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CANADIAN FORCES COLLEGE
JCSP 35

NEW HORIZONS

Piracy and Maritime Terrorism: Threats to Global Stability

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ABSTRACT

Globalization has resulted in the enormous expansion of maritime trade. The global economy is inextricably linked to the movement of material, resources and commerce across the world's oceans. The maritime trade system requires a safe and secure environment to function effectively in support of the global economic system. Threats to maritime trade have potentially global repercussions because of the interdependence of the world economies. Piracy has emerged in this century as one such threat. The number of pirate attacks has reached an unprecedented level and show few signs of abating. The spread of fundamentalist extremism continues throughout the world and the expanded exploitation of the maritime environment for terrorist attacks cannot be dismissed. The possible nexus of piracy with maritime terrorism, though highly contested, present additional threats to maritime security. This paper will argue that piracy and maritime terrorism, whether considered individually or collectively, represent significant risks to maritime security and therefore threaten global stability by threatening the global economic system.

INTRODUCTION

Piracy has gathered enormous attention in the past year largely due to the audacious attacks carried out by Somalia pirates in the Gulf of Aden. The response from the international community has seen the passing of United Nations Security Council resolutions and the formation of a multi-national naval force dedicated to combating the problem.¹ Yet piracy appears to be carrying on unabated, not only in Somalia but in Nigeria and Southeast Asia as well.² Thus, resulting in concerns of maritime terrorism, as the vulