. This means that steel manufacturers and coal burning power plants in India are faced with increased energy costs.

Oil tankers are probably faced with even higher cost increases. In 2011, the number of attacks on tankers in the GoA increased compared to previous years. The release of one of the oil tankers hijacked in 2011 is said to have cost US\$13.5 million in ransom (OBP, 2011a). The relative low

speed, low free-board, high value of the cargo and consequently high potential ransom payments, have made oil tankers the ideal targets for pirates. This could have an effect on oil prices, albeit minimal, but a larger threat is posed by the effects of a potential accident as a result of a piracy attack.

The impacts of piracy on the oil trade in Nigeria appear to be relatively high as a result of piracy. Pirates in the region have targeted oil tankers as well as off-shore production facilities and it is said that these attacks contributed to a 20% drop in oil production in Nigeria since 2006. This has cost the Nigerian economy US\$202 million between 2006 and 2008 (Mbekeani & Ncube, 2011).

#### 4.2.2 Impacts on Tourism

For many of the countries analyzed in this report tourism forms an important contribution to their GDP. This is especially true for countries such as the Seychelles, Mauritius and many of the Caribbean islands. The cruise industry is responsible for a growing and important part of the number of tourists visiting these islands. However, the threat of piracy in the Gulf of Aden has led to reduced numbers of cruise ships in the region. Mauritius, the Seychelles and Kenya have seen a drop in cruise ship visits, which has caused a loss in jobs and revenue. In most of the African countries analyzed the cruise industry has never been well developed. The fact that the maritime tourist industry in Africa remains largely untapped seems to be a major impact of piracy in relation to tourism, however, for many African states the overall lack of infrastructure prior to piracy must also be considered (Mbekeani & Ncube, 2011). Recently, Somali pirates have also been linked to land-based kidnappings. In 2011 Somali gunmen entered a Kenyan resort where they killed a British tourist and kidnapped his wife. In response to this and other attacks, western governments have advised their citizens to avoid certain areas in Kenya (OBP, 2011a). The reputational damage can cause tourists to avoid Kenya completely, which could seriously affect a sector that represents 12% of Kenya's GDP (OBP, 2011a). The Seychelles estimates that it has lost more than four percent of GDP to piracy from Somalia, sparking renewed calls for united international action against this growing maritime threat. (Commonwealth Parliamentary Association, <http://www.parliament.uk/mps-lords-and-offices/offices/bicameral/cpa-home/programmes/conferences/cpc2011/conference-news/big-challenges-for-small-nations-tackling-piracy-in-the-commonwealth/>)



As said, tourism is also very important for many Caribbean countries. It is the largest market of the cruise industry and the many islands benefits millions of dollars per year. No pirate attacks have been recorded on cruise ships in the region, but in 2008 an al-Qaeda plot to attack a Caribbean cruise ship was revealed and prevented (Heenan, et al., 2011). An attack on a cruise ship could have devastating economic effects in the region. An example was the attack on America's Cup Yachtsman, Peter Blake in 2001. Masked pirates boarded sailing champion Peter Blake's yacht on the Amazon River, shooting and killing the two-time America's cup winner when he tried to resist. (Associate Press, 6 December 2001, <http://www.commondreams.org/headlines.shtml?/headlines01/1206-05.htm>) Though cruise ships have not been attacked, many attacks have taken place on yachts in the region. An attack in 2006 in St. Lucia in which the captain was severely beaten and his wife raped caused the number of yacht visits to drop by half (Williams, 2008). The duration of these effects is unknown, but the economic impacts will most likely be local and not impact the region as a whole.

Piracy appears to have negatively influenced the economies of the regions analyzed in this report. This is predominantly as a result of the impacts on the shipping and fishery industry, described in the previous section, which has also a negative impact on trade. Especially trade and tourism in the regions analyzed in Africa are affected by piracy. In the case of tourism the impacts mainly seems to be related to the fact that the tourism industry remains under-developed in these African regions, as piracy deters potential tourists. Warnings about yachts entering South East Asian waters and the threat of piracy have and continue to be issued (see <http://www.icc-ccs.org/piracy-reporting-centre/prone-areas-and-warnings>).

It is also in these African regions where piracy could perhaps also have a positive influence. The pirates create an inflow of millions of dollars in ransom money into the local economies. However, this positive impact is most likely marginal compared to the damage it causes to the regional economies. It causes unemployment amongst fishers, increases prices for products in the region and prevents profitable industries from being developed.

## 5. THE HUMAN COSTS OF PIRACY

### 5.1 Seafarers

To date, most scholarly and policy research has overlooked the impact of piracy on seafarers and their families. The few studies that do exist, however, demonstrate grave consequences for crew members who have been hijacked and held captive by pirates.

The worldwide population of seafarers serving on internationally trading merchant ships is estimated to be in the order of 466,000 officers and 721,000 ratings. Although the OECD remains an important but declining supplier of officers, a growing number are now recruited from the Far East and Eastern Europe. The majority of the shipping industry's crew members are in fact recruited from developing countries, especially the Asia Pacific region. The Philippines, China and India, being the most significant maritime labour supply nations. With the exception of China, most of the seafarers from these countries work on foreign flag ships operated by international shipping companies.

Not only do the crews aboard show a strong diversity of nationalities, but there is also a large variety of registers that a ship owner can choose from to register its ship. Many countries try to attract ship owners to register ships in their country, because this generates income in the form of registration fees and, in some cases, taxes. Countries often attract the ship owners by offering low registration rates, little regulation (i.e. labour regulations) and often little risk of “loss of hire” due to “flag state” inspections. However it is important to distinguish between legitimate flags of convenience which are well respected throughout the world such as the Bahamas, Panama, etc – and those registry states that take advantage of the loopholes in the system – the so called flags of concern. Being a flag of convenience per se does not necessarily mean that a country is not following strict international regulations. Also, some flags of concern are strongly monitored by Western countries; the Liberian flag registry, for example is actually located in Virginia. (Nincic, SWG member, 2012)

It has proven to be difficult to regulate the labour standards for crew aboard of ships sailing under “flags of convenience” and to enforce these regulations. Given the strong focus of the shipping industry to lower costs, the working conditions aboard these ships that fly “flags of

convenience” are often far below what is considered standard for seafarers to function well (Dickinson, 2006, p. 1). According to the International Labour Organisation (ILO), low freight rates, weak national regulatory standards and mechanisms, and the limited enforcement of international labour law has provoked “a race to the bottom” in maritime employment standards (Dickinson, 2006, p. 1).

The situation has further deteriorated as a result of the global financial crisis has further forced ship owners and operators to reduce their costs, which has put even more pressure on seafarers. Bateman notes that “the ship owners’ pursuit of lower costs has driven down the size of ships’ crews. As a consequence, crew fatigue is a worrying factor in maintaining adequate standard of the safety and security in the shipping industry” (2011, p. 60).

Ship operators are also able to exploit the fact that many seafarers come from socio-economic deprived situations and will often accept any job opportunity that comes up, due to their marginalized position in society. As was discussed during the “Human Face of Piracy”, Karachi, Pakistan Conference, there is an oversupply of seafarers who will often sign contracts without being aware of any the risks involved with certain routes.

Well rested and trained crew members have a higher chance of spotting pirates early and dealing effectively with the situation than crew members that are fighting fatigue. In case the ship is hijacked, crew members of ships with poor labour standards have lower chances of being supported both financially and psychologically.

The number of crew members that have become victims of piracy attacks has increased over the last years. According to the IMB, 802 crew members were taken hostage between January and December 2011, ten were kidnapped and eight killed as a direct result of these incidents (IMB, 2012, p. 24). Violence towards seafarers while being held captive is of utmost concern and something that is routinely employed in piracy attacks in both Somalia and Nigeria.

Violence towards seafarers when being held captive has increased, especially in recent years, particularly in the Gulf of Aden. However, as Bateman points out, “it is difficult to determine precisely who or what started this spiral of escalating violence: the pirates themselves, the increasing use of armed security guards, or the greater preparedness of some naives engaged in

counter-piracy operations to use force to take back ships, after they have successfully seized by pirates” (2011, p. 59). In fact, hostages were previously treated relatively well, given their circumstances. They were considered to be a “valuable asset to protect during ransom negotiations” (Ibid.).

One of our key informants, who had been held hostage by Somali pirates for eleven months, noted that violence against crew members increased when the ransom process slowed down (Participant C, Interview held March 2, 2012). As this and other accounts demonstrate, “if ransoms are not paid promptly, crews are likely to suffer more” (Bateman, 2011, p. 59).

The most readily available information and data on seafarers held hostage pertains to attacks off the Gulf of Aden. As of January 2012, the International Maritime Bureau’s Piracy Reporting Centre estimated that 159 hostages on 10 vessels were being held in Somali waters.<sup>10</sup> In the past this number has risen as high as 1,090 individuals on over 50 vessels, with their time in captivity averaging six months (Oceans Beyond Piracy, 2011b, p. 16). During this time, hostages are held without access to health care, their families, or proper nutrition. The hostages taken in 2010 derive from over 30 countries, of which six percent were from countries that are members of the OECD.

A report sponsored by the One Earth Future Foundation identifies several types of seafarers’ pirate attack experiences, including seafarers attacked from sea, citadel survivors, hostage survivors, seafarers abused or tortured, and seafarers used as human shields (Oceans Beyond Piracy, 2011b, p. 2). They find that, in 2010 alone, 4,185 seafarers were attacked from sea by pirates using firearms, while 26 percent of these individuals were ultimately taken hostage. Of these, 59 percent faced some form of violence, including abuse or forced participation in ‘mothership’ operations, while 45 percent reported suffering significant psychological or physical abuse (Oceans Beyond Piracy, 2011b, p. 8).

Although officials in the shipping industry have been reluctant to classify the experiences of seafarers captured in this area as torture, the examples of physical and psychological abuse recounted by former hostages has “eroded the perception of Somali pirates as humane captors” (Oceans Beyond Piracy, 2011b, p. 12). One of our key informants was more explicit and

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<sup>10</sup> <http://www.icc-ccs.org/piracy-reporting-centre/piracynewsfigures>

highlighted the ways that seafarers were tortured by Somali pirates while being held captive. Such tactics included dragging the hostages behind boats, beating them, forcing hostages into freezers, hanging hostages over the ship sides by ropes around their ankles while their head was under water and mental torture (Interview Participant D, March 2, 2012).

Without proper follow-up treatment, there have been a considerable number of deaths among seafarers resulting from malnutrition, disease, or suicide (Oceans Beyond Piracy, 2011a, p. 36). Furthermore, many seafarers are often unable to return to sea after such experiences. As one of our key informants noted: “the chances of recovering and resuming their lives are very slim, particularly among older crewmembers who rarely return to sea” (Participant A, March, 3, 2012). The severity of the physical and mental effects is strongly related to the duration of the captivity. The fact that this duration has increased in the last several years and is currently on average 6 months is a very alarming development.

