Chapter 2
Historical Piracy and its Impact

Bruce Elleman

Piracy can be carried out by individuals, by collectives, by clans, by organized crime groups, and even on occasion by governments. Ransoms obtained by Somali pirates are a major source of state income, and there appears to be strong links between the pirate organizations and the Somali clans that control the government.

The rapid growth of piracy during the twenty-first century, if it continues unabated, could threaten the global system, which is based on maritime trade. Over a hundred thousand merchant vessels transport over 80 % of the world's commercial freight. Container shipping is considered particularly susceptible, with millions of containers moving constantly around the globe.

Due to overlap among two or more countries' territorial seas, contiguous zones, and EEZs, patrolling the seas to halt piracy has become much more complex. Of special concern to the US government and to other industrialized nations is that the threat of piracy is not just growing worldwide, but that it is growing most quickly in exactly those parts of the world—such as Africa, South Asia, and Southeast Asia—where global trade is rapidly expanding. If piracy is not stopped, then this failure could have a negative impact not only on world trade in general, but more particularly on the long-term development of these regions.

Introduction

Piracy suddenly hit the front pages of the popular press with the 1985 *Achille Lauro* incident, in which terrorists took control of a cruise ship.[1] While this event was not particularly long—only 2 days—or violent—only one person was killed—it

[1] Technically, this takeover was not piracy, but a hijacking, since the terrorists had boarded the ship as passengers, but many newspaper headlines failed to make this distinction clear.

B. Elleman (✉)
Maritime History Department, U.S. Naval War College,
2040 East Main Road, Portsmouth, RI 02871, USA
e-mail: aasbs@cox.net; ellemanb@usnwc.edu

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occurred at a time of rising global terrorism, and it involved a highly public target that had not previously been associated with acts of terrorism, so the *Achille Lauro* hijacking gained a "special symbolic as well as substantive importance."[2] Since that time international acts of piracy on the high seas, both economically and politically motivated, have increasingly attracted global attention.[3] Prior to this sudden increase, piracy had been considered by many scholars to be an ancient relic on its way to extinction.[4]

Historically, piracy could be conducted by individuals, groups, or by state-sponsored organizations. For example, government-sanctioned European privateers preyed widely during the almost constant wars of the seventeenth to nineteenth centuries on vital trade routes from the Caribbean to the Indian Ocean, even while state-sponsored Muslim corsairs off of North Africa interfered with Mediterranean trade. Commerce raiding in one form or another continued through until the twentieth century. During the "Great War," the major navies were all engaged in attacks on commerce, and the Allies were particularly challenged by the appearance of Germany's unrestricted submarine warfare campaign. Later still, in 1939, during the early days of World War II, one of the final ship-on-ship attacks of this type took place when the German pocket-battleship *Admiral Graf Spee* cruised the South Atlanta and Indian Ocean from August to December and sank nine British merchant ships totaling just over 50,000 t. The German raider's final battle with three British cruisers was "the last in naval warfare comparable to those of the past—with the enemy always in view."[5]

From the twelfth century Crusades onward, east–west trade predominated. Because of increasing trade between Europe and Asia, piracy off the African coast, in South Asia, and in Southeast Asia became of greater concern to merchants. To fight piracy in these regions, European countries—and particularly England—sought to defend free trade under the rubric of "freedom of the seas." Many of England's so-called "imperialist" policies in this region were linked to its efforts to eradicate piracy, as it attempted to prop up and strengthen local governments so that their own self-interest would convince them to eliminate the pirates. This chapter will focus on early historical cases of piracy, divided by region, before turning to an examination of the late twentieth and early twenty-first centuries.

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[2] Simon 1986.

[3] "An Analysis of the United States' Response to the Achille Lauro Hijacking." *Boston College Third World Law Journal* 8(Winter 1988): 137–49; Halberstam 1988.

[4] Literature on historical pirates is vast, and books published both before and after 9–11 can often make it falsely appear that piracy was a generally unwelcome phenomenon that ended by general consent prior to the twentieth century; see, for example, Karraker 1953; Lucie-Smith 1978; Little 2005.

[5] Ortzen 1973.

Historical Piracy in Europe and Africa

Throughout written history in Europe, piracy has been considered to be a perfectly normal occupation. Warfare among the Greeks consisted "largely of plundering raids from the sea," with the most famous raid of all—the siege of Troy—being merely an exception of scale, not of methods. So long as the raids were not conducted on one's own people, then there was no sense of wrongdoing: "Sea roving or 'sea robbing' in this Greek Bronze Age was largely indistinguishable from legitimate warfare."[6] Although pirates almost certainly predated written descriptions of their actions, Homer reported an act of piracy in *The Odyssey* that would have occurred around 1000 B.C.[7]

The Romans also had to deal with the scourge of piracy. In 102 B.C., Marcus Antonius was responsible for a campaign to Sicily to locate and destroy pirates.[8] Julius Caesar himself was captured in 76 B.C. and, after paying the ransom for his release, "fitted out a squadron of ships to take his revenge."[9] Following the Roman creation of standing fleets at Misenum and Ravenna, supporting by auxiliary fleets in Egypt, Syria, and, along the coast of modern-day Libya, "for the first time in history the whole of the Mediterranean was adequately patrolled, and the inhabitants of its coast obtained respite from marauders."[10]

Following Rome's collapse, piracy expanded rapidly, soon controlling many crucial rivers, including the Rhine, Elbe, and Oder. During the ninth century, in particular, the Vikings moved southward into Western Europe, where they "prowled the narrow seas between the British Isles, Scandinavia and the mainland of Europe, raiding, plundering, and murdering as they went."[11] The threat from the sea was particularly great in seaports and river towns. Piracy became such a problem during the early Middle Ages that many major European cities were built 10–20 kms inland for greater protection.[12]

During this period, piracy was considered to be the norm, not the exception. This applied in particular to the British, later the most strident opponents of piracy, but: "In the Middle Ages, English seamen in the Channel were accounted the hardiest pirates in the world."[13] As east–west trade increased in the twelfth century, spurred on by the Crusades, which once again connected Western Europe with the trade routes from the Orient, piracy boomed. Much of this was centered on Italy, since the city-states there controlled the majority of the trade from further east. Although attempts were made to halt piracy, the Italian city-states often were more concerned

[6] Little 2010.

[7] Burnett 2002.

[8] de Souza 1999.

[9] Karraker, *Piracy was a Business*, 17–18.

[10] Ormerod 1978.

[11] Cochran 1961.

[12] Meier 2006.

[13] Johnson 1962.

with fighting rather than cooperating with each other: "As a consequence, professional piracy, quite unmolested, expanded once more over the Mediterranean, and guerilla warfare, which is revealed as nothing less than partly concealed plunder of the enemy, throve on the rivalry of the Italian republics."[14]

Caught between East and West were the well-known pirate communities in Northern Africa. The Mediterranean Sea was long known as a haven for pirates, and for centuries piracy was pursued by Christians and Moslems alike. Captives were enslaved and sold throughout northern Africa. With the Conquest of Granada in 1492, however, and the exodus of tens of thousands of Moors from Spain throughout the Barbary coast, the number of piracy attacks increased dramatically: "Joined by African Moors and led by Moslem adventurers from the Levant, these new pirates embarked on a career of plunder and slave-hunting on the Spanish coast."[15]

When the Ottoman navy was defeated at the Battle of Lepanto in 1571, many former sailors turned to piracy and were called "corsairs." Later, the total expulsion of Moors from Spain in 1609 added further to this problem: "The corsairs not only scoured the sea, but often raided the coasts of Italy, Spain, and the various Mediterranean islands, sometimes advancing considerable distances inland, robbing houses and villages, and carrying off the inhabitants into slavery."[16] Between 1569 and 1616, it was estimated that 100 such Moorish ships captured a total of 466 English ships, selling their crews into slavery.[17]

One of the most famous of these pirates was Kheyreddin Barbarossa, who Sultan Selim I eventually made his "beylerbey," or governor-general, over all of North Africa. Barbarossa is credited with founding the pirate empire in North Africa that exacted tribute from European states for more than two centuries. For the next 200 years, the European countries sent numerous expeditions against the Barbary coast. However, the more normal arrangement was to pay tribute—little different from protection money—so that their ships would not be attacked by the corsairs.

One early response to the piracy threat was the creation of new mutual aid trade groups, like the Hanseatic League, intended to protect its members from attack. European countries experienced a particularly rapid increase in piracy in or around 1530, preying largely on the Spanish riches from the New World. This largely corresponded to the so-called Commercial Revolution, during which time European countries projected and organized European trade on a global scale. Because of the enormous profits that could be made, privateering went through many stages of official and unofficial sanctions before the national interests led to its gradual termination beginning in the mid-1800s.[18] As Daniel Defoe derisively stated in 1724: "Privateers in time of War are a Nursery for Pyrates against a Peace."[19]

[14] Karraker, *Piracy was a Business*, 17–18.

[15] *Ibid*., 31.

[16] Allen 1965.

[17] Karraker, *Piracy was a Business*, 44.

[18] Carse 1957.

[19] Defoe 1972.