Apart from the physical and mental trauma caused by pirate attacks it was also discussed during the “Human Face of Piracy” Conference that seafarers face substantial financial risks. They are hired for a specific period, as stipulated in their contracts, but when they are held hostage their period “at sea” often exceeds the initial agreement. As a result of this, seafarers are often not paid during this additional time nor are they given follow-up treatment and support.

In order to deal with these threats to seafarers action has been taken on both national and international level. For example, the Philippines is attempting to regulate seafarer’s safety. As explained by one of our respondents: “The Philippines Government has bound all local and foreign recruiting agencies to strictly follow the procedures and contracts issued by the Philippine Overseas Employment Administration, which includes protocols in case of any incidents related to injury or death” (Participant A, May 2, 2012). .

Internationally, a number of conventions have been developed to establish basic requirements for the safety and training of seafarers relative to piracy. The International Maritime Organization’s (IMO) International Convention on Standards of Training, Certification and Watch keeping for Seafarers (STCW), the first international conventional to establish basic requirements for seafarers, was amended in Manila in June 2010 to include new requirements for security training and provisions to ensure that seafarers are properly trained to cope if their vessel comes under

attack. While this convention deals primarily with vessels and their operation, the International Labour Organization's Maritime Labour Convention has been designed specifically to advance and protect the rights of seafarers in a single, coherent international labour standard. Although it has yet to receive sufficient ratification, this document promotes the rights of seafarers to a safe and secure workplace. Though this would also improve the safety and security of seafarers aboard ships that fly the flag of a country that ratifies the Convention, it does not make mention of provisions specifically related to piracy. Moreover, neither of these conventions covers ships navigating exclusively in inland waters, fishing vessels, or ships of traditional build (Maritime Labour Convention, 2006, p. 3). This represents a significant gap, as these last two types of vessels, due to their proximity to the shore and relatively small size, are often at the greatest risk of piracy.

The International Trade Workers' Federation (ITF), an international trade union federation of transport workers' unions that represents over 690 unions and 4.5 million workers in 153 countries, has developed provisions that seek to ensure that ship owners and governments take responsibility for the safety of seafarers from piracy. The ITF has documented the rights of seafarers with respect to disembarkation and repatriation prior to entering 'warlike operations areas.' Each seafarer is entitled to receive full information regarding the inclusion of the high risk area in the ship's routing, and "shall have the right not to proceed to a warlike operations area, in which event the seafarer shall be repatriated at Company's cost with benefits accrued until date of return to the port of engagement," except when the ship transits through the International Recommended Transit Corridor (ITF International Bargaining Forum, 2009, art.17.2). The seafarer also has the right to decline the assignment without risk of losing their employment (ITF International Bargaining Forum, 2009, art.17.4). When the vessel enters the high risk area, the seafarer is entitled to receive a bonus equal to 100 percent of their basic wage for the duration of the ship's transit through this zone. Similarly, the compensation for death or disability is doubled. (ITF International Bargaining Forum, 2009, art.17.3). The ITF has "advise[d] seafarers and their trade unions to begin to prepare to refuse to go through the danger area, which includes the Gulf of Aden, off the Somali coast, the Arabian Sea and the wider Indian Ocean ... [as] the risk of passing through the affected area and the knowledge of the inhuman manner in which captured seafarers will be treated amount to a breach of their duty of care to seafarers" (ITF, 2011). More worrisome is the safety of seafarers from companies,

unions, and states that are not a member of the ITF, as these seafarers may not be subject to the same rights and protection offered through this international federation and may unknowingly be at greater risk in transiting these zones.

However, there are a number of issues that seriously reduce the effectiveness of the examples described above and that need to be resolved in order to reduce the threats of piracy to seafarers. First of all there is more information needed on which effective action can be based. This is partly due to underreporting of piracy attacks, but more so as a result of the lack of follow-up physical and mental treatment for seafarers after they have been freed. There is little data available to the public concerning the violence faced by seafarers, as international reporting agencies such as the International Maritime Bureau have focused instead on tracking the rate of piracy. As a result, its reports only provide limited information on the crimes committed following the initial attack. Accordingly, any analysis of the treatment of seafarers by pirates will be necessarily limited (Oceans Beyond Piracy, 2011b, p. 11).

Another issue concerns the competitiveness of countries that provide seafarers. The example of the Philippines shows that countries are taking action on national level to protect their seafarers. However, as one of our key informants noted, “the challenge is with bad ship- owners. If a government passes a national law that has higher safety regulations for its seafarers, then the foreign ship owners are likely to stop recruiting seafarers from that country” (Participants B, March 2, 2012). Concerned governments are therefore in a difficult situation of trying to get their seafarers recruited, but also ensure that they remain protected, especially with increasing risks from pirates.

The current over supply of capacity in the shipping market and the oversupply of seafarers has made it difficult for seafarers to find a job aboard a ship. This relatively weak position of the seafarers has made it hard to demand improved labour standards. However, there are countries that cannot or will not hire foreigners for their vessels and are therefore facing the real economic problem of manning their vessels. (Nincic, SWG member 2012) Many seafarers are not a member of a trade union and, for example in the Philippines, not all seafarer trade unions are affiliated to the ITF. In fact in the Philippines roughly 20% of the seafarers are members of the trade union AMOSUP which is the affiliated to the ITF (Ruggunan, 2008). Consequently any

national policies or international advice regarding the protection of seafarers from the threats of piracy will be difficult to implement.

International Conventions apply to those countries that ratify them and in the case of the STCW convention, ratification has been widespread. Although it has been criticised that the STCW allows for a great deal of latitude and interpretation, for example it mandates training but does not specify the required elements of the training. In fact 98.90% of the gross tonnage of the world's merchant fleet falls under the provisions set out in this Convention (IMO, 2012). The International Labour Organization's Maritime Labour Convention has not yet entered into force, because not enough countries have yet ratified it. For example China and the Philippines did not yet ratify the Convention (ILO, 2012). Even if the Convention enters into force, it does not address the threat of piracy for seafarers explicitly.

Even though these international Conventions are the most effective way to regulate the globalized maritime shipping industry, the overall responsibility of the labour standards aboard ships lies with the ship owners and operators. Their first responsibility is to protect their crews from coming under attack, but a significant number of ship owners have failed to implement best practices in relation to piracy and are therefore “in clear breach of their duty of care to seafarers” (ITF website). As Sarah Percy and Anja Shortland explain, piracy simply does not affect enough ships “to convince ship owners that it is economically viable to institute even the cheapest of changes across the board” (2011, p. 25). In the Gulf of Aden, for instance, of an estimated 42,450 that transited the region in 2011 (Oceans Beyond Piracy, 2011a, p. 15), only 237 were attacked – representing less than one of every 150 ships. With a probability of attack of less than one percent within the current global epicentre of piracy, many ship owners have decided that “it is cheaper to take out insurance than to pay for the type of safeguards advocated by multinational naval missions” (Percy & Shortland, 2011, p. 25).

However, the latest (fourth) version of the Best Management Practices against Somalia Based Piracy, developed by EUNAVFOR, the NATO Shipping Centre and the United Kingdom Maritime Trade Operations, have shown that the application of these recommendations “can and will make a significant difference in preventing a ship becoming a victim of piracy” (IMO, 2011a, p. 1). Although the compliance rate of these practices is estimated at 80 percent (Oceans



Beyond Piracy, 2011a, p. 17), a significant number of owners are “choosing not to spend the money to institute even the cheapest of practices recommended by the navy, like putting barbed wire on ships” (Percy & Shortland, 2011, p. 26).

As one of our key informants explained “ship operators might not have the incentive to ensure that the ship is up to date with its safety regulations, particularly if it is only renting the ship for six to eight months” (Participant A, May 2, 2012). However, “research shows that sub-standard ships are more likely to be successfully hijacked than quality vessels” (Bateman, 2011, p.57). Furthermore: “... older ships are more likely to be sub-standard and operated by less well trained and motivated crew than newer vessels. A ship might start her life with a reputable company, but over the years, she may change her name and flag, progressively ending up with less responsible owners” (Ibid.). Therefore, measures to protect seafarers may also increase safety regulations regarding the quality of ship. However, as one of our key informants intelligently pointed out: “the proposed mechanisms to support crewmembers mainly come from their perspective and fail to include that of the ship operator. This creates a huge disconnect of what they propose and what is possible” (Participant A, May 2, 2012).

The shipping industry itself therefore poses a considerable risk to the safety and protection of seafarers. Their continuing resolve to transit high-risk areas due to factors such as the delivery of time sensitive goods and their reluctance to implement best management practices, based on the “gamble that they will not be attacked” (Percy & Shortland, 2011, p. 26), has unnecessarily placed seafarers at greater risk of attack. However, international organizations, with the support of international law and labour standards, have been actively involved in advocating for the protection of seafarers and ensuring that they fully understand their rights to disembarkation and repatriation. Research into the effects and treatment of PTSD among former captives is also ongoing, in order to monitor the physical and psychological impacts of these attacks and to better help provide treatment to seafarers and their families. Although the severe human costs imposed by piracy on this population are thus gathering increasing attention, considerable work remains to eliminate the risk of physical harm entirely.

### 5.1.1 Seafarers' Families

There is limited research with how seafarer's families are affected by piracy activity. However, family members are facing additional concern when their loved ones are at sea, particularly in high risk areas. Communication with family members regarding the seafarer's well-being and safety varies from shipping company and recruiting agencies, and there are currently no universal standards or regulations regarding this matter.

During captivity, seafarers are increasingly pressured to call their families in order to put additional pressure on the ship owners and/or companies to quickly ransoms. As was discussed by Captain Syed Wasi Hassan during his presentation at the "Human Face of Piracy" Conference, it was his family's local media advocacy efforts about his hostage situation in Somalia that eventually put pressure on the governments of Pakistan, India and Egypt to respond his and his crewmen situation. In other situations, family members are only able to speak to the pirates and lead the negation process. Without proper training, seafarer families are often unable to negotiate with the pirates themselves and additionally many families are forced to come up with the money for the ransom themselves.

The effects of post-traumatic stress disorder (PTSD) on former captives and their family members are largely unknown. In efforts to respond to this gap, the Seamen's Church Institute in New York is currently undertaking a multi-year project exploring the clinical assessment and treatment of piracy attack survivors. Their guidelines for post-piracy care developed to date include anticipatory preparation and training, establishing clear and timely lines of communication the vessel, its stakeholders, and the families of the crew, a medical assessment and repatriation upon their release, and follow-up assessments to monitor the physical and psychological impacts after their release (Garfinkle, 2010). The Maritime Piracy Humanitarian Response Program (MPHRP), developed by a pan-industry alliance of ship owners, unions, managers, manning agents, insurers and welfare and labour associations, incorporates a similar approach to the protection of seafarers held hostage and their families. Framed around the three phases of "pre-, during, and post-incident," the objectives of this program include guidelines on 'good practice' for companies and seafarer organizations, pre-deployment preparation and training, crisis management techniques, and post-release assessment and treatment (MPHRP, 2011). Although there is minimal data currently available on the effects of PTSD on seafarers, it

appears that prominent rights organizations within the shipping industry are gradually addressing this gap.