New World Piracy

With the European discovery of the "New World," piracy quickly moved into the Western Hemisphere. One underlying reason for the growth of piracy was that in the 1494 Treaty of Tordesillas Pope Alexander VI gave Spain all of the Americas, except for Brazil, which went to Portugal. This decree largely ignored the economic interests of the British and the other European states, who were quick to take action. By 1563, it was estimated that there were over 400 pirate vessels roaming the seas preying mainly on Spanish treasure ships from the New World.[20] In 1572, Queen Elizabeth ordered her Lord Admiral to clear the seas of pirates, but in reality the wealth the privateers brought backed to England both crippled Spain's empire in the New World and filled the British treasury with gold. Many British "pirates" were treated as national heroes.

In 1575, the British captain, John Oxenham, crossed the Panama Isthmus and conducted raids along the Pacific coast in a small pinnace, but he was captured and imprisoned as a pirate by the Spanish. To prove that they were sanctioned by their home government, privateers were required to carry letters of marque, which Oxenham was not in possession of: "Oxenham and his officers were taken to Lima and, being unable to produce Letters of Marque there, were hanged as pirates."[21]

Oxenham may have been the first Englishman to see the Pacific, but his death prevented him from returning to England to announce his find. Three years later, Francis Drake, in 1578, became the first British navigator to round the tip of South America and enter the Pacific Ocean by sea. On 1 March 1579, Drake's ship, *Golden Hind*, took the Spanish treasure ship *Nuestra Senora de la Concepcion*, nicknamed *Cacafuego* or "spitfire." As a result of this one attack, Drake obtained "13 chests of silver coin, approximately 26 t of silver bars, 80 pounds of gold, and coffers of pearls and gems."[22]

Fearful of encountering Spanish galleons if they tried to go home by sailing to the south, Drake went north instead, looking for the hoped-for Northwest Passage. Failing to find it, he eventually returned to England by going west and circumnavigating the globe, arriving home on 26 September 1580, almost 3 years after he had departed. This voyage was only the second time when the globe had been circumnavigated, following Juan Sebastian de Elcano's return in 1522 on *Victoria*, a year and a half after Magellan's death on 27 April 1521 at the hand of natives near Cebu.

The riches and treasures brought back to England by, now, "Sir" Francis Drake, spurred other European mariners of many nations to follow his example. The 1588 British naval victory over the Spanish Armada ensured the Royal Navy's continued domination of the seas. New groups of pirates now began to operate in the Caribbean. Pirate hunting parties on the island of Hispaniola would cut wild pig meat and smoke it into dry strips called *boucan*, spawning the term "boucaniers" and later

[20] Course 1969.

[21] Course, *Pirates of the Western Seas*, 3.

[22] Sherry 1994.

still "buccaneers." After 1629, pirates formed a settlement on Tortuga Island, just north of Hispaniola. In 1641, France claimed Tortuga, and soon began to issue letters of marque to "the boucaniers to legalise their piracy against Spanish ships and give to it the name of privateering."[23]

Meanwhile, the British-claimed island of Barbados soon became a major base for British privateers. Later, Port Royal in the Bahamas also developed into a major pirate headquarters. Another famous pirate haven was the tiny island off East Africa called St. Mary's, just north of Madagascar, and from this base the pirates could attack the lucrative Red Sea and Indian Ocean trade. Through until the early 1700s, British privateers were considered perfectly legitimate auxiliaries to formal navies. Strict rules required all prizes to be returned to their home country so that special courts could determine if it was a fair prize or not. Interestingly, many of the spoils were taken to the colonies in America to be traded for "powder and rum."[24]

Although the practice was widely condemned, the economic effects of piracy could be highly positive. When Thomas Tew came back from St. Mary's in 1693 to Newport, Rhode Island, he reportedly brought 10,000 pounds worth of loot with him; sums of this size could not help but spur economic growth in the colonies.[25] It is often overlooked that if there had been no buyers, the pirates would have been put out of business: Thus, "… many men were willing to sail without papers because there were always merchants in the West Indies or the North American colonies who were willing to do business with them, regardless of the legal niceties."[26]

A major cause for a sudden rise in this kind of piracy dates to 1651, at the time of the British Navigation Acts. In order to monopolize all commerce with the 13 colonies, England stipulated that trade had to be conducted by British ships, that English colonies could sell only to England, and in turn had to buy all of their goods from England. In addition to receiving lower than market prices for their tobacco and other agricultural products, English manufactured goods were marked above market prices. Also, cargoes from England had to pay high customs duties, thus making them even more expensive in the colonies, and non-English manufactures had to be imported in English vessels and by English merchants. Many luxuries, such as "silks, spices, perfumes, and the like," were as a result vastly overpriced or were simply not available in the colonies.[27]

Rejecting this monopoly, merchants in the 13 colonies, with the knowledge and tactic support of local officials, traded with privateers. Undoubtedly many of these privateers could really be considered pirates, since they did not take their spoils back to England to be divided, as they were normally required to do:

> In colonial cities all along the Atlantic coast, privateer loot was 'imported' in defiance of the Navigation Acts and resold openly. In almost every colonial port, privateers could be sure that they would not only find buyers for their booty but also obtain hospitality, provi-

[23] Course, *Pirates of the Western Seas*, 20–24.

[24] Karraker, *Piracy was a Business*, 53.

[25] *Ibid.,* 91.

[26] Starkey et al. 1997.

[27] Sherry 1986.

> sions, protection, and crewmen for future enterprises. Very often the same merchants and officials who furnished the illegal market for privateer plunder also outfitted expeditions in exchange for guaranteed shares in a ship's loot.[28]

One reason for what appears to be a dramatic increase in piracy after 1690 was that Britain concluded peace with Spain during the 1680s and fighting soon broke out between Britain and France, including the French and Indian wars in North America. This trade reached its climax in the early 1700s, when there were so many pirates along the New England coastline that one offical described the region as being in a "state of war."[29] During this period, British privateers' attacks against Spanish ships were not condoned, and so were considered piracy. In fact, the primary difference was not that the attacks increased, but was that they suddenly were considered illegal, as versus the legal status the privateers had enjoyed previously. This resulted in one of piracy's most infamous eras known as the "Golden Age of Piracy."

The "Golden Age of Piracy"

Piracy reached a peak during the 10 years between 1716 and 1726. According to one view, it was "during those decades, [that] the world experienced the most intense outbreak of seaborne banditry ever recorded."[30] It has been estimated that during this decade, there were some 2400 ships attacked, or an average of about 218 attacks per year. As a point of comparison, the yearly figures in Southeast Asia alone from 2000 to 2004 averaged 184 attacks per year.[31] While this comparison might normally appear to undermine the perceived threat posed by traditional pirates, these modern numbers include many minor thefts and robberies, while the traditional pirates often absconded with entire ships, their crews, and their cargoes.

During the early 1700s, war once again broke out between England and Spain. Privateering revived and was particularly widespread during the War of the Spanish Succession, 1702–1713. Privateers were defined as a private man of war bearing a commission or letter of marque from their government, thereby allowing them to harass enemy commerce and take any captures as a far prize before a Vice-Admiralty Court.[32] Although legal so long as the privateer had a valid letter of marque, if this letter was lost then privateers—William Dampier's sojourn in a Dutch prison as a pirate is a good case in point—could expect to be mistreated. In May 1720, Captain Shelvocke even risked drowning when he entered his sinking *Speedwell* to retrieve his "commission scroll and the chest containing 1100 $ of the owners' money."[33]

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[28] *Ibid.,* 24–25.

[29] Karraker, *Piracy was a Business*, 67.

[30] Sherry, *Raiders and Rebels,* 7.

[31] Eklof 2006.

[32] Lloyd 1966.

[33] Poolman 1999.

After the war ended, and the peace of Utrecht was signed in 1713, many privateers refused to quit and return to civilian life. Many years of war, during the War of the Spanish Succession, had resulted in the training of thousands of new recruits in piracy. According to one source: "In spite of the cooperative attitude of the Governments of England and Spain in the Caribbean and on the Spanish Main, and the increasing vigilance of English naval ships, piracy continued. But it could not be camouflaged as buccaneering."[34]

Even though Spain and England had signed a peace treaty, there was still stiff competition to control the resources of the Caribbean. For example, when Henry Jennings heard that a Spanish galleon had sunk, and was being salvaged off the coast of Florida, he "persuaded some merchants in Port Royal to put up the money to finance an expedition to capture the booty, although England and Spain were at peace. Three hundred buccaneers were recruited and sailed to Florida in three small ships. They surprised the garrison guarding the treasure and stole 300,000 pieces-of-eight."[35] Captain Henry Jennings was then instrumental in founding a new pirate base at New Providence, Bahamas, in 1716.

By 1715 an estimated 2000 pirates were operating out of Nassau. Their favorite targets were Spanish galleons, often carrying gold and silver back to Europe from Spain's South American colonies. The profits that could be made from even one successful attack were enormous. In the Atlantic, soon there were not enough Spanish ships to attack, so many pirates began to focus on the lucrative trade between England and her North American colonies. According to one 1717 estimate by James Logan, colonial secretary of Pennsylvania, there were at least 1500 pirates cruising "at any one time off the coast of North America and that no one could travel safely by ship."[36]

During this period, piracy reached new heights, including the famous exploits of Edward Thatch (or Teach), alias Black-Beard the Pirate, who was finally killed in 1718. Two female pirates, Mary Read and Anne Bonny, were eventually captured and imprisoned, but both fortuitously escaped execution due to being pregnant at the time. Finally, Captain Bartholomew Roberts reportedly pirated some 400 ships during just "3 years of looting and burning," before he was finally captured and executed.[37]

Although the Royal Navy responded to the piracy threat by setting up convoys to protect merchant ships, or even offering—for a hefty fee—to transport cargo on its warships, it proved difficult to track down and eliminate the pirates. There was simply too much money in piracy, and "the profit to be made from such convoy duty made many Royal Navy captains less than zealous to destroy the pirates who were the indirect source of their profits."[38] It took a concerted effort by the Royal Navy

[34] Course, *Pirates of the Western Seas*, 73.

[35] *Ibid.*, 44.

[36] Sherry, *Raiders and Rebels,* 212.

[37] Karraker, *Piracy was a Business*, 217.

[38] Sherry, *Raiders and Rebels,* 216.

to track down and capture the pirates. Only by around 1725 were the most infamous pirates captured and hanged.

While this took care of most of the British pirates, French privateers based in Guadaloupe and Martinique continued to prey on the British slave trade throughout the mid-nineteenth century. During the Napoleonic Wars some 2100 British ships were seized during the 3 years, i.e., between 1793–1796, alone. This new period of unrest turned privateers into pirates. Admiral Lord Nelson even stated his belief that "all privateers are no better than pirates."[39] However, the Royal Navy were able to fight off the French privateers: "During this era the Royal Navy developed effective convoy tactics, fast frigate escorts, and matchless gunnery skills—all of which made the lone-wolf privateer all but obsolete."[40]

The 1856 Treaty of Paris outlawed privateering by individual ships, but state-operated navies could still legally stop, search, and capture commercial ships, guilty of carrying contraband to the enemy. Thus, government-sanctioned commerce raiders, often better known as "sea raiders," were also legal according to the rules of war. Sea raiders were especially prevalent during the two World Wars. Meanwhile, the introduction of submarine warfare—especially Germany's unrestricted submarine warfare campaign—propelled commerce raiding against enemy trade to new heights.[41] These types of predations only ended for good in Europe and in the Western Hemisphere following the Anglo-American victory in World War II.

Historical Piracy in the Indian Ocean Through Malacca

Since premodern times, piracy has always been widespread in the Indian Ocean, in the Malacca Strait, and in and around Indonesia. When European ships first appeared in these waters, they had to contend with local pirates. Piracy was particularly prevalent against the eastward flow of trade from the Indian Ocean, through the Malacca Strait, and then into the South China Sea.

Merchant ships traveling from Europe to the Far East had to be concerned about piracy attacks on the western coast of India. Along the coast from Bombay to Goa were the Malabar pirates. As described by Marco Polo during the fourteenth century, a 100 or more pirate ships would work together during a raid: "These pirates take with them their wives and children, and stay out the whole summer. Their method is to join in fleets of 20 or 30 of these pirate vessels together, and then they form what they call a sea cordon, that is, they drop off till there is an interval of 5 or 6 miles between ship and ship, so that they cover something like a 100 miles of sea, and no merchant ship can escape them."[42]

[39] Course, *Pirates of the Western Seas*, 2.

[40] Sherry, *Raiders and Rebels,* 360.

[41] For more, see Elleman and Paine 2013.

[42] Biddulph 1907.

Piracy was even more of a problem further to the east. During the earliest period of East–West trade, from approximately the first century B.C. onward, merchants would cross from India along the shores of the Bay of Bengal to the Isthmus of Kra, which then involved a 35-mile-long portage to the Gulf of Thailand. One reason for crossing here was that it cut off an extra 1600 miles to the trip. A second reason was that this allowed seafarers to avoid the dangerous shoals and currents that were present further along the Malacca Strait. A third and even more important reason was that "at various times the shores along the straits were believed to be the home of even more dangerous pirates."[43]

Eventually, merchant ships did regularly journey back and forth all the way through the Malacca Strait. It was a dangerous journey, however, since the strait is shaped like a funnel, with the western opening very wide but narrowing near Singapore to only about a mile wide. Approximately halfway through the strait, the channel narrows at a location popularly called One Fathom Bank. At this point, there is usually only sufficient leeway for one large modern ship to pass in each direction. From here to Singapore the majority of the channel runs through Indonesian waters. An estimated 80 % of the modern-day piracy in the Malacca Strait occurs in this stretch: "It is almost a pirates' dream opportunity—all they require is a suitable base, some means of getting on board ships underway or at anchor, and a market for their loot."[44]

In premodern times, such a lengthy journey by sail could also only be carried out at certain times of the year. Due to the annual monsoons, ships from India had a relatively narrow period every year in which the winds were favorable for reaching the Gulf of Thailand, and then they would have to wait until the winds changed again before they could make the return voyage, or wait for favorable winds to continue on to China. Sometimes, it would take months before the winds shifted. The monsoon winds were dependable, however, so "all the ships, whether they were going to or coming from China, tended to arrive in Southeast Asia at about the same time and to leave at about the same time."[45]

Pirates, of course, could also take advantage of these periodic winds. Mainly due to the opium trade, pirates seemed to prey less on trade from East-to-West, but more on the West-to-East trade. According to a fourteenth century Chinese account of the area around the Malacca Strait:

> The inhabitants are addicted to piracy […] when junks sail to the Western [Indian] Ocean the local barbarians allow them to pass unmolested but when on their return the junks reach Chi-li-men [the Karimun islands] the sailors prepare their armour and padded screens as a protection against arrows for, of a certainty, some two or three hundred pirates praus [boats] will put out to attack them for several days. Sometimes [the junks] are fortunate enough to escape with a favourable wind; otherwise the crews are butchered and the merchandise made off with in quick time.[46]

[43] Shaffer 1996.

[44] Villar 1985.

[45] Shaffer, *Maritime Southeast Asia to 1500*, 21.

[46] Eklof, *Pirates in Paradise*, 6; citing Wheatley 1961.

This account makes one suspect that goods from China were considered commonplace, and so not worth the pirates' attention, but that goods from further West in the Indian Ocean were considered to be more rare. This trade had a major impact on piracy throughout Southeast Asia.

Piracy in Southeast Asia

Piracy in Southeast Asia was not necessarily multi-directional, but often relied on preying on trade from a fixed direction. In traditional times, pirates preyed on the opium trade. In the 1980s, however, this same phenomena was reported in the Malacca Strait: "Most attacks occur in the eastbound lane of the Phillip Channel and Strait of Singapore…"[47] In a similar way, seasonal pirates in the New World could often be found cruising the coast of North America during the summer, but would remain mainly in the Caribbean islands during the winter months.[48]

Opium, which already enjoyed a lively East–West trade before the arrival of Western merchants in the region, was perhaps the most sought after commodity by pirates. Beginning of every January ships began to arrive in the region with the new season's Indian opium.[49] The movement of ships was dependent on the weather, since from April to November there are squalls known as "Sumatras," and between May and October there are even stronger storms, known as "Southwesterly" squalls, occurring in the northern waters of the Malacca Strait.[50]

During the fifteenth century, alliances between Melaka and the *organ laut*, or local sea nomads, allowed for the growth of trade in Malacca. This corresponded with the high point of the Ming dynasty in China, and to the seven "treasure" fleets led by Admiral Zheng He to the region between 1405 and1431. To put an end to the threat of piracy, Zheng He's ships attacked and destroyed a group of Chinese pirates located at Palembang. He also "offered Malacca's ruler, Paramesvara, security in the form of a special relationship with China." This arrangement helped keep Malacca secure for "decades, until the Chinese government abruptly abandoned its overseas expeditions in the 1430s."[51]

Malacca continued to thrive during the rest of the fifteenth century. With the arrival of the Portuguese, and their success in securing Malacca in 1511, instability once again returned. In order to dominate the regional trade, Portuguese ships attacked and sank Muslim commercial vessels, who dominated the Indian Ocean trading network through the beginning of the sixteenth century. Instead, they forced ships to pay for a *cartaze*, or certificate of safe passage.[52] Those that refused to pay

[47] Ellen 1986.

[48] Defoe 1972.

[49] Tarling 1963.

[50] Burnett, *Dangerous Waters*, 121.

[51] Shaffer, *Maritime Southeast Asia to 1500*, 103.

[52] Eklof, *Pirates in Paradise*, 7.

this protection money were, in the eyes of the Portuguese at least, the transgressors. This poor treatment of the locals practically insured the revival of piracy.