## 5.2 Pirates

### 5.2.1 Pirate Crews

A less reported aspect of piracy is the human cost on pirates themselves. Although the injury and death of hundreds of pirates each year pose considerable socio-economic and demographic consequences for individuals and communities, there are few reporting mechanisms in place to document these effects. Instead, most reporting has focused on the victims of piracy, and specifically the shipping industry and the seafarers affected.

Similar to the seafarers' issues, most data on the human costs of piracy is available from Somalia. Jack Lang, the UN's Special Adviser on Legal Issues related to Piracy off the Coast of Somalia, estimates that 200 to 300 pirates have not returned from their expeditions since the emergence of this phenomenon in 2005 (2011, para. 17). Based on the estimated 2,000 Somalis actively involved in piracy, the Oceans Beyond Piracy report thus projects the annual rate of pirates killed at sea to be approximately seven percent (2011b, p. 25). However, this projection may be higher than estimated, as there is limited reporting of piracy-related deaths within Somalia, and no consistent documentation on those killed by naval forces operating in the region (Oceans Beyond Piracy, 2011b, p. 25). Indeed, in discussion with Somali elders, it was observed that villages have lost hundreds to piracy, to the point that "the loss of these young men, who represent the backbone of its work force, will dramatically impact these areas over time" (2011, p. 44). Regardless of the actual number killed, piracy is undoubtedly a risky activity for all those involved.

In contrast to the considerable danger of death, injury, or imprisonment faced by pirates, the financiers and sponsors of these attacks face comparatively few risks. In exchange for providing the 'seed money' for pirate gangs to function, as well as resources and equipment, these financiers can retain upwards of 50 percent of the proceeds of piracy, as has been documented in Somalia (Atallah, 2011, p. 43). These individuals have thus generated considerable profit without the risk of going to sea, as opposed to the foot soldiers of pirate gangs at the frontline of attacks.

### 5.2.2 Child and Youth Pirates

Of deep concern is the increasing evidence that children and youth are being recruited by piracy gangs. However, it should be noted that systematic collection of data on this matter does not currently exist and we are therefore unable to draw clear assessment of the situation. Disaggregated data on those committing piracy must be collected by those who are capturing, releasing, reporting and prosecuting those involved in piracy activity. In addition, many who are involved in either studying or addressing piracy have failed to pose the question of involvement of children and youth.

The evidence that does exist indicates that the socio-economic factors (poverty, armed violence, lack of educational or employment opportunities, orphans, displacement, and exposure to disease) that make children vulnerable to use by armed groups exists in each of the major areas in which piracy currently is reported. In addition, in many of the regions where piracy exists, children are being used by terrorist groups, criminal gangs and within state and non-state armed groups (e.g. Somalia, Nigeria, Haiti, etc).(UN SRSG Report of 2012) Therefore the use of children and youth by pirate groups could be viewed as a natural extension of these armed groups. A large reason for this use can also be attributed to factors that would impact the use of children in piracy, such as: poverty, high youth unemployment, weak state structures that lead to lack of social programming, demographics which often dictate that children may constitute at least 50 percent of the population, in addition to average life expectancy rates that may impact the average age of the workforce and easy access to small arms and light weapons. Additionally, as mentioned previously, children are often being born into families that have partaken in piracy activity, such as in Somalia, and are therefore being exposed at a young age to the business.

The first significant attention given by the media to the use of children in piracy was as a result of the Maersk Alabama attack in the Gulf of Aden in April 2009. (Estes, 2009) Following on from this incident, the Indian Navy discovered that 25 out of 61 pirates that were arrested were under the age of 15years, four estimated to be just 11 years old. (Pandit, 2011) Based on 2011 media reports our research showed that child pirates on trial comprise the following numbers:

Country of trial	Numbers of pirates on trial	Number of pirates on trial under 18 years
France	6	1
India	61	38
Germany	10	3
Malaysia	7	3 – 15 years old 2 – 18 year olds
USA	3*	3

*\*In the USA: regarding one yacht hijacking one on trial is 15 years old, the Maersk Alabama has four pirates on trial which includes one 16 year old that was shot, one between 17-19 years old that has been sentenced to 34 years.<sup>11</sup>*

*On maritime piracy, UN SRSG Ms. Coomaraswamy says that a jailed pirate in Puntland had told her that, former pirates who had become wealthy increasingly relied on child recruits to seize ships for ransom. Many of the people in charge of piracy operations are not out on the seas themselves, but on shore in their homes in Somalia or Kenya. The people they actually send out to “do the dangerous stuff are young children and youth, between the ages of 15, 16 and 17,” says Coomaraswamy. She believes that if an international criminal tribunal is convened to deal with the perpetrators of acts of piracy, no child should be tried in the same court as adults. Instead, child pirates should be rehabilitated and integrated back into their communities. (Maritime Safety and Security News, 9 November 2010, <http://maritimeaccident.org/2010/11/the-other-victims-of-piracy-kids/>)*

It should be noted that the United Nations and other International Non-Governmental Organisations focusing on children in armed conflict hold the view that children associated with armed groups should be primarily treated as victims by virtue of their age and the forced nature

<sup>11</sup> See the following newspaper articles for sources for numbers of child pirates:  
[http://articles.timesofindia.indiatimes.com/2011-03-17/india/29138233\\_1\\_pirates-arabian-sea-piracy](http://articles.timesofindia.indiatimes.com/2011-03-17/india/29138233_1_pirates-arabian-sea-piracy),  
<http://news.blogs.cnn.com/2011/02/11/3-teenage-boys-face-death-in-malaysia-piracy-case/>,  
<http://vorige.nrc.nl/international/article2548321.ece>, <http://www.dailymail.co.uk/news/article-1332009/Ten-Somali-pirates-hijacked-naval-ship-trial-Germany.html>, [http://www.upi.com/Top\\_News/World-News/2012/02/20/Italy-to-try-accused-Somali-pirates/UPI-49821329782555/](http://www.upi.com/Top_News/World-News/2012/02/20/Italy-to-try-accused-Somali-pirates/UPI-49821329782555/), <http://www.euronews.com/2011/11/15/france-tries-somali-men-accused-of-piracy/>, <http://the.moderatevoice.com/28756/somali-pirate-wanted-us-protection-hes-16-years-old/>

of their association with the armed groups. (UNSRSG, 2010, p.28) This must be borne in mind with respect to child pirates as well, as the UNSRSG on Children and Armed Conflict has stated, “even the most voluntary of acts can be a desperate attempt to survive by children with a limited number of options. In such circumstances, any consent given by the child cannot be regarded as truly voluntary in the full sense of the word.” (Ibid, p.29) The grey areas that need to be resolved are related to the interpretation of whether or not the piracy activity is linked to armed conflict, which we highlight in our study, the fact that the Convention on the Rights of the Child does not set a minimum age of criminal responsibility for states, but demands that each state sets its own age limit and the fact that the Paris Principles of 2007 states “children who are accused of crimes under international law allegedly committed while they were associated with armed forces or groups, should be considered primarily as victims and not as perpetrators.” Hence, the lack of clarity in the context of child pirates highlights the need for the international community to demand revision of the legal principles and how it can address the best interests of the child.

Currently, we do not have data on those detained in Somali prisons, nor do we have data on the trials in Kenya and Seychelles, but we expect a large percentage of these prison populations to be under the age of 18, the age of a child as stipulated under the UN Convention on the Rights of a Child and the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (2007). According to the UN SRSG on Children and Armed Conflict, children associated with piracy continued to be held in prisons in Puntland. During the year 2010, 10 children convicted were released following the overturning of their sentences by the Bossaso Appeals Court. As of December, three children were in remand. (UN SRSG <http://www.un.org/children/conflict/english/somalia.html>)

The age of the pirates is an important factor to consider with respect to the operational and legal responses to contemporary piracy. It can be difficult to ascertain the exact age of the pirates, much like in armed conflicts where children are used as soldiers, often the harsh living conditions, malnutrition, and disease can have effects on the physical appearance of the individuals concerned. However, just as Demobilisation, Disarmament and Rehabilitation efforts for children by the United Nations have attempted to produce guidelines and objective measures to assess an individual’s age, so too could those who are attempting to address child piracy.

Children are viewed as desirable by armed groups, just as they are by criminal gangs, in part due to their lack of accountability under legal proceedings, depending on the national laws in question. It is therefore imperative to ensure that the leaders and organizers of armed groups and criminal activity are held responsible for the use of children. As Ishmael Beah, former child soldier from Sierra Leone and International Advocate for Children's Rights, states: "No child has ever started an armed conflict." (Morantz, Johnson, Seignor, Whitman and Zayed, 2012, p.4) Much like the situations of child soldiers in armed conflict, children used as pirates are not the organisers of the activity and addressing an end to the crime requires addressing the business model at its core.

Our research at this point has confirmed parallels between the recruitment of child soldiers and child pirates. In both cases, children and youth are used by armed groups due to the same reasons:

- They are vulnerable and easily manipulated;
- They are fearless and do not understand the long-term consequences of their actions;
- They are cheap;
- They are plentiful in many developing countries;
- Their small size may be advantageous;
- They are easily indoctrinated.

The case study of the LTTE in Sri Lanka highlights many of the key parallels between child soldiers and child pirates. Over the course of the 30-year conflict in Sri Lanka, the LTTE repeatedly "...recruited and used children, some as young as nine, as soldiers..."(Amnesty International, 1998) According to estimates made by the Sri Lankan government, at least 60 percent of LTTE fighters were below the age of 18, though a study of actual LTTE casualties would suggest that some "...40 percent of the [group's] fighting force consisted of boys and girls between the ages of 9 and 18" (Hogg, 2006) These underage soldiers were frequently made to fight at the war's front lines and were often used in the capacity of suicide bombers.

As part of its military strategy, the LTTE maintained "...the most comprehensive naval networks among the [US-designated] foreign terrorist organizations..." (Karunaratne, *Asian Tribune*. 21 April 2009) This branch of operations, called the Sea Tigers, launched a multitude of attacks

upon international cargo ships, including several – such as the Greek-registered freighter “Stillus Limassul” – that were carrying weapons to be used by the Sri Lankan military. (Ibid) Like its army, the LTTE’s naval branch actively recruited and deployed child soldiers. Indeed, there is evidence that during periods of LTTE-sponsored disarmament of child soldiers, underage members of the Sea Tigers were surreptitiously retained, as they had frequently received resource-intensive training that made them particularly strong military assets (Hogg, 2006) It was also common for “very young Tamils (some as young as 13) [to be] pressed into service to fill the [naval] ranks as the long-running insurgency depleted LTTE manpower.”(Povlock, 2011)

It should be noted that while many children are abducted and forcibly recruited, others may join “voluntarily”. However, the “voluntary” enlistment must be understood in terms of the limited choices and circumstances that may exist in the context of a particular country. Many children are vulnerable to being abducted or recruited into armed groups due to the following reasons:

- Extreme Poverty;
- Displacement;
- Separation from their families;
- Limited social and educational opportunities;
- Exposure to armed conflict.