Many of these professional pirates, like the Illanun from the Philippines, had perhaps always been pirates, but others were forced to become pirates, sometimes as a direct result of Western expansionism. No better source for this can be found than James Brooke, who became the first ever "white" Raja of Sarawak with the goal of freeing "the Borneo seas from the scourge of piracy."[53] When discussing an 1841 encounter with Illanun and Maluku pirates, Brooke stated of the latter: "These Malukus, from their own account, since the capture of their Rajah and the subjugation of their country, have led a wandering piratical life."[54]

After the Portuguese came the Dutch, who also tried to monopolize trade. According to Wright, "Dutch attempts to monopolize the spice trade through the Malacca Strait from the 1670s onward served to dramatically increase the instances of piracy in Southeast Asia by disrupting and distorting local trading patterns."[55] William Dampier reported in 1689 that piracy was "provoked by the *Dutch*," and that "the Pirates who lurk on this Coast, seem to do it as much to revenge themselves on the *Dutch*, for restraining their Trade, as to gain this way what they cannot obtain from way of Traffick."[56]

According to some scholars, therefore, the European advance undermined local government, which increased piracy. For example, Nicholas Tarling has argued: "One result of the loss of commerce and revenue was a shift to marauding on a more general scale than before… The old empires decayed, but were not replaced, and within their boundaries marauding communities appeared, led by adventurous Sharifs, or deprived aristocracies, or hungry chiefs." While previously there had been state-imposed limits on piratical violence, the "corrective elements within the system, which had provided a certain security and stability, were destroyed."[57]

From the late eighteenth century, large pirate fleets terrorized the entire region:

> … large raiding fleets—sometimes composed of hundreds of vessels carrying thousands of men—set out each year from the Sulu archipelago in the southern Philippines, swarming through Southeast Asian waters from the Strait of Malacca in the west to the Moluccas in the east. The pirate fleets set out with the southwest monsoon, which usually started in the Philippines in early May, and 3 months later they reached the Malay peninsula, where the months from August to October became know as the 'pirate season' and the monsoon itself was referred to as the 'pirate wind'.[58]

However, these pirate fleets were composed not of dispossessed or alienated peoples, but by professional pirates. In sharp contrast to the view that the West's arrival in Southeast Asia undermined the local structure, thus resulting in greater piracy, other scholars have argued that the local peoples adapted to the new circumstances

[53] Rutter 1987.

[54] Brooke 1995.

[55] Chalk 2002; citing Wright 1976.

[56] Tarling, *Piracy and Politics in the Malay World*, 10–11; quoting Dampier 1931.

[57] Tarling, *Piracy and Politics in the Malay World*, 8, 11.

[58] Eklof, *Pirates in Paradise*, 9; citing Warren 2002.

and attempted to get profit from the greater opportunities offered by the new global trading system: "The surge in piracy and slave raiding, from this perspective, was not a symptom of decline but rather constituted a successful adaptation, or even manipulation, of global capitalism."[59]

In discussing the Illanun (or Iranun) pirates, for example, Brooke provided clear examples of how their life of piracy was by choice, not because they were pushed into it by outside circumstances:

> Their chief constitution is as follows:—one chief, a man usually of rank, commands the whole fleet; each boat has her captain, and generally from five to ten of his relations, free men; the rest, amounting to above four-fifths, are slaves, more or less forced to pursue this course of life. They have, however, the right of plunder, which is indiscriminate with certain exceptions; viz. slaves, guns, money, or any other heavy articles, together with the finest description of silks and cloths, belonging to the chiefs and free men; and the rest obey the rule of 'First come first served'. No doubt the slaves become attached to this predatory course of life: but it must always be remembered that they are slaves and have no option; and it appears to me, that in the operation of our laws some distinction ought to be drawn on this account, to suit the circumstances of the case.[60]

Of the Illanun pirate leaders, Brooke further stated:

> The Datus, or chiefs, are incorrigible; for they are pirates by descent, robbers from pride as well as taste, and they look upon the occupation as the most honorable hereditary pursuit. They are indifferent to blood, fond of plunder, but fondest of slaves: they despise trade, though its profits be greater; and, as I have said, they look upon this as their 'calling', and the noblest occupation of chiefs and free men. Their swords they shew with boasts, as having belonged to their ancestors who were pirates, renowned and terrible in their day; and they always speak of their ancestral heir-loom as decayed from its pristine vigour, but still deem the wielding of it as the highest of earthly existences. That it is in reality the most accursed, there can be no doubt…[61]

John Anderson, an official with the East India Company, confirmed that piracy was not considered unusual in Southeast Asia, even though its effect on British trade was extremely negative: "the grand hindrance of the extension of British trade, and the civilization of the Archipelago, is the system of piracy which has been carried on in these seas from time immemorial." Clearly the pirates themselves did not feel they were in the wrong, and Anderson further clarified: "I use the word 'system' advisedly; for it would be absurd to treat with reprobation a practice with which no dishonourable idea is associated in the mind of the natives. The system of piracy in the Archipelago is just what the system of private wars was in Europe in the middle ages; an evil arising not so much from moral laxity as from political disorganization."[62] A lack of organization also impacted piracy in Australian waters.

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[59] *Ibid.* 10–11.

[60] Brooke, "A Friendly Encounter with Illanun Pirates," 122.

[61] *Ibid*.

[62] Tarling, *Piracy and Politics in the Malay World*, 10; Quoting Anderson's letter to the "Indian News," 10 October 1844. F.O. 12/2.

Historical Piracy in Australian Waters

Piracy in Australia has deep roots. Unlike in most of the other piracy cases, such as in East Asia and Europe, the focus was not on goods or scarce commodities, but on people. In the early years of Australia's history, when it was used as a penal colony, the goal of various so-called "pirates" was either to avoid reaching Australia or, if they were already there, to find a way to leave. Taking control of a ship was usually the first step in such a venture.

One of the first examples of piracy included the extreme case where the crew mutinied and absconded with their own ship. In 1797, HMS *Jane Shore* was transporting convicts, primarily female, from England to Australia. When a barricade between the convicts and the ship's crew was removed, the female convicts seduced the sailors and military guards and persuaded them to go to South America, there to "lead a life of freedom and safety." As one commentator noted: "The demoralizing effect of little strumpets picked up on the streets of London, wandering about among the sailors and guards can better be imagined than described. It is a wonder that more vessels were not lost in the same way as the *Jane Shore*."[63]

Convicts sentenced to serve their terms in Australia often attempted to take over visiting ships so as to escape. In 1825, a group of convicts took *Eclipse* in New South Wales and escaped, never to be seen again. In 1827, another group took *Phoebe* and eventually reached Tahiti, where they were all recaptured. By far the most interesting event of this type, however, occurred on 9 August 1829, when 18 convicts bound for Sarah Island in Macquarie Harbour took command of the brig *Cyprus* at Recherche Bay. They were not completely villainous, and decided to drop off the crew, guards, and passengers with a large quantity of provisions. Not a single person was killed. According to one account: "Never in the history of the sea was there a mutiny and piratical seizure of a vessel accomplished so politely, humanely, and efficiently, as the seizure of the *Cyprus* brig."[64]

Cyprus sailed east toward New Zealand and then on toward Tahiti. Within sight of the island they were forced by bad weather to turn west and eventually landed at Niue Island, just east of Tonga. Leaving seven of their party on the island, ten others headed north toward Japan, where they were turned back, and so headed toward Canton, across the East China Sea. Two more of the crew disembarked on a small island, leaving only eight crew members, which was just barely enough to sail the ship.

After reaching the Chinese coast, *Cyprus* was scuttled and the remaining crewmembers continued into port in a long boat. Claiming to be from a shipwrecked merchant ship, *Edward*, eight of the convicts attempted to pass themselves off at Canton as the sole survivors of the ship. Although they obtained passage back to England, the story eventually got out and most of them were rearrested and charged with piracy. Out of the original 18 convicts: "One was drowned at sea; one was con-

[63] Norman 1946.

[64] For a fictional account of the Cyprus events, albeit backed up by archival research, see Clune and Stephensen 1962.

signed to the 'Ocean Hell' that was Norfolk Island; three were hanged; four went in chains to Macquarie Harbour; and nine disappeared without trace."[65]

In December 1831, 11 escaped convicts took over the schooner *Caledonia* in Moreton Bay, Australia (later Brisbane). The crew were released, but Captain Browning was ordered to navigate for New Caledonia. During the cruise, three of the pirates were killed or thrown overboard. Upon arrival, two others left the ship, leaving only six convicts and the captain on board, plus three native women taken hostage at Rotumah Island. On 29 February 1832, three more convicts and the three women got off at Davi Island, leaving only four people on-board. After scuttling *Caledonia*, the remaining pirates and Captain Browning reach Toofoa Island, where Browning was eventually rescued by the whaling ship *Oldham* and returned to Sydney to tell the tale. Only one of the pirates, named Evans, was ever caught and returned to Australia.[66]

In January 1834, nine convicts took control of the brig *Frederick* in Macquarie Harbour. After releasing the ten crewmembers on shore, and providing them with food, John Barker was elected captain and headed the ship for South America, landing in Chile 6 weeks later. While the majority of the convicts disappeared, four were eventually recaptured, returned to England for trial, and "were brought back to Hobart Town in March 1837, after a voyage that had taken them around the world."[67]

While other cases of Australian piracy undoubtedly existed during the nineteenth century, the 1838 recommendation by a Parliamentary Select Committee that transportation to Australia be abandoned undermined the rationale behind this type of maritime crime: "In 1840, the British government abolished assignment throughout the Australian colonies, halted transportation to New South Wales altogether, and directed the entire stream of transported felons to Van Diemen's Land and its dependency Norfolk Island."[68] The Tasmanian convict settlement at Port Arthur continued to receive new convicts through the 1850s, but was finally closed in 1877.