In Somalia, which demonstrates the highest involvement of child and youth pirates, it appears as if most young people are joining on “voluntary” basis. Joining a pirate group will potentially improve one’s social and economic status and position in society and young and wealthy pirates are challenging the authority of both elders and Islamic teaching (Atallaha, 2011, para 22). In Southeast Asia, attacks are carried out by low-ranking members of the syndicate, or by recruits from the area. The later are typically composed of either “unemployed or desperate fishers” who have the nautical skills needed to navigate and participate in the attack (Liss, 2011, p.113) or urban youth on “standby”. (Frecon, 2011, p.61) This reality for youth is also further entrenched with ideas that pirates are viewed as champions, fighters for justice, and men to be admired. (Liss, 2003, p. 61) In Nigeria, young unemployed men, in particular, are frequently enticed into the organized pirate gangs operating in the Delta region by “promised riches, fancy cars, luxury



goods and weapons” (Nincic, 2009, p.7), such that these gangs are increasingly composed of younger members. It has also become recognized that in Nigeria, social mobility and the struggle for survival now necessitate the use of violence as “society gradually stopped recognizing merit and force became a plausible avenue to the top of social and economic strata with drug trafficking, smuggling and other perceived moneymaking ventures like armed robbery, seen as ways to get rich quickly” (IRIN, 2006, p. 4). In Latin America we have less direct evidence of the use of youth in piracy operations. However, we do know that crime is coupled with high levels of unemployment in the region. We also know that the use of children by criminal gangs has been prevalent in Colombia, Brazil, Haiti, Honduras, El Salvador and Guatemala.

### **Key Points for Further Research:**

- Further examination regarding the tactical elements of the LTTE with respect to child soldiers and the marine piracy use of child pirates. This could provide more in depth understanding of the links that may be in existence in the Gulf of Aden and the Gulf of Guinea.

## **5.3 Coastal Communities**

Piracy, for many communities, can often represent a viable source of income in isolated areas with few economic opportunities. In Somalia, for instance, new professions, including intermediaries, negotiators, and interpreters, have emerged in response to the piracy economy, while residents often provide food, shelter, and security to pirates and hostages. The pirate gangs, in turn, rely upon the fishing communities where they live or from which they are temporarily operating for logistical support. Where on board food supplies prove inadequate for the crew and the pirates, provisions are supplied from ashore. Supplies of weapons and equipment (including ladders and grappling hooks) are judged to be easily obtainable whilst the more sophisticated equipment including satellite phones and GPS navigation systems are likely to be the result of investing profits to increase capability. (International Expert Panel, 2008, p.17)

However, despite the immediate benefits provided to participants in this economy, piracy has had various destabilizing political, economic, and social effects on communities. Jack Lang, the UN’s Special Adviser on Legal Issues related to Piracy off the Coast of Somalia, contends that

piracy is increasingly undermining the clan structure of Somali society, as young and wealthy pirates are challenging the authority of both elders and Islamic teaching (2011, para. 22). Atallah similarly observes that these communities have witnessed an influx of alcohol, drug abuse, and prostitution, as “young men are increasingly indulging in these social taboos while disregarding local traditions or guidance from elders” (2011, p. 44). Violence, in particular, has increased in many communities, as deadly clashes between pirates have been observed in coastal towns (Shabelle Media Network, 16 August 2011). According to Lang, the “point of no return” for many Somali communities is fast approaching, involving “the creation of a veritable mafia, piracy-driven economy and the deep disintegration of Somali society” (2011, para. 16). For this reason, some communities have actively taken measures to keep piracy outside their villages, through the formation of local police forces or their refusal to sell pirates food or water (Somalia Watch, 13 April 2011).

Dependency and inflation in the prices of basic goods, petrol, and housing have equally accompanied the rise of successful local pirate economies. The Oceans Beyond Piracy project on Somali piracy reports significant increases in the price of basic food commodities as a direct result of hijackings in the area, although they note that it is difficult to disaggregate the specific impacts of piracy from the country’s other socioeconomic afflictions. As a result, individuals in coastal communities may not perceive many gains from piracy, as their nominal wage gains have been offset by rising prices. Moreover, outside of ‘pirate towns,’ where residents may receive considerable economic benefits from sheltering pirate gangs, other population centres may have little respite from the effects of rising prices.

### 5.3.1 Impact on Women

There is limited knowledge regarding the role that women play with respect to piracy. However, there are examples in history which discuss the roles of women as members of piracy gangs. Michael Arditti gives examples of women pirates such as Ch’iao K’uo Fuu Jeen of China in sixth Century BC, the Viking pirates such as Wigbiorg and Hetha, and the Irish Grace O’Malley known as Granuaile. ([www.michaelarditti.com/non-fiction/women-pirates-of-the-west-indies/](http://www.michaelarditti.com/non-fiction/women-pirates-of-the-west-indies/) 22 April 2012) Arditti explains that piracy offered women everything that was denied to her on land: the chance to keep her own hours and to spend them as she chose. Some women followed their lovers into piracy and others were daughters of pirates who carried on the tradition. Robert

Antony also discusses the role of women in Chinese piracy (2005 IIAS newsletter #36, March 2005). He argues that significant numbers of women were Chinese pirates and female pirates were able to survive in a man's world by proving themselves as capable as men in battle and in their duties as sailors. Female pirates represented the most radical departure from dominant society and customs (Ibid.). Hence the involvement of women in piracy has a deep historical context.

In modern analysis of piracy gangs, there has been very little focus on the role of women or the gendered dimensions of piracy. One exception is a report noting that about a dozen women, aged 18-30, joined a Somali group, although these women were acting as armed guards aboard hijacked ships and not conducting the actual hijackings (See Mwangura, 2011). . In addition to women joining piracy gangs, it should also be noted that piracy gangs require support structures and networks for their operations that are essential to their success. This results in the involvement of women through multiple tasks such as cooking and cleaning for the piracy gangs or the hostages during lengthy negotiations. Despite the limited data in this area, we can observe parallels between the role young females play in armed groups and those in piracy groups. We must also remember that pirates are members of families, hence the impact of piracy on the family structure and individuals that compose the family is important to keep in mind.

Further research on this aspect is key to explore for a more comprehensive understanding of the impacts on humans and communities. There is some evidence that current piracy in South East Asia is family based, with women going to sea with their husbands and children to attack ships.

### **Key Points for Further Research**

- What has been the impact on the prevalence of Sexual and Gender Based Violence in the various regions due to piracy activity?
- What impact does piracy have on economic opportunities for women?
- How could women be part of the solution for addressing marine piracy?

### **5.3.2 Impact on Fishers**

In 2008, 33.9 million people were directly engaged in capture fisheries around the world and it is estimated that for each person employed in capture fisheries, about three persons are engaged in

secondary activities. This means that capture fisheries provided jobs to some 100 million people and on average three family members depended on the income of those people employed. This means that the capture fisheries supported the livelihoods of a total of about 300 million people around the world in 2008 (FAO, 2010).

As discussed above, piracy directed against fishers represents a serious threat to many engaged in this activity. In many cases, this threat has led many fishers to give up their livelihoods, as seen in Somalia (Hurlburt et al, 2011), Bangladesh (CODEC, 2010), the Philippines (Liss, 2007) and the Caribbean (FAO, 2011). These sources show that often fishers are too afraid to fish at their traditional fishing grounds as a result of piracy. However, as a result of overfishing (FAO, 2010), these fishers often do not have the option to fish in other areas. Moreover, when faced with the loss of their gear, motors or vessel, they often do not have the financial means to replace these items and are forced to give up their profession. In Somalia, for instance, pirate gangs have begun targeting Somali fishers, stealing their engines and boats and reportedly driving many of them out of the trade.(Somalia Report, 2011, p.53) There are also reports of pirates stealing vessels from Somali fishermen to use in their operations (Hurlburt et al., 2011)

As fishing represents the main source of income for many remote coastal communities, piracy can have profound implications for residents with few alternative opportunities to earn a living. In the Jaladas fisherfolk community in Bangladesh, for instance, where traditional Hindu fishers are faced with the depletion of local stocks, this community has few means to recover from piracy attacks. Moreover, the loss of both their fellow fishers and gear as a result of continuous sea piracy has dramatically reduced their economic and food security (CODEC, 2011).

Despite the consequences of piracy on local economies, many fishers have become involved in piracy as a means of survival. In Somalia, for instance, Termansen (2011) suggests that fishers that have been forced to abandon their profession as a result of piracy often have no other option than to engage in criminal activities to provide for their families. Moreover, as these fishers have often experienced violence at sea themselves, many have taken to carrying arms to protect themselves and (Liss, 2007). With the motivation, skills, and equipment necessary to engage in piracy, fishers in many of these communities have similarly taken up this illicit activity.

## 5.4 Impacts on Naval Officers

According to a former British naval officer, there is virtually no research on how piracy affects naval personnel (Interview April 27, 2012). However, our informant did note that naval vessels around the Gulf of Aden and Indian Ocean are probably not facing “higher level” risks, when compared to other missions. Despite this, the “catch-and-release” strategies that are being followed by many of the European countries who do not have a desire to prosecute the suspected pirates, due to associated costs and possible asylum claims, could be a source of frustrations for military personnel who are dedicated to ending piratical activity. Furthermore, the recent incident with the *Enrica Lexie* boat where Indian fishermen were mis-identified as pirates and killed, also resulted in negative publicity for military personnel in Vessel Protection Detachments involved in the current operations in the Indian Ocean (BBC, May 2, 2012, <http://www.bbc.co.uk/news/world-asia-india-17920840>).

Post-Traumatic Stress Disorder (PTSD) is a mental health problem that can occur after someone goes through a traumatic event like war, disaster or assault. PTSD has been increasingly associated with military personnel who have been engaged in combat and disaster zones. While very little has been written specifically regarding naval personnel and even less about those who encounter pirates, it is important to begin to discuss the realities that may currently and may in the future pose challenges for the navies and their people with regards to PTSD.

According to Dr. Nancy David, incidents most likely to lead to PTSD in soldiers serving in combat include killing or wounding a child or young teenager, even if the life of the soldier was threatened by the person injured or killed. If large numbers of children are killed as the result of a particular action such as bombing a building that turned out to be an orphanage filled with children, the probability of PTSD is substantially increased.” (Davis, 2012) “It is incumbent upon mission commanders to prepare forces for the tough decisions that they will face in order to avoid confusion over rules of engagement or to prevent the potentially lethal microsecond hesitations due to shock at the makeup of their foe or uncertainty on what to do.” (Singer, 2005) With regards to naval personnel and piracy activity, the potential for PTSD must be recognized if they are faced with child pirates, the possibility of killing or maiming innocent bystanders such as seafarers that may be held hostage or the loss of their shipmates.