Traditional Piracy in East Asia

Pirates also plagued East Asia, beginning with the mid-fifteenth century onward, when China had to parry constant attacks of Japanese–Chinese pirates, known as Wokou (in Japanese Wako), who were conducting raids along China's eastern coast. The Manchu conquest in 1644 saw a rapid growth in piracy, much of it in support of a Ming revival, but this largely ended in 1683 when a Qing fleet successfully invaded Taiwan. But pirates continued to be a concern throughout the Qing dynasty. Between 1790 and 1810, in particular, China witnessed an upsurge in piracy all

[65] Wannan 1974.

[66] *Ibid.*, 30.

[67] *Ibid.*, 35.

[68] Clarke 2002.

along the southern coast from Zhejiang province to Hainan Island.[69] There were over 70,000 pirates, organized into several powerful leagues, who not only challenged the imperial state but severely disrupted legitimate trade.

In Asia, piracy was common for a 1000 years or more, and included elements of political and economic competition making up a complex social web.[70] One of the first recorded cases of piracy occurred in 414 A.D., as discussed by a Buddhist Monk named Shi Faxian, who described cases of piracy in the South China Sea. While the Wokou were a scourge along China's coastline, particularly during the fifteenth to seventeenth centuries, piracy in the South China Sea, "was an evil so old, so widespread, and with so many facets that it baffled efforts [to suppress it] for many years, for it was an honorable profession which was connived at, promoted, or even directly engaged in by the highest potentates… And nowhere else in the world is geography so conducive to piracy."[71]

The Manchu government in China limited the effects of piracy through until the end of the eighteenth century, largely by utilizing foreign merchants as intermediaries. For example, when the Portuguese became the first Europeans to reach China by sea in 1516, they founded the trading center of Macao on a number of small islands to the west of the entrance to Canton. The Portuguese often acted like pirates themselves, "robbing and killing to obtain their ends."[72] However, before being permitted to trade in China they had to promise the Chinese government that they would "assist in the suppression of piracy."[73]

Limahong, a sixteenth century Chinese pirate, was particularly famous for attacking the Spanish-controlled city of Manila in the Philippines.[74] Although piracy was largely eliminated from Chinese waters by 1565, a large Chinese and Japanese pirate fleet under Limahong attacked Manila in November 1574:

> … Limahong and his fleet of invasion, consisting of sixty-two trim, large and well-armed junks each of which could accommodate from 100 to 200 men, left the coastal waters of China on its sinister voyage of conquest towards its destination—Manila. In these flat-bottomed, high-sterned vessels with square bows and towering masts supporting large and wide lugsails, rode about 2000 soldiers, 2000 seamen and 1500 other passengers including quite a number of families, women abducted from China and Japan, farmers, artisans, carpenters, masons and other laborers and even children—in all almost 6000 assorted types of humanity strong enough to conquer, colonize and make a settlement on any island in the Pacific.[75]

Limahong was narrowly defeated by the Spanish.

These events overlapped with a new threat from the West, as the Dutch pushed the Portuguese out of their far eastern bases, securing Taiwan in 1624, Malacca in

[69] Murray 1987.

[70] Young 2005.

[71] Robinson 1998.

[72] Karraker, *Piracy was a Business*, 27.

[73] Miller 1970.

[74] Callanta 1979.

[75] *Ibid.*, 27.

1641, Ceylon in 1658, and the Spice Islands in 1660.[76] Meanwhile, off the China coast Zheng Zhilong and his son, Zheng Chenggong (Cheng Ch'eng-kung)—also known in the West as Koxinga—were some of the most famous pirates. Between 1640 and 1646, Zheng held sway throughout southeast China's coastline, even rivaling the power of the Qing emperor before being imprisoned in Beijing in 1646. His son continued to fight against the Qing, and even took Taiwan from the Dutch in 1661, and used it as a base to oppose Beijing. In 1662, the Emperor issued a decree commanding that "all the people upon the coasts of the maritime provinces should remove themselves and their effects into the interior to the distance of thirty *li* [about 12 English miles] from the shore, on penalty of death; also that the islands be abandoned, and commerce utterly cease." When this decree was actually put into effect, many villages and even large cities along the coast were deserted. Eventually, a Manchu fleet retook Taiwan in 1683.[77] This ended a long period in which Taiwan was a major "rendezvous" for pirates in far eastern waters.[78]

Pirates returned in large numbers to China during 1795–1810, however, and the Qing government faced "their most serious maritime threat since the suppression of Cheng Ch'eng-kung (Koxinga) and the conquest of Taiwan more than a century before;" in Guangdong province there were an estimated 50,000–70,000 pirates by 1805.[79] Supported by Vietnam's new emperor, who came into power as part of the Tay-son Rebellion, many Chinese pirates were given legitimacy when they were made part of the Vietnamese navy and received the status of privateer: "in creating privateers, the Tay-son legitimized piracy and thus radically transformed the standing of its underworld practitioners, elevating them from 'scum of the sea' to 'sailors in a King's navy'."[80]

Following the defeat of the Tay-son in 1802, however, the pirates—who had organized their ships into five independently operated squadrons—moved north into Chinese waters. Under Zheng Yi, the pirate scourge reached its apex, preying on shipping, and defeating Chinese naval force that tried to oppose them. Upon Zheng Yi's death in 1807, his wife, Zheng Yi Sao, took command of the pirates. Although Qing officials were able to end the pirate infestation through a combination of "pardon and pacification," in fact "the only victors were the pirates, many of whom stepped into new lives ashore with their proceeds from piracy intact." One British official, who had only recently begun to appear in South China in large numbers, noted: "From such arrangements we cannot be induced to look forward to any permanent relief from piratical depredations."[81]

Chinese piracy exacerbated Sino-British tensions. In 1835, $ 50,000 was pirated from the British ship *Troughton*, and the pirates reportedly "escaped the penalties of

[76] Karraker, *Piracy was a Business*, 29.

[77] Miller, *Pirates of the Far East*, 120–121.

[78] Karraker, *Piracy was a Business*, 26.

[79] Murray, *Pirates of the South China Coast, 1790–1810*, 1.

[80] *Ibid.*, 54.

[81] *Ibid.*, 157.

the Imperial Code because of the connivance of the Chinese authorities."[82] In 1838, the British ship *Diana* was sent to China to pursue pirates, but with little success.[83] However, with the British victory in the first Opium War (1839–42), the Europeans could focus on their efforts against pirates off China's lengthy coastline. The Governor of Hong Kong controlled the waters within 3 miles of the island, and during the years 1843–1844, the jail in Hong Kong averaged "from 60 to 90 Chinese prisoners a month, many of whom were guilty of piracy."[84] As a result of the Arrow War (1856–1860), the British were able to force China to uphold anti-piracy laws that helped quell what had previously been considered an unsolvable scourge along the Chinese coast.[85]

Changing Definitions of Piracy

Piracy can be divided into several categories based on size: the smallest type includes pirates robbing a ship's crew while at sea, the second type includes taking the ship's cargo in addition to robbing the crew, and the third type of piracy includes taking control of the vessel, re-flagging it, and then using the captured ship to smuggle drugs, transport illegal immigrants, or to conduct further acts of piracy. Of these three types, the third is by far the most dangerous. Not only the crews of such "phantom" or "ghost" ships are often killed, but the pirates can use a captured ship to carry out more raids.

The definition of piracy has changed over time. On 10 December 1982, the United Nations Convention on the Law of the Sea (UNCLOS) was signed at Montego Bay, Jamaica.This convention determined that freedom of navigation existed in "all types of zones, straits, and archipelagos," and that four territorial zones would be recognized, including territorial seas up to 12 nautical miles (nm) off shore, contiguous zones up to 24 nm from short, and exclusive economic zone up to 200 nm from shore, and finally the continental shelf, which can extend up to 350 nm from shore.[86]

Because of these new limits on what is officially considered to be sovereign territory, as versus the high seas, the definition of piracy necessarily had to change as well. Article 101 defined piracy in the following terms:[87]

(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

[82] Fox 1940.

[83] *Ibid.*, 88.

[84] *Ibid.*, 91.

[85] Elleman 2010.

[86] Mueller and Adler 1985.

[87] Eklof 2006.

1. On the high seas, against another ship or aircraft, or against persons or property on boar such ships or aircraft.
2. Against a ship, aircraft, persons or property in a place outside of the jurisdiction of any State.

(b) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft.
(c) Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

Unfortunately, international law and domestic law do not always overlap, especially when it comes to defining piracy: "Regrettably, international law and domestic laws are not in agreement as to a proper definition of piracy so that an act committed outside the territorial jurisdiction of a particular nation might be piracy as defined by international law, yet not be so within the domestic law of that nation."[88] In most cases, if a pirate ship is not on the high seas, but "is within the sole jurisdiction of one state or another," then there is no excuse for a naval ship from another country to stop it, since it is the responsibility of that state to monitor activities—legal or illegal—within its waters. Even in international waters and on the high seas, there are only a few cases where a ship can legitimately be stopped: "if the flag state gives its permission, if the ship is stateless, if it is a pirate ship, if it is transporting slaves, or it is being used for unauthorized broadcasts." Because of the strict limits this puts on searching suspected ships, the US government has sought, under the Proliferation Security Initiative (PSI) and as amendments of the SUA convention, to increase the rights of search to include if a ship "is suspected of terrorism or carrying weapons of mass destruction (WMD), their delivery systems or related materials."[89]

Due to the highly precise definition under UNCLOS, modern-day "piracy" really only includes illegal acts on the high seas, in other words outside of the jurisdiction of any state. Illegal activities within a state's waters would most often be considered maritime crime. Thus, the region in which "piracy" can technically occur has gotten smaller. Within each of the four zones the rights and responsibilities of party's differ, but in general "piracy" includes only those crimes outside of the 12 nm limit. Since it is further defined that the perpetrators must be on either a ship or aircraft, and they must be attacking another ship or aircraft, then attacks from the shore or when the victim is docked also do not technically count at piracy.

When the ICC-International Maritime Bureau (IMB) set up a Regional Piracy Center (RPC) in Kuala Lumpur, Malaysia, it blurred the lines between these two even further by listing both types of maritime events as acts of piracy.[90] The IMB definition of piracy states: "Piracy is an act of boarding any vessel with the intent to commit theft or any other crime and with the intent or capability to use force in

[88] Ellen and Campbell 1981.

[89] Bateman 2007.

[90] Ellen 1998.

the furtherance of that act."[91] This definition has allowed for a higher reporting of piracy than would normally fit under UNCLOS guidelines.

Definitions of piracy are still disputed, however. For example, in January 2002, the Syrian government protested when ships from the US Navy's Sixth Fleet stopped and searched two Syrian cargo ships for displaying "suspicious behavior." Although the goal of the search was to locate WMD or terrorists, and when nothing was found the ships were released, the Syrian view was that the USA actions were an "act of piracy" since the conditions under which the search was conducted did not fit the UNCLOS limitations.[92]

Geography and Piracy

Equally important to the types of piracy is the geography in which pirates are forced to work. The most successful piracy was typically focused on ports, straits, and gaps. Ports, for example, are the best location for petty theft, often without the crew even knowing that thieves are on board. Straits, by contrast, are the best place for boardings because the ships do not have the chance to maneuver to escape. This often involves something more than simple piracy, including hijacking entire ships. Straits, which are narrow and/or long sea lanes through which ships must pass include the Malacca Strait, which for many years was considered one of the most dangerous regions in the world, in large part because all of the shipping must go through a very long and narrow maritime path. Gaps, which include relatively small openings between two maritime areas that are otherwise being patrolled by regional states, can also pose a danger. While gaps, unlike straits, can be susceptible to both, ships have the option of maneuvering away from attackers, and so present greater challenges to those attempting to board.

Gaps are less well known, but might include the sea lanes between various Southeast Asian countries. One recent case was an attack on a ship steaming from the Philippines to Australia. In early June 2008, the Philippine Coast Guard reported that a cattle transport ship bound for Western Australia came under 2 h of heavy fire by pirates in four speedboats about 70 nautical miles south of Balut Island, within hours after sailing from Mindanao's General Santos City. The 4600-tonne, 100 m-long MV *Hereford Express*, carrying 22 Filipino crew, was heading to Broome to pick up a shipment of cattle when it was attacked in Indonesian waters, south of Mindanao. Lieutenant Armando Balilo stated: "The vessel did not stop and tried to manoeuvre to escape the attack by changing course to the north-west, away from the island."[93]

Geographic factors can also help to determine whether an attack at sea event is called piracy on the high seas or maritime crime in a country's sovereign waters.

[91] "Co-operation for law and order at sea," *CSCAP Memo 5*, 14.

[92] Burnett, *Dangerous Waters*, 286.

[93] Warwick 2008.

Traditionally, pirates located their bases on numerous small islands or in archipelagos immediately adjacent to major commercial sea lanes. Because of the secrecy surrounding their bases, pirates could be extremely difficult to locate and even more difficult to attack and destroy. Usually, pirates were captured while at sea, and most often during a raid gone wrong. As a result of these factors, even in the modern world it can be extremely difficult to locate and destroy pirates on land, thus forcing modern security forces to wait until the pirates attack. However, waiting for the pirates to attack is tiring, expensive, and highly intensive in term of wasted man-hours.

Piracy can undermine global and regional trade directly, in terms of lost cargos and ships, and indirectly, in terms of increased insurance premiums and the cost of operating commercial shipping. A rapid increase in piracy interferes with free trade and undermines the US government's support for freedom of the seas. Piracy has traditionally focused on several "hotspots," including in Africa, South Asia, the Malacca Strait, and the South China Sea. While some of these piracy hotspots have a long history of local piracy—the Sulu region is a good example—other regions do not, which suggests that history and culture are not the only major determinants for piracy. To add to the confusion, there are many different types of piracy.

Types of Piracy

There are many different types of piracy, including simple robbery at sea, absconding with a cargo, and even taking control over a ship, reflagging, and then attempting to sell the ship intact. Each type of piracy requires different leadership skills and organization. Over time, pirates have become more professional, and began to specialize in particular types of piracy. For example, in China during the 1920s, pirate leaders would travel in the ships that they planned to attack—often paying for first class fares—just so that they could observe the workings of the ship. Such detailed preparations would result in pirates taking control over the entire ship, after which the passengers would be robbed of their valuables, and the ship and passengers would then be ransomed for huge sums. This practice became so widespread and common that some British ships were pirated numerous times.

In the modern world, pirates can attack a random ship or they may also have confederates aboard the ship they are attempting to seize. As a result of this advantage their knowledge of the ship and its defenses may be much better than the captain and crew suspect. Technically speaking, if a crewmember initiates the seizing of a ship this is mutiny, not piracy, although if that crewmember then lets non-ship members on-board the distinctions between the two become blurred. If it is a ticketed passenger that initiates the action, then this is technically hijacking, but again the addition of new confederates from outside the ship can blur hijacking and piracy.

When the Harardhere ring moved into high seas piracy it used the traditional tools available to Somali fishermen. They began to employ small motorized boats made of fiberglass with styrofoam cores. By 2004, the pirate groups began to use

multiple skiffs in their work, with a larger skiff acting as a "mother" ship to support one or more smaller boats. The smaller skiffs, with a crew of four or five pirates in each, would come astride a vessel, with one to starboard and the other to port with the larger skiff astern in pursuit. They then placed one or more of their number on board the target vessel to intimidate the crew, allowing the rest of the boarding party to bring the captured vessel into port.[94]

Implemented beginning in early 2005, this technique resulted in some notable successes, including the capture of M/V *Feisty Gas*, a compressed gas transport, in April 2005 and M/V *Torgelow* during October 2006. The presence of Combined Task Force 150, especially after the *Seabourne Spirit* incident, prompted a change in pirate habits. The Harardhere group began using captured low-value vessels as mother ships for the skiffs. In this they sought the advantage of surprise by appearing as part of the normal commercial traffic of the region.

Opportunity is a major factor in piracy, with increase in attacks most often the direct or indirect result of increases in either commercial shipping—such as the huge growth in trade through the Malacca Strait—or in the numbers of vulnerable ships—such as the "boat people" exodus leaving Vietnam and traveling through the Gulf of Thailand. Once opportunistic piracy has proved highly profitable, then organized crime often moves in, pushing out the original perpetrators, and attempting to make even greater profits off of the trade. Or, in some cases the two types of piracy appear to work together: "The relationship between the opportunistic local pirates in the southern Malacca Strait region and the syndicates thus seems to be symbiotic rather than competitive, thereby perpetuating piracy in the region and adapting it to changing external circumstances."[95]

Protection rackets are also quite commonly linked with pirates. Organized crime is usually in charge of providing protection against being pirated. For example, the Stolt ships were being attacked regularly by pirates, but then it stopped, reportedly because the shipping company decided that it was cheaper to pay protection money in advance. This is a throwback to the eighteenth century, when European states and the US government paid tribute to the Barbary pirates, as well as to attempts by the nationalist-linked guerillas during the 1950s who tried to shake down British shipping off of Communist China. Although the morality of paying protection money is suspect, it can in actual practice help ships avoid being attacked. According to Eric Ellen, whose has background as a lawyer and expert on terrorism and maritime crime led him to create the IMB, cruise ship companies often pay protection so that they are not attacked: "It saves lives. It is cheaper in the long run."[96]

[94] See "Pirates Attack UAE Ship Off Somalia," http://asia.news.yahoo.com/060125/3/2eolb.html. [Accessed 21 July 2008]; Puchala 2005.

[95] Eklof, *Pirates in Paradise*, 159.

[96] Burnett, *Dangerous Waters*, 191.