## 6. GLOBAL ANALYSIS OF THE ROOT CAUSES OF PIRACY

As is evident from the above case studies, pirates are not a homogenous group. They differ in terms of their motives, organization, and tactics. There are distinct differences, for instance, between the actors engaged in small-scale, subsistence piracy and those involved in larger organized pirate gangs, both within the case studies and across them. Piracy has further evolved and migrated over time, in response to local conditions and national and international deterrence efforts. Finally, these groups operate at different levels of intensity and can have various targets, dependent on their location and the capacity of the state to control their activities. Nonetheless, some similarities among the root causes of piracy can be observed across the cases.

### 6.1 Economic Root Causes

#### 6.1.1 Opportunity Costs of Piracy

In order to determine the economic root causes, one must first understand piracy from an economic perspective and especially from an individual perspective. Without considering ethics or conscience a pirate would assess its economic gains from piracy as follows:

$$\text{Piracy profit} = (\text{chance of successful attack} \times \text{Income from loot and/or ransom}) - (\text{costs of an attack} - \text{opportunity costs} - \text{risks} - \text{the availability of alternative options})$$

Analyzing the above expected value equation reveals why certain individuals turn to piracy as a source of income. They all want to excel economically in very difficult circumstances. If they succeed at being pirates, even for a short time, they are paid a fortune in comparison to other local alternatives (to say nothing of the attendant glory and power) (Levitt & Dubner, 2005, p.49). To many of the children growing up in poverty stricken Somalia, becoming a pirate may seem like a glamorous profession. For some, it may be the most profitable job they think they have access to. Pirates, like everyone else, respond to incentives and opportunities. So if the prize ('Income from loot and/or ransom') is big enough, potential pirates will continue lining up for a chance at being recruited into this line of work.

An excerpt from *The Economics of Piracy* neatly sums up the economic rationale underlying piracy:

Pirates would appear to be the very essence of rational profit maximizing entrepreneurs described in neo-classical economics. Expected profits determine decisions based on the information available. The supply of pirates, therefore, is closely related to the expected benefits of being a pirate and the associated risk adjusted costs (Geopolicy, 2011)

In the regions analyzed for this report, the opportunity costs of piracy are low. The *relatively low average income per capita* compared to the potential gain of piracy is a root cause for piracy. Especially parts of Africa and Southeast Asia that are characterized by relatively *high poverty rates*, which contribute to the desperation to find sources of income. This is often the case in rural coastal communities where fishers “are often at the margins of poverty, making enough to repay debt and provide the essentials of survival, but little else” (Young, 2007, p. 71). Recent *collapses in fish stocks* will worsen the situation in many areas.

Given the fact that the opportunity costs of most pirates are extremely low, the economic risks involved in piracy appear to be negligible from the perspective of the pirate. Indeed, in the coastal regions of Somalia where piracy thrives this activity often provides a greater financial reward than is currently available through legitimate means. A report by Geopolicy estimates the total income of a Somali man over his working lifetime to be \$14,500, based on an average GDP per capita of \$500 per year. In contrast, the report estimates that the average pirate engaged in this activity for three to five years could earn between \$168,630 and \$394,000 during this period, or approximately \$33,726 to \$78,840 per year, depending on the value of the ransom paid. The risk adjusted cost of death, injury, or imprisonment, based on foregone opportunity, ranges from \$1,666 to \$3,333, which suggests that “until the risk-adjusted cost of being a pirate is higher than the benefit of the next best alternative [piracy], pirates will still exist” (Geopolicy, 2011, p. 11-12). As a result, any attempts to deter piracy, without providing some alternative and sustainable means of earning a living, may inevitably result in these criminal gangs simply looking elsewhere for targets.

### 6.1.2 Income from loot and / or ransom

The availability of vessels which contain on-board valuables mainly triggers ‘subsistence’ pirates to try to steal these valuables. The presence of valuables onboard, such as cash to pay the crew or port related charges, and the increased number of ships can be considered a trigger of piracy.

The value of the cargo has been another trigger for ‘organized’ pirate gangs to steal the cargo. The willingness and ability to pay ransom of ship owners/ operators, insurance companies and / or family members of crew has also attracted ‘organized’ pirates to attack ships. It could be argued that the enormous amounts of ransom being paid for some ships that have been hijacked has become a root cause of piracy by itself.

The availability of markets for stolen goods is a root cause for piracy. If pirates that steal ship’s stores or cargo cannot sell these goods on the market or if demand does not push pirates to commit their crimes, most acts of piracy would not generate income.

### 6.1.3 Costs of an attack

The widespread availability of inexpensive weapons throughout the world has made it easy and relatively inexpensive to commit an armed attack on a vessel. There are an estimated 875 million small arms in circulation worldwide, produced by more than 1,000 companies from nearly 100 countries. (Small Arms Survey, Weapons and Markets, 2012, <http://www.smallarmssurvey.org/index.php?id=122>) As one example, in Somalia, the average asking price for an Ak-47 assault rifle is \$160 US. (Small Arms Survey, 2007, p. 278) However, it should be noted that in areas such as South East Asia, an individual does not require arms to commit piracy as the weapon of choice for many is a crowbar. (Nincic, SWG member 2011)

In many parts of the world organized crime gangs have sufficient funds available and consider ‘organized’ piracy as a lucrative investment opportunity. This has also prompted the establishment of markets in Somalia where individuals can invest in piracy operations. The availability of financing opportunities has lowered the costs of financing pirate attacks.

The availability of large groups of young men that want to escape poverty and that often have maritime experience through fisheries is another route cause. This has the effect that ‘organized’



pirate gangs are faced with a large supply of skilled pirates and as a result they can keep payments to these pirates relatively low compared to the bounty and risks of their attacks.

#### 6.1.4 Summary of Economic Root Causes

Overall the economic root causes and triggers of piracy can be summarised into the three categories: 1. The relatively high chances of substantial income, 2. The relatively low costs of an attack coupled with the low probability of capture, and 3. The relatively low opportunity costs and economic risks. The first category can be assessed through by the availability of vessels and valuables onboard, the willingness and ability to pay ransom by ship owners, operators, insurance companies and family members of crew, and the availability of markets for stolen goods and cargo. The second category can be assessed through the widespread availability of inexpensive weapons, availability of financing opportunities, and the availability of a large supply of skilled pirates. The third category can be assessed through the low average incomes, the relatively high levels of poverty, and the impact of the collapse of the fishery industry.



Types of vessels hijacked:



Piracy costs

Cost of security equipment (average cost per ship/year)



2011 ransom & hostage costs



Breakdown of costs

When it comes to the cost of piracy, we're talking more than stolen gold. Today, billions are spent on defending ships from attacks.

Nearly 81% of all piracy-related expenses have to do with industry-related costs. Last year, as much as \$5.5 billion was spent. Meanwhile, military governments spent about \$1.3 billion on military operations.

- Increased speeds
- Military
- Security equipment
- Insurance
- Re-routing
- Labor
- Ransoms

**Increased speeds:** Fewer hijackings occur when vessels travel at 18 knots or faster in high-risk areas; however, this increases fuel consumption costs.

**Military operations:** More than 30 countries have contributed military vessels, forces and equipment.

**Security:** Shipowners invest in "ship hardening" equipment as well as private armed security for each vessel.

**Ransoms:** Although there were fewer successful pirate attacks in 2011, the average cost of ransom increased.

**Insurance:** The two major types of piracy-related insurance are war risk and kidnap and ransom.

**Labor:** Some seafarers receive double compensation if they travel through high-risk areas.

**Re-routing:** By re-routing, vessels can avoid high-risk areas, but that contributes to longer travels and additional fuel consumption.

**Counter-piracy organizations:** More than 11 organizations focus on counter-piracy.

**Prosecutions and imprisonment:** Twenty countries have arrested, detained or tried pirates in the past few years.

SOURCES:

<http://oceansbeyondpiracy.org> | [marineinsight.com](http://marineinsight.com)  
 Information provided by: <http://travelinsurance.org/>



## 6.2 Social Root Causes

### 6.2.1 Maritime Capacity

The resort to piracy often necessitates an established maritime tradition and capacity of a coastal community. Comparable to the routine crime and petty theft found in any population centre, subsistence piracy is a product of poverty, unemployment, and the opportunity inherent in the environment. The manifestation of this criminal activity at sea, however, derives from the capacity of the individual or the community to draw on their pre-existing knowledge of the local geography and relevant nautical skills, as well as their access to fishing vessels and equipment. This trend is visible in each of the regions studied in this report, where the transition for many fishers into piracy was an alternative and easy source of income for these individuals and their families. Organized piracy has equally drawn from the ranks of unemployed and desperate fishers, who are recruited for both their knowledge of the area and their ability to navigate and participate in attacks. This further enables the coordinators of these attacks, such as the Chinese triads in Southeast Asia or the unknown sponsors of piracy in Somalia, to remain at arm's-length to the operation, and profit from the risks and dangers faced by their recruits.

In Southeast Asia, contemporary piracy further derives from the region's affinity with the sea and its extensive history of maritime raiding. Due to the archipelagic nature of this region and the reliance of local populations on the sea for both food and transport, Southeast Asia is recognized as a "distinctly maritime region," with well-established roots in artisanal and commercial fishing and marine trade (Bateman, Ho, and Chan, 2009, p. 8). With historical roots across the region, piracy equally forms part of this maritime culture (Bateman, Ho, and Chan, 2009, p. 9). As a result, the contemporary "social pirates" of Southeast Asia have gained considerable fame and are often depicted as champions, fighters for justice, and men to be respected, in line with the region's maritime traditions of piracy (Liss, 2003, p. 61). However, with relatively recent interests in the fishing industry, Murphy argues that both the Gulf of Guinea and Somalia lack this cultural affinity with the sea; consequently, when "looked at historically, their interest in piracy has been marginal" (Murphy, 2011, p. 69). He therefore suggests that in these regions, the acceptance of this activity must derive from other established social practices or from more contemporary motives or grievances (Murphy, 2011, p. 69). However, it should also be noted that in both cases the geographical progression over time by the

pirates started tentatively close to land and as their nautical skills and confidence increased they ventured farther and farther offshore.(Nincic, SWG member 2012)

### **Key Points for Further Research**

- What are the comparative factors that address the historical roots of piracy in the Caribbean with Southeast Asia, and how can we distinguish and understand the modern differences in the two regions with respect to marine piracy?