Pirate Organizations

As the descriptions above make clear, piracy can be carried out by individuals, by collectives, by clans, by organized crime groups, and even on occasion by governments. Early on, piracy was equated with simple robbery, just robbery that happened to occur on the seas. Sir Charles Hedges, Judge of the High Court of Admiralty, stated on 13 October 1696: "Now piracy is only a sea term for robbery, piracy being a robbery committed within the jurisdiction of the Admiralty."[97] In many parts of the world, including in Asia, global commerce spurred large pirate fleets composed of professional pirates to terrorize entire regions. The Illanum pirates in Malaysia were particularly adept at piracy, and took great pride in their accomplishments.

In the modern era, organized crime and crime syndicates have moved into piracy. For example, syndicates might bribe naval personnel to hijack ships. Reportedly, for as little as $ 300,000 a client could point to any ship in the Manila harbor from the rooftop bar at the Pan Pacific Hotel, and a local syndicate would then arrange for it to be stolen. After the ship is at sea, it would be given a new name and registration, before being delivered to a predetermined location.[98]

An example of a hijacking by organized criminals was the Panama-flagged bulk carrier MV *Cheung Son*. In November 1998, she was hijacked in the South China Seas on her way from Shanghai to Malaya. Her crew of 23 were lined up, hooded, clubbed, shot, and stabbed, before being thrown into the sea. Her manifest stated that she was carrying furnace slag, which is of little commercial value, so perhaps the pirates wanted the ship to smuggle goods. Others speculate that the ship may have really been carrying illegal weapons. China eventually put 38 pirates on trail for this hijacking in what was called the "biggest case of robbery and murder in 50 years of Communist rule."[99]

Meanwhile, *Inabukwa*, which was a 980-ton cargo ship registered in Indonesia, disappeared. Although almost worthless as a ship—valued at less than $ 100,000—it was carrying a cargo of tin ingots, zinc, and white pepper that was valued in excess of $ 2,000,000. After being seized, and her crew marooned, the ship steamed for the Philippines. About the same time, a Philippine coast guard unit in Sabinagi, in Ilocos Sur, located a ship that did not have proper registration. Although the ship had a new name, no ship register carried it. Apparently, the pirates were preparing to offload the goods at sea when the pirated ship put in for Subinagi for repairs. After the Coast Guard seized it, the pirate syndicate tried and failed to regain it. Eventually, the owner of the cargo paid $ 50,000 for the return of the cargo.[100]

One of the most puzzling cases took place on 17 April 1998, when the MT *Petro Ranger*, a Singapore-owned petrol tanker on its way to Vietnam, was captured by a dozen pirates, who sailed it to Hainan Island. This was reportedly a hijacking

[97] Rutter, *The Pirate Wind*, 25.

[98] Burnett, *Dangerous Waters*, 225–26.

[99] Sakhuja 2007.

[100] Burnett, *Dangerous Waters*, 216–17, 224–25.

arranged by Chew Cheng Kiat (or alternately as David Wong), one of the most notorious crime syndicate kingpins in Hong Kong and Southern China. After putting one of his own men on-board the ship, a dozen pirates approached from the stern, climbed up ropes onto the ship, and took over the bridge. The ship's cargo was worth $ 2.3 million.[101]

There is a difference of opinion concerning fault. Some people later blamed the captain, claiming that he did not take proper anti-piracy precautions. Others point to the fact that there was an inside man on-board ship, which would have negated most of the anti-piracy efforts anyway. Either way, the crew were locked in the ship for 10 days before making port. When the pirates reached Haikou and then tried to offload the cargo of diesel and jet fuel, they were arrested and the crew was freed. There is a difference of opinion on how this happened. The captain, the Scottish-born merchant marine Ken Blyth, says that the crew managed to escape and alert the Chinese Marine Police at Haikou Harbour.[102] Other reports, much less sympathetic to Blyth, say that the pirates were arrested by a Chinese patrol boat that stopped the ship to examine its papers.[103] China's decision to release the pirates was part of a "deep plot to cover-up China's participation in criminal activity. This is not the first time that Chinese ports have been used to shelter hijacked vessels."[104]

Organized crime syndicates can often take advantage of pirates to help cover-up their own criminal activity. For example, they might own a particular ship that agrees to deliver another company's goods between two countries. Once the ship leaves port, however, its name and registration are changed and the merchandise is sold elsewhere to an unsuspecting buyer. Hundreds of millions of dollars in goods are lost every year by this method. In one such case a "Phantom Ship" bound for Vietnam was finally located discharging its cargo in China months after the cargo and ship had disappeared. Because of the apparent link with Chinese triads, "the perpetrators of these crimes are highly organized, and they are attributed to the Chinese who are resident in most countries of the region."[105]

Another relevant example of piratical organizations based on clans has appeared recently in northeastern Africa, off the Horn of Africa. Somalia is considered by many to be a failed state. Although the pirates' main goal is to rob or capture ships and their crews, so that they can obtain ransoms, there is an intimate relationship between the internal political situation in Somalia and the maritime security situation offshore. In the north of the country, the self-proclaimed Republic of Somaliland established a coast guard to combat piracy off Somaliland's shores. Meanwhile, in northeast Somalia, the Puntland authorities also established a maritime force called the Puntland Coast Guard.[106] Further to the south, the "Somali Marines" operated mainly from the port of Harardhere, located just to the north of Mogadishu, while

[101] *Ibid*., 226–227.

[102] Blyth and Corris 2000.

[103] Burnett, *Dangerous Waters*, 227.

[104] *Ibid.*, 233.

[105] Ellen 1998.

[106] Hansen and Mesoy 2006.

a second group called the "Somali National Volunteer Coastguard," was based on south of Kismaayo on Koyema Island in southern Somalia.[107] These groups, while appearing to be in competition with each other, also seemed to achieve a precarious balance, as they sponsored the hijacking and ransom from passing ships and their crews.

In 2006, the sudden rise of the Islamic movement in the south altered this balance. The spread of the UIC (or ICU, for Islamic Courts Union) had an immediate impact on law and order offshore, since it publicly "declared war" on piracy as contrary to Islamic law. The UIC's crackdown, coupled with increased international patrolling and greater precautionary measures on the part of passing ships, was credited with virtually eradicating piracy off southern Somalia in the second half of 2006.[108] However, the UIC's defeat in December 2006 appears to have reversed this trend.[109] Piracy once again increased, with a small cargo ship, the MV *Rozen*, being hijacked in February 2007, and another cargo ship, the MV *Nimattulah*, on 1 April 2007. According to news reports, the Xarardheere-based pirates, called "Somali Marines," demanded $ 1 million for the return of the South Korean fishing vessel *Dongwon-ho*, which was accused of illegally fishing in Somali waters.[110] During August 2006, the crew and the ship were finally released after they paid what was reported to be a $ 400,000 ransom.[111]

Perhaps due to the very success of these piracies, links between pirate organizations and the Somali clans that control the government is highly likely. Piracy is just one of a number of illegal businesses that the Somali government, or perhaps corrupt government officials, can profit from. According to one theory, which might be termed as the "evolutionary explanation," once fishermen realized how much money foreign interests were prepared to pay for the return of fishing boats and crews, they abandoned fishing in order to exploit this more lucrative line of work. "It's true that the pirates started to defend the fishing business," a Somali diplomat explained but then, as he put it, "they got greedy."[112] Somalia is reportedly involved with international drug-smuggling, gun-smuggling, and people-smuggling, especially via Somaliland and Puntland to Yemen.[113] As a result of all of these activities, many international shipping companies have been cautious about sending ships through this region.[114] This has been exacerbated by increasing concerns over possible links between pirates and terrorists.

[107] von Hoesslin 2006; Lehr and Lehmann 2007, p. 5.

[108] International Maritime Bureau (IMB) 2007.

[109] *Ibid.,* 24.

[110] Murphy, *Contemporary Piracy and Maritime Terrorism*, 30.

[111] "Freed South Korean trawler arrives to cheers in Kenya," *Kaleej Times*, 5 August 2006.

[112] Gettleman 2008.

[113] Adow 2004.

[114] Schofield 2004.