### **6.2.2 Gaining Social Status**

The allure of wealth and social status are attractive to many involved in piracy, particularly as these recruits typically derive from backgrounds of poverty, marginalization, and desperation. Youth, especially, are often drawn to this “fashionable” line of work (Maouche, 2011, p. 20), which significantly differs from the limited economic prospects and status available in their daily routines. Caught within a setting of “chronic crisis,” in which “conflict, violence and abject poverty become so embedded in the social fabric that they become indistinguishable from it” (Vigh, 2008, p. 8), youth in these regions are prevented from moving along a societal expectation and desired process of what Henrik Vigh terms “social becoming,” through which they attain employment, marriage, and a family, which is common among many rural communities (2006, p. 33). As with youth engaged in civil war, piracy therefore represents both a “terrain of possibility” unavailable within the formal economy (Vigh, 2006, p. 31), as well as “a means of strategic upward mobility” aimed at overcoming structural barriers and realizing their social becoming (Utas, 2005, p. 141). As seen in Southeast Asia, the Gulf of Guinea, and Somalia, youth will often gather in piracy towns in the hopes of being recruited into the organized gangs operating in the area. The promise of wealth, cars, consumer goods, women and weapons are hard to ignore, particularly as pirates are often viewed as ‘heroes’ and ‘big men’ within the community (Hirsi, 2011, p. 5; Nincic, 2009, p. 7; Knawp, 2011, p. 2). The transition from poverty and unemployment to criminality thus represents an attractive option for many desperate youth, and a cycle that may prove difficult to break.

### 6.2.3 Grievance

Grievance is another motive for engaging in piracy and justifying these activities to the community. The literature on this source of conflict derives from socio-political explanations of civil war onset, through which “discontent, when aggregated across individuals in a particular social class or ethnic group, provides the foundation for mobilization and the onset of violence against the state” (Humphreys & Weinstein, 2008, p. 440). Piracy, from this perspective, thus offers a means to change the status quo and rectify certain imbalances. Factors that are influencing grievances among socio-economically marginalized communities are also highly associated with social status and the desire of individuals for upward mobility.

In Nigeria, for example, systemic inequality and corruption have been enduring sources of national tension, along with the environmental degradation and have spawned widespread criminality and militancy as these groups attempt to seize their share of the national wealth (Murphy, 2011, p. 74-77). Piracy has been justified under this pretense, from the “belief that the federal government had taken too great a share of the oil wealth and left local communities with too little” (Murphy, 2011, p. 74). In Somalia, some analysts suggest that piracy originally arose in the early 1990s as a form of self-defence and protection against foreign toxic dumping and illegal fishing, which threatened the livelihoods of local communities. Although these grievances are frequently overlooked by the international community in structuring their response to Somali piracy, they provide continuing justification for these attacks at the local level. However, in both countries, the reach and scale of piracy have extended far beyond a purely grievance-based account, as those involved have found these activities to be viable and lucrative economic alternatives. Greed-based motives and opportunism, as discussed above, are driving the expansion of these criminal activities, particularly as organized pirate gangs continue to adapt their tactics to exploit instability and weak state capacity.

Although historical, social, political and economic grievances are found in various regions of the world, with respect to piracy, many of these resentments tend to be related to resources gained or lost from the sea. With such groups as MEND in the Niger Delta, Abu Sayyaf in the southern Philippines and the Gerakan Aceh Merdeka in Aceh, many of the grievances are based on their connection with maritime resources, rather than being based on ethnicity, race, religion or regional autonomy, as is often the case with other grievance-based groups involved in armed

violence. However, this is not to discount that these groups have also expressed their grievances over the pollution of the related waterways that often make the sustainment of fish life extremely difficult.

#### **6.2.4 Community Support**

Community support has been equally important to the continuation and expansion of piracy. In areas isolated from economic and administrative centres or devastated by war, local communities motivated by their minimal dependence on the state or their own political grievances may turn to other sources of power and influence in the region. In Southeast Asia and Somalia, many communities have grown to tolerate the presence of pirate gangs, providing a safe haven, resources, and market links in exchange for the reinvestment of their gains in the area. In some cases, local economies have emerged alongside the expansion of piracy, involving the participation of local residents as cooks, guards, and sponsors, and even the creation of new professions, including intermediaries, negotiators, and interpreters. In Somalia, ransom gains are believed to be disseminated among clan networks, thereby further expanding the reach of these activities in society (Shortland, 2012, p. 5). Rather than operating in isolation, piracy in these regions is thus interwoven through society, such that multiple actors have acquired a stake in its continuation.

However, as discussed above, piracy can also impose various political, economic, and social costs on communities, the effects of which may be felt long after the decline of this activity. The anti-piracy initiatives that are documented in some coastal communities of Somalia demonstrate how fragile this support is within certain areas.

### **6.3 Political Root Causes**

#### **6.3.1 Corruption**

As seen in each of the case studies, corruption and organized piracy are often inseparable. Motivated by low wages or cultures of graft and impunity, government officials, politicians, bureaucrats, and private sector employees have all been implicated in connection to this crime. In some cases, officials are thought to turn a blind eye to pirate activities in their jurisdiction in exchange for a share of the plunder. In Southeast Asia, for example, the complicity of Chinese

port authorities enabled piracy to flourish in the ‘HLH Triangle’ between 1993 and 1995, prior to a crackdown by the Chinese government. In other cases, these officials have become directly involved in pirate activities, and have provided the financing or organizational support needed to carry out these crimes. In Nigeria, pirate gangs involved in large-scale oil bunkering often require forged bills of lading, which must certainly come from the government officials or oil company employees who issue these contracts (Raidt & Smith, 2010, p. 24). As explained previously, in Somalia, the Office of the Secretary-General of the UN has denounced the complicity of the Puntland government in the continuation of piracy, and has implicated several state officials in abetting these networks. Piracy in these regions thus thrives, in part, from the political protection and official corruption inherent in the environment in which these activities occur.

### 6.3.2 Presence of Armed Groups

In Southeast Asia, the Gulf of Guinea, and Somalia, the presence of armed groups has been another driver of piracy. Most notably, some insurgent groups have employed piratical tactics as part of their broader fight for political autonomy. In Southeast Asia, the Abu Sayyaf in the southern Philippines, the LTTE in Sri Lanka and the Gerakan Aceh Merdeka in Aceh, Indonesia have used piracy to fund their rebellion against the state, and have hijacked vessels and taken hostages solely for the purpose of ransom extortion. In Nigeria, the Movement for the Emancipation of the Niger Delta is suspected to be a key player in maritime piracy, and has been implicated in numerous attacks against oil tankers and platforms in the region. Given their dissatisfaction with the current oil regime, these offshore vessels have become an important and lucrative target for attacks. The long-running border dispute between Nigeria and Cameroon has equally provoked a number of maritime attacks by militant groups operating off the coast of Cameroon. In Somalia, the relationship between regional warlords and piracy is unclear, yet it is assumed that these armed groups have at least sanctioned the emergence and expansion of piracy in the regions they control. The links between al Shabaab and Hizbul Islam and piracy are equally unclear, although business ties between these groups and the use of similar tactics may suggest a level of mobility between the two.

The upheaval and destruction wrought by these armed groups may further prompt the emergence of piracy at the subsistence level. In Indonesia, for instance, the 30 year war between GAM and

the Indonesian state has decimated local economies and left few economic opportunities for residents. Piracy became a viable means of survival, and subsequently expanded to the point that these waters became “the most pirate-infested in Southeast Asia” (Liss, 2007a, p. 311). Moreover, the abundance of small arms available in these regions has facilitated the emergence of both subsistence and organized piracy. In Nigeria, the small arms smuggled across the border to feed various ethnic and religious conflicts in the country have also contributed to widespread banditry, both on and off shore (IRIN, 2006). In these regions, the presence of these insurgent groups has thus prompted a cycle of crime and violence that is likely to continue long after the end of these wars.

Armed criminal groups have equally employed piracy to expand their sphere of operations. In Southeast Asia, organized crime syndicates, including the Chinese triads, are thought to provide the substantial capital needed to conduct hijackings and other large-scale thefts. These groups are also believed to arrange the sale of “phantom ships,” or will use these stolen vessels for their own operations. Organized piracy in this region has thus become part of the larger ring of organized crime, drug trafficking, arms smuggling, money laundering, and human trafficking prevalent across Southeast Asia. In contrast, in Latin America and the Caribbean, the powerful drug gangs operating in the area have few connections to piracy, in spite of their considerable resources and transnational links. With organized crime heavily invested in this lucrative and generally underground trade, there may be no appetite for engaging in overt pirate attacks and attracting further international attention to the region at this time.

In each case study, few links have been observed between pirates and terrorist groups operating in the area. This separation is possibly a result of their differing motives, as “pirates are motivated by ‘private ends,’ generally financial gain, whilst maritime terrorists are politically motivated and aim to influence government policy through the use or threat of violence” (Hamilton, 2010, p. 24-25). The former thus thrive within the current economic system, as opposed to the latter who generally try to disrupt the status quo. The connections between piracy and terrorism, particularly in Somalia and Nigeria, thus appear to be limited. Pirates need their victims to remain alive given the fact that ransoms are at stake, this is clearly different from terrorist tactics.



### 6.3.3 Limited State Capacity/Ungoverned Geographical Spaces

Both subsistence and organized piracy thrive in areas characterized by state weakness and isolation. In remote coastal communities, the limited reach of the state, lack of economic prospects and isolation from urban centres can reduce the dependence of local populations on the state and force residents to find alternative sources of income. Organized piracy equally gravitates to areas of low state capacity, where enforcement capabilities are weakest and targets are plentiful. The fluctuating hot spots of piracy in Southeast Asia are illustrative of this trend, as in response to regional triggers pirates continually shifted their areas of operation to waters more congenial for their activities. In Nigeria, increased naval patrols appear to have displaced piracy further down the coast to Benin and Togo.

The case of Somalia however, challenges this core assertion about piracy activity. In fact, most piracy attacks originate from Puntland, an independent area of Somalia. Nevertheless, as previously noted, the Puntland Government has been heavily implicated for supporting and benefitting from piracy activity. By contrast, Somaliland has been far more successful at deterring and countering piracy activity. According to one of our key informants, Somaliland's success with anti-piracy activities mainly is due to its geo-political position. Concerned about the further spread of piracy and terrorist activity to Ethiopia, the US has been assisting Somaliland. (Interview August 26, 2011).

Nevertheless, international deterrence has forced piracy's expansion into the Indian Ocean, while its onshore activities have continued with little interference from the state organized piracy has thus proven

*With a projected income of nearly thirty million dollars expected from piracy this year the activity dwarfs the Puntland government income of ten million dollars by three times. No authority can compete with this easy and untaxed income. As long as a favourable size of the ransom money stays within Puntland one can argue that the benefits of piracy is supporting a new and relatively vibrant economy and presumably raising the living standards of a number of business interests, their families and extended families. One of the concerns about this input of easy cash is that it could be used for a more disruptive practice of affecting the outcome of upcoming elections in Puntland where the money could be used to ensure that government representatives favourable to piracy activities or not willing to interfere with their operations remain in power to allow them to continue their activities undisturbed. (International Expert Group, 2008: p. 19)*

to be quite adept in reacting to change, as its tactics and areas of operations will frequently adjust in response to the enforcement capacities of the state.

Pirates have also used the geographic characteristics of these regions to their advantage in avoiding capture and expanding their reach. In Southeast Asia and Latin America and the Caribbean, for instance, the countless islands, inlets, and reefs render enforcement “a daunting, if not impossible, task” (Koo, 2004). This geography provides extensive hiding places and safe havens for both subsistence pirates and organized gangs, and limits the state’s ability to penetrate into these areas. In Somalia, the country’s coastline – the longest in Africa at roughly 3,025 kilometres (CIA World Factbook, 2011) – complicates international deterrence efforts. In contrast, the relatively short coastlines in the Gulf of Guinea have enabled pirates to easily move between territorial waters and avoid capture by crossing disputed borders. Although the geography of these regions differs, these natural advantages are well-exploited by pirates and have become an essential component of their operations.

#### 6.3.4 Regional Disputes

At the regional level, disputes over territorial and maritime boundaries have both facilitated the activities of pirates and hindered multilateral cooperation. In Southeast Asia, for instance, China, Taiwan, Vietnam, Malaysia, Brunei, and the Philippines have all made territorial claims over the Spratly Islands and the Paracels Archipelago, and continue to dispute their respective maritime boundaries across much of this region. Similar tensions among several states along the Gulf of Guinea, have equally limited multilateral cooperation on piracy. As pirates are not confined to national boundaries they are able to cross these disputed borders, thereby preventing naval vessels from continuing pursuit into the exclusive economic zones of neighbouring countries and enabling their escape. The gaps in the rule of law produced by these regional disputes thus serve as de facto safe zones for pirates. Moreover, these disputes have impeded regional policing and emergency response efforts, which to date have been largely restricted to information sharing. However, as seen in the Strait of Malacca, where regional cooperation between Singapore, Malaysia, and Indonesia in 2005 led to a drastic decline in piracy, cooperation between states can positively affect counter-piracy efforts.

## 7. THE WAY FORWARD

Given the global perspective of the Dalhousie Maritime Piracy Project, it is a challenge to attempt to address how to prevent the occurrence of maritime piracy. Most analyses on how to prevent or address maritime piracy have focused on two perspectives: first, the need to look at longer term land based solutions to the maritime problem and second, the short-term operational responses to address the problem. Those who argue for the land based solutions call for the need to create further socio-economic development that includes poverty reduction strategies, state capacity building, employment generation, and educational opportunities. However, few go beyond these basic assessments to translate how such efforts would actually reduce maritime piracy activities.

Although increasingly advocated by scholars and practitioners, land -based solutions to prevent piracy activity have been extremely limited in scope. In fact, most of the focus on infrastructure development so far, has focused on building new prisons in Somaliland and Puntland. As one of the major concerns related to the imprisonment of piracy was the potential escape of suspected pirates, the international community has focused on building maximum security prisons in Somaliland, Mombassa and Seychelles (Ross, 2011, p. 112). All of this illustrates the seriousness of a legalized approach towards piracy. However, in addressing the problem as a purely criminal activity, this overlooks the main social and economic factors enabling and driving piratical activity. In attempting to address how to prevent and thereby reduce maritime piracy activity, we thus consider the literature on conflict prevention and its potential application to the problem.

### 7.1 Conflict Prevention

Anderlini and Stanski argue that in order to prevent violence, it is necessary to address the hostile mistrust and belligerence before it reaches a point where each side believes that violence is their only recourse ("[http://www.huntalternatives.org/download/28\\_conflict\\_prevention.pdf](http://www.huntalternatives.org/download/28_conflict_prevention.pdf)"). This is further compounded by the lack of political will on the part of national leaders and the international community to proactively seek to diffuse and resolve a situation before it escalates into violence ([http://www.huntalternatives.org/download/28\\_conflict\\_prevention.pdf](http://www.huntalternatives.org/download/28_conflict_prevention.pdf)). From a maritime piracy perspective, what we know is that reaction to piracy activity has been reactive instead of being pro-active or preventative. Is international anti-piracy policy effective? The

operating cost of anti-piracy missions in the Gulf of Aden is estimated at \$2 billion annually, including the cost of naval vessels, aircraft and military personnel. (Jerusalem Post, 14 May 2012, <http://www.jpost.com/Opinion/Op-EdContributors/Article.aspx?id=263851>)

The Carnegie Commission on the Prevention of Deadly Conflict published in 1999 focused heavily on international actions and identified conflict prevention as including actions or policies to:

1. Prevent the emergence of violent conflict and identify non-violent means of resolving the tensions;
2. Stop ongoing conflicts from spreading; and
3. Deter the re-emergence of violence.

The report then categorises international approaches to prevention as:

1. **Operational prevention** – measures to address immediate crises such as diplomatic missions, economic sanctions, collecting of weapons and demobilization efforts as well as deployment of peacekeepers.
2. **Structural Prevention** – addressing root causes such as poverty, political repression, uneven distribution of resources, all of which if left unattended could lead to violence and conflict. Prevention strategies should also promote human rights and political representation.

Operational prevention focuses on short-term targeted approaches, but Structural Prevention requires longer-term and more comprehensive approaches. As a result of the focus on conflict prevention theories, discussion on how to create early warning mechanisms and responses emerged. There is always the risk that the analysis of early warning indicators may not be objective, that it may serve particular agendas or interests. In addition, what are the appropriate responses and how do we move forward? Preventive action is not a single event; rather it is an ongoing process that changes according to given circumstances. (Anderlini and Stanski, 2004, p. 3) It is important to understand the actors, their motivations, the history and the trigger factors that lead to conflict. In understanding piracy the Socio Economic Module has attempted to understand these factors in the Regional Analysis Section.

Anderlini and Stanski refer to four key steps for conflict prevention:

1. Analysing the context and situation;
2. Identifying or mapping the key actors and stakeholders;
3. Developing scenarios of possible situations;
4. Planning effective responses.

The DMPP is aiming to analyse the context of piracy globally, to identify the key actors and stakeholders and to develop scenarios that could lead to policy prescriptions (effective responses). In contemplating how to prevent and respond to piracy, understanding core principles of the *Responsibility to Protect* doctrine can also provide an important framework.

## 7.2 The Responsibility to Protect

The broadening of the security agenda to one of greater human security was embodied in the principles of the *Responsibility to Protect* (R2P) doctrine that emerged in 2001. As the International Commission on Intervention and State Sovereignty (ICISS) report states: “the kind of intervention we are concerned with is action taken against a state or its leaders, without its or their consent, for purposes which are claimed to be humanitarian or protective.” (ICISS, 2001: 8) Armed groups around the globe are embracing unconventional war tactics, creating new networks, and exploiting local populations. The R2P doctrine was a response to conflict prevention literature and policy failure to protect innocent civilians globally. It is embodied through three key dimensions: the Responsibility to Prevent, the Responsibility to React, and the Responsibility to Rebuild.

The difficulty in applying conflict prevention literature to the problem of maritime piracy is the fact that the human dimensions associated with piracy are not well analysed in the framework of “who benefits and who loses”. While we recognize that the bulk of the evidence available relates to the case of East Africa and Somalia in particular, there is also applicability to the other regions of concern with respect to maritime piracy. The view ‘anarchy on land means piracy at sea’ (Kaplan 2009) and the attendant policy prescription that ‘truly ending piracy requires rebuilding Somalia’, dominate the academic and policy worlds (Percy and Shortland, 2011: 1-2). The

protracted decades of armed violence in Somalia therefore, are often viewed as a deterrent for policy-makers.

However, there is plenty of evidence to suggest that weak states are necessary, but not sufficient to provide a friendly environment for more sophisticated levels of pirate activity as they provide infrastructure and a market with a level of enforcement that is enough to discourage long-running hostage dramas, but are inefficient or corrupt enough to encourage pirates to seize ships and cargo. Conversely, failed states may be havens for criminals and terrorists, but the evidence here suggests that they are not havens for particularly sophisticated criminals and terrorists. The situation in Southeast Asia suggests that if leaders of countries like Somalia and Nigeria actually do succeed in moving their countries out of failure, and integrated their failed states more fully with the global economy, they might be faced with an increase in the sophistication of pirate operations (Hastings, 2009: 10).

The above analysis would therefore suggest that calls to “develop Somalia” must be thought about carefully. How do we achieve development, based on whose principles (Somalia’s or the West’s?), with the commitment of which actors and funds? At the same time, one would not wish to argue that in order to suppress piracy we must not advocate for development initiatives that will have long-term impacts to benefit the people. The solution is one that is multipronged and requires sincere commitment to short, medium and long-term objectives. In addition, we need to be prepared to “think outside of the box” and to create new methods for coping with international crime and armed conflict.

### 7.3 Addressing Demand - Lessons from Drug Trafficking and Human Trafficking

Marine Piracy is an international crime, much like drug and human trafficking. In attempting to understand piracy there are lessons that can be drawn upon on how to deal with this crime from the drug and human trafficking research. In addition, drug and human trafficking also make use of international waterways and may at times be interlinked with piracy groups. In Somalia, human trafficking and smuggling are as endemic as piracy, and has been going on for much longer. Like piracy, human trafficking and smuggling are just another manifestation of the syndicates of organized crime in Somalia and the region (International Expert Group, 2008,

p.21). In Latin America and the Caribbean, drug trafficking is a well-entrenched crime that may contribute to the suppression of marine piracy in the region.

What can the international efforts to halt piracy learn from the international efforts to halt drug trafficking? T.B. Fowler's analysis argues that interdiction is unlikely to be effective as a strategy to "win" the global war on drugs, if "winning" means that drug supplies are significantly reduced on a long-term basis, and with them, the number of drug users and the power of the international drug cartels (1996, 262). He suggests that focusing on the financial aspects of the illegal drug business, rather than the supply side, will be more likely to have desirable long-term effects (1996, 263). This involves reducing the number of drug users, so the demand for the drugs is reduced, coupled with interrupting the money flows (1996, 264).

Efforts to halt human trafficking have also focused on the questions of demand. The demand for cheap goods, services, labor and sex opens opportunities for the exploitation of vulnerable populations – on which human trafficking thrives (TIP: 19). Poverty, unemployment, lack of opportunity, social upheaval, and political instability facilitate trafficker's ability to recruit victims, but they do not in themselves cause trafficking (TIP: 19). Human trafficking, much like drug trafficking, is driven by profits, if no one purchased goods produced by slavery, forced labour, or sex trafficking, then it is possible these goods would not exist. However, this is not to discount the need for clear and effective regulatory frameworks to enforce the law nor the need to prevent the vulnerabilities of those involved in such activity.

So, if we can extrapolate from both of these efforts the need to address the problem from the demand side as opposed to the supply side of the equation, then how does this apply to maritime piracy? First we need to re-cap the business model of piracy. Conventional approaches to deter piracy have focused on the supply side of the business model. This has involved decreasing the number of ships vulnerable to attack through increased enforcement, the detention of pirates, and the provision of greater protection vessels passing through these regions. However, piracy in each of these regions has adapted to the interventions by migrating or expanding the range of their operations and by reinvesting the profits from attacks in technology and equipment. If we combine the inevitable limitations of resources and manpower invested by national and international stakeholders, these approaches have, to date, achieved limited success.