Piracy and Terrorism

The same kind of treatment cannot be said about another group—terrorists—that are known to cooperate with pirates. Terrorists might seek to use the ship's identity papers to transport goods and weapons—potentially even including WMDs—into otherwise secure port areas.The impact of terrorists, unlike the effects of piracy that are usually small and localized, can generate greater potential for an incident with wide-ranging effects. Admiral Sir Alan West, the UK's First Sea Lord and Chief of the Naval Staff, 2002–2006, warned that maritime terrorism could "potentially cripple global trade and have grave knock-on effects on developed countries." For example, if a hijacked ship were to block—either intentionally or by accident—a major international waterway, or SLOC, this could have a profound effect on global trade. Reports from 2005 suggest "that terrorists had considered sinking ships in the Suez Canal."[115]

Similarly, an environmental disaster caused either intentionally, or perhaps unintentionally if undertaken by amateurs who botch a hijacking, could also interfere with the free flow of commerce. A variety of ship cargoes, including oil, gas, or nuclear fuel, could be misused by pirates or terrorists if they are located and captured. In addition, military hardware or ammunition, which is "usually transported on civilian vessels, which is hijacked would also have potentially serious security consequences."[116] During June 2002, for example, it was reported by Moroccan security forces that they had captured three Saudi Arabians, linked to Al-Qaeda, who were "preparing to attack USA and British ships in the Straits of Gilbraltar with explosive-packed dinghies."[117] Although these attacks were stopped in time, it is just a fact that "as the sea becomes a more contested realm, terrorists are, quite simply, presented with more potential targets and opportunity for attacks at sea."[118]

One reason it has been difficult to defeat the terrorists threat is that countries such as the USA, which fear piracy incidents being used by terrorists, are not located in the region and so have little impact on local policing. Meanwhile, most regional countries affected by piracy do not fear it as a terrorist weapon, since they are not the primary targets. As Stefan Eklof has observed, piracy will probably not be seen as an "important security objective" within the region until a "regional, multinational maritime security regime" is created that addresses the region's other major problems, including "illegal fishing, smuggling, and environmental degradation."[119]

It should also not be ignored that the failure to oppose piracy effectively is a possible sign that a country's security system could not handle terrorists: "while we should not take piracy as a marker for terrorism, it is a useful indication of the level of security… whatever means [are used] to suppress piracy will have a 'knock-on'

[115] Murphy, *Contemporary Piracy and Maritime Terrorism*, 42. 60; citing "First Sea Lord Warns of Al-Qaeda Plot to Target Merchant Ships," *Lloyd's List*, 6 August 2004.

[116] *Ibid.,* 71.

[117] Burnett, *Dangerous Waters*, 193.

[118] Murphy, *Contemporary Piracy and Maritime Terrorism*, 85.

[119] Eklof, *Pirates in Paradise*, 163.

effect of making the operating environment more difficult for terrorists."[120] As one terrorism expert has commented, "The absence of effective security measures is a necessary cause… [in explaining why states cannot] prevent terrorism."[121]

Meanwhile, the likelihood of terrorists turning to maritime crime to fund their activities is probably on the rise. Administrative costs of running a terrorist group can be high. For example, Ronald Noble, the secretary-general of Interpol, estimated that al-Qaeda's 2001 expenditures of $ 30–50 million were divided 90–10, with 90% devoted to administrative costs and only 10% actually spent on attacks.[122] As funding sources for terrorism dry up on land, terrorists might turn to the sea for money: "in a busier and even less regulated maritime world, where there may as a result be more opportunities for criminals of all kinds to act with impunity in the future, such functional relationships between networks of common criminals and insurgents using terrorism could thrive and their combined skills and resources could present greater challenges to maritime security."[123]

Efforts to halt piracy have to date been half-hearted since losses have not been great, especially in terms of the overall trade flow. For many countries in the region, such as Indonesia, the yearly cost of regulating piracy would outweigh economic losses. Until piracy increases to the point where it will actually threaten the economic livelihood of the local countries, then there is little motivation to stop it. However, a former Chief of Naval Operations of the US Navy, Admiral Mullen, stated that "piracy… can no longer be viewed as someone else's problem. It is a global threat to security because of its deepening ties to international criminal networks, smuggling of hazardous cargoes, and disruption of vital commerce."[124]

Conclusions

As this chapter has attempted to show, historically piracy was prevalent throughout European, New World, African, Indian, Southeast Asian, Australian, and East Asian waters. It was not in any way a phenomenon that originated with one group of people or in only one time period, in one region, or in one country. For centuries, the threat of piracy was just one of the many factors that a merchant would have to take into account before setting out on a sea journey. Business was business, and piracy was also considered a business, albeit outside of the normal state controls that normally regulated other economic transactions.

Over time, opposition to piracy grew, mainly as a result of increased trade. During the Roman empire, piracy was almost eliminated from the Mediterranean, only to return with a vengeance during the Middle Ages. In the early modern era, the

[120] Murphy, *Contemporary Piracy and Maritime Terrorism*, 86; citing Xavier 2004.

[121] *Ibid.*; citing Crenshaw 1981.

[122] *Ibid.*, 77; citing Husband 2004.

[123] *Ibid.*, 78.

[124] Ibid., 85; citing Mullen's remarks to the 17th International Seapower Symposium.

gradual decline of piracy was arguably a response to the economic power of the British empire, which it should not be overlooked was itself founded with the help of privateers and pirates who focused their efforts mainly on Spanish and Portuguese ships: "The first significant change was in the attitude of merchants and government officials who had often sponsored piracy in the past. Now they were more intent on enjoying the profits of empire and regular trade and were less willing to suffer losses from uncontrolled brigandage."[125]

As more resources were allocated to eliminating pirates and protecting trade, the pirates' profits slumped. By the early nineteenth century, piracy "had become less profitable, due to the better protection being given merchant ships against sea robbers."[126] As former pirate havens, like New England, became wealthier, its attitude toward piracy also changed: "Once the merchants had created regular trade and a steady prosperity, however, the need to do business with pirates waned and so did their support. The merchants quickly joined the anti-piracy crusade and instead of finding a warm welcome, the pirates were confronted by the hangman and a long rope."[127]

In recent years, and in particular in the decade following the end of the Cold War and the collapse of the USSR, maritime piracy has reemerged as a major threat to international commerce. The rapid growth of piracy during the twenty-first century could threaten the entire global system, which is based on maritime trade. At the turn of the century, for example, there were "approximately 112,000 merchant vessels, 6500 ports and harbor facilities, and 45,000 shipping bureaus… linking 225 coastal nations, dependent territories, and island states. This network caters to around 80% of commercial freight, which, in 2001, included an estimated 15 million containers that collectively registered 232 million point-to-point movements across the world's seas."[128] Container shipping is considered particularly dangerous, with millions of containers moving constantly around the globe. Of this number, by 2004 "Nearly 7 million containers arrive by sea in the US ports alone each year carrying goods worth more than US$ 730 billion."[129]

The potential threat of piracy is particularly grave off the coast of Somalia. Between 1993–2005, over 700 piracy incidents were reported in this region, and there was also a "dramatic increase in kidnap and ransom" activities.[130] The pirates' goal was to obtain maximum ransoms for return of the ships and their crew, and in 2006, the Xarardheere-based "Somali Marines," demanded and received $ 1 million for the return of *Dongwon-ho*, a South Korea tuna-fishing vessel, which they accused of illegally fishing in Somali waters.[131] This huge ransom upped the ante for all later ransom demands, and arguably spurred Somali pirates to take greater risks. As of

[125] Starkey, et al. *Pirates and Privateers*, 12.

[126] Karraker, *Piracy was a Business*, 224.

[127] Starkey, et al. *Pirates and Privateers*, 17.

[128] Greenberg et al. 2006.

[129] Richardson 2004.

[130] von Hoesslin 2006.

[131] Murphy 2007.

September 2011, at "least 49 vessels and more than 500 hostages" were being held by Somali pirates, and the average ransom had increased to $ 5 million per ship.[132]

While various world navies have increased their efforts to locate and stop pirates, halting piracy and maritime crime has been made more difficult in recent years because of the long-term "enclosure" trend to add more and more sea territory into a state's sovereign waters. While historically a country's sovereign waters were measured at 3 nautical miles from shore, the approximate length of a cannon-ball shot, a 12 nautical mile limit (about 22 kms) is now standard, plus another 12 nautical mile contiguous zone beyond that. Most countries also recognize a 200 nautical mile Exclusive Economic Zone (EEZ) in which they control all of the marine resources, plus various countries have requested that the USA recognize their control over those parts of their surrounding continental shelf that extend greater than 200 nautical miles off their shores; recently Australia was granted its continental shelf request.[133]

Due to the inevitable overlap between two or more countries' territorial seas, contiguous zones, and EEZs, patrolling the seas and attempting to halt piracy has become much more complex. This was particularly true in Southeast Asia, where most maritime countries have competing claims against their neighbors. While there have been doubts that piracy can ever be stopped in this region, one important indicator occurred in early 2005 after the devastating earthquake and tsunami. The US Navy's post-tsunami humanitarian mission off of Aceh Province, in northern Indonesia, included sending 25 US Navy and Coast Guards ships to the region. This operation had the completely unintended ancillary effect of dramatically diminishing acts of piracy throughout the Malacca Strait.[134] Whether this sharp decline in piratical attacks occurred because of the greater foreign naval presence in the region, or because the pirates were adversely affected by the tsunamis, for example through the widespread loss of vessels used during their attacks, is almost impossible to determine.[135]

Such a dramatic drop proves that it is possible to halt piracy, assuming there is sufficient political will and adequate funding. Of special concern to the USA and other industrialized nations is that the threat of piracy is not just growing worldwide, but that it is growing most quickly in exactly those parts of the world—such as Africa, South Asia, and Southeast Asia—where global trade is rapidly expanding and yet where many international terrorist groups are actively functioning or have supporters. If piracy is not defeated, then this failure of the newly emerging global order could have a negative impact not only on world trade in general, therefore, but more particularly on the long-term development of these regions.

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[132] "Vietnam firm pay's 'millions' to free pirated ship," AFP, 26 September 2011.

[133] http://www.ipsnews.net/news.asp?idnews=42359.

[134] "IMB Report Finds Piracy Declining," IMB Press Release, 20 July 2005.

[135] Elleman 2007.

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