The inelasticity in the demand for piracy has undermined these operational and security-centric interventions. This demand, set by the populations' reliance on this activity as a source of income and revenue, has stabilized piracy in the presence of any deterrence efforts and ensured its continuation. The population referred to includes: financiers, sponsors, organized crime elements, corrupt state officials reluctant to give up on this lucrative endeavour, and small-scale recruits and communities that now depend on the economic opportunities piracy provides. The key is that any efforts to stop piracy have not accounted for the fact that the individuals involved in piracy will continue to assume higher risks as the benefits are deemed to outweigh the risks incurred. The insurance industry has played into this cycle by offering increasingly higher ransom payouts in exchange for captured vessels and crew members. Given the low risk of attack compared to the potential gains, these brokers have had few incentives to stop what has become an ever-profitable business.

It can, therefore, be surmised that based on our understanding of efforts to halt drug trafficking, human trafficking, and maritime piracy, that we need to give great focus on the demand for piracy. The demand can be assessed in the following categories:

1. The availability of vessels which contain on-board valuables that mainly triggers 'subsistence' pirates to try to steal these valuables. The presence of valuables onboard, such as cash to pay the crew or port related charges, and the increased number of ships can be considered a trigger of piracy.
2. The availability of vessels and the value of the cargo has been a trigger for 'organized' pirate gangs to steal the cargo. The willingness and ability to pay ransom of ship owners/operators, insurance companies and / or family members of crew has also attracted 'organized' pirates to attack ships. It could be argued that the enormous amounts of ransom being paid for some ships that have been hijacked has become a root cause of piracy by itself.
3. The availability of markets for stolen goods is a root cause for piracy. If pirates that steal ship's stores or cargo cannot sell these goods on the market or if demand combined with criminalisation efforts does not push pirates to commit their crimes, most acts of piracy would not generate income.



4. The widespread availability of inexpensive weapons throughout the world has made it easy and relatively inexpensive to commit an armed attack on a vessel.
5. In many parts of the world organized crime gangs have sufficient funds available and consider ‘organized’ piracy as a lucrative investment opportunity. This has also prompted the establishment of markets in Somalia where individuals can invest in piracy operations. The availability of financing opportunities has lowered the costs of financing pirate attacks. The support for money laundering activities also contribute to the ability to partake in such organised crime, should the pirates be unable to launder or spend their huge ransoms the incentives to participate may be seriously depleted.
6. The availability of large groups of young men that want to escape poverty with few alternatives and that often have maritime experience through fisheries is another route cause. This has the effect that ‘organized’ pirate gangs are faced with a large supply of skilled pirates and as a result they can keep payments to these pirates relatively low compared to the bounty and risks of their attacks.

Based on these categorizations, policy prescriptions to address maritime piracy must be based on the financial or economic determinants from the demand side of the business model coupled with a criminal justice approach. This is not to discount efforts to address maritime piracy through judicial procedures and security measures. However, in order to effectively address maritime piracy we need to have a more comprehensive approach that tackles both the supply and demand from a holistic perspective. As Professor Muhyadin Ali Yusuf states: “by having trained Somali personnel at sea delivering security to their country, their people and protecting sustainable fishery that will contribute to their national economy for years to come...we acknowledge we need external financial support...our Somali solution gives the international community the benefit of our local knowledge of piracy and pirates, their tactics and deep understanding of their culture, which allows us to tackle the pirates from within” (cited in Mugridge, 2011, 26).

#### **Key Points for Further Research:**

- A more in-depth examination of the similarities and differences of human trafficking and marine piracy should be explored. If piracy is committed for private ends, human trafficking is committed for the purposes of exploitation, which may not always involve

violence, and not necessarily conducted for private ends. The definition of piracy given in this paper does not refer to it as an exploitative purpose, but this needs to be revisited in the ongoing debate about the definition of piracy.

- An examination into the circumstances around ship-owners and the processes of paying ransoms would benefit this section. Ship-owners, if they want to get crews to sail with them, must pay ransoms. Companies that do not pay ransoms will not be able to stay in business and ship-owners are often pressured not to pay ransoms because it encourages pirates but do they really have a choice?

#### 7.4 Globalization and Corporate Social Responsibility

Lastly, few solutions to address piracy have placed the onus on the multi-national corporations that are impacted. Globalization is the historical process of involving a fundamental shift or transformation in the spatial scale of human social organization that links distant communities and expands the reach of power relations across regions and continents (Baylis and Smith, 2001, 25). Economics, culture and politics are key determinants of contemporary globalization. The use of the oceans for the maritime transport of goods worldwide cannot be discussed without understanding the processes of globalization. Globalization trends also extend to international law, environmental degradation and cultural spheres of our world. Some scholars have argued that globalization only serves the interests of the rich and powerful, namely the Western nations and their corporate counterparts. Globalization is an uneven process that affects various regions of the world in differing scales (Baylis and Smith, 2001: 26). Given the view that globalization appears to benefit the rich at the cost of the poor, maritime piracy exemplifies this uneven process in terms of the corporations and nations that benefit from maritime transport and those that are impacted by higher levels of crime (piracy), environmental degradation, and corruption and yet are part of the global financial system and have access to technology and information to ply to the trade. Ships of poorer nations are attacked more than ships of the richer nations and the seafarers of the rich nations are held hostage for less time than those of the poorer nations.

So, how do we combat this effect of globalization on efforts to prevent maritime piracy? In the previous section we discussed the need to address demand. Yet at the same time we need to address the idea of corporate social responsibility. It is inevitable that multi-national

corporations will continue to use the seas to transport their goods, they will continue to need seafarers to operate their ships, and that poverty and unemployment will not be completely halted in our lifetime. In the first edition of his textbook *Business and Society* (1971), Steiner wrote extensively on the subject of corporate social responsibility, noting that:

Business is and must remain fundamentally an economic institution, but . . . it does have responsibilities to help society achieve its basic goals and does, therefore, have social responsibilities. The larger a company becomes the greater are these responsibilities, but all companies can assume some share of them at no cost and often at a short-run as well as a long-run (Carol, 1999:275).

Therefore, one of the key aspects related to the prevention of piracy should be the means to address the root causes or demand, via the principles embedded in corporate social responsibility. Can we devise programmes, taxes, and infrastructure development that impact the levels of poverty, unemployment, violence, and corruption levels in the various regions we have analysed? These theoretical underpinnings need to be explored within the policy prescriptions. How do we transfer funds away from the few benefitting on a large scale from piracy through ransom payments and high insurance premiums to a great mass who would benefit from infrastructure, social development, and overall poverty reduction strategies? Yet, at the same time we want to ensure that development does not further entrench piratical activity.

## 7.5 Identified Additional Areas for Further Research

The Socio Economic Team recognizes that due to the specified period of available research time and resources there will be areas that cannot be addressed in this initial report. It is for this reason that we would like to highlight identified additional areas for further research that may be addressed through the inclusion of working group members, new contacts or reports that become available or additional funding for further work.

The following areas have been identified:

### **1. Environmental Impacts on Piracy**

The Socio-Economic Module would like to explore the connections between environmental degradation, natural disasters and marine piracy. While our report has alluded to over fishing and toxic dumping off the coasts of Somalia and South East Asia, we did not have enough time to understand the impacts of the Tsunamis<sup>12</sup>, hurricanes or earthquakes that have impacted the regions affected by piracy. In addition, more research needs to address the overall possible implications of global warming and rising sea levels.

### **2. Latin America and emerging trends**

Understanding the Latin American region and emerging trends in piracy would require more primary data collection. It is our hope that the inclusion of subject matter experts from the region may help to contribute to our understanding and lead to possible research sources.

### **3. Links to the Small Arms Trade**

A deeper understanding of the links between small arms smuggling, shipping and piracy would benefit our report. We understand the need for pirates to have weapons and mentioned the fact that armed groups, criminal gangs and pirates all require small arms. However, it is not clear through our work thus far about the direct links that might exist between legal and illegal arms trafficking, marine traffic and piracy activity.

### **4. Links to Human Trafficking**

The Socio-Economic Module recognizes that there is a global phenomenon of human trafficking that requires the use of ships and marine traffic. The one of the links to piracy that we were able to uncover in our initial research, due to time and resource limitations, came from the documentary the “Pirate Tapes” in which they discussed the tactic of using refugees and trafficked persons as decoys for piracy activity. Secondly, the USAID

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<sup>12</sup> Donna Nincic informs the project that it is estimated the Tsunami resulted in a six month decline in piracy in SE Asia.

report on human trafficking highlights the Burmese and Cambodian fishermen are often held in servitude on Thai-owned long haul fishing vessels. These men are forced to work long hours for months and years before being allowed to leave the boats. The connection between illegal fishing, modern slavery and piracy requires further exploration.

## **5. Links to the Drug Trade**

Sections of our report highlight the importance of the drug trade in the Gulf of Guinea and Latin America and the Caribbean. However, clear connections between the linkages of this illegal trade with the criminal networks of piracy gangs are not explored deeply in our report. Is it possible that the drug trade may suppress piracy in some regions?

## **6. Human costs of piracy (outside Somalia)**

Further exploration of the human costs of piracy from a global perspective must be addressed. What are the lessons from Somalia? Data collection on the links between the human costs of piracy in each of the regions requires more research.

## **7. The relationship between subsistence pirates and organised pirates is not clear from a global perspective**

The report introduces the definitions of subsistence pirates and organised pirates. However, deeper analysis of the relationship between the two categorisations is required in order to address the cycle of piracy and preventive approaches.

## **8. Gender dimensions of piracy**

In Somalia we understand that piracy has created a local and international economy. This requires broader societal impacts, inputs and outcomes. One of the under researched areas is how do women contribute to piracy efforts? Another is how are women impacted and exploited by piracy – families, violence, children, income?

## 7.6 Inputs and Outputs to Other Modules

It has been recognised by the team leads of each of the DMPP modules that there are cross-cutting issues that will need to be addressed in the final report. The table below illustrates the inputs from the Socio Economic (SE) Module to the other two modules: Operational Response (OR) and Law and Governance (LG); as well as the outputs from the OR and LG modules to the SE module.

SE Module Outputs	To Which Module?	SE Module Inputs	From Which Module?
Child/Youth Pirates	OR and LG	Catch and Release problems	LG
Regional Overviews on Tactics, Motivations, Actors	OR	Use of Force	LG
Political Root Causes	OR and LG	Prosecution of Pirates	LG
Social Root Causes	LG	Piracy Backers	LG
Economic Root Causes	LG	Child/Juvenile Pirates	LG
The Way Forward	OR	The Piracy Cycle	LG
		What Pirates are Doing and Why?	OR
		OR required from Commercial Sector	OR

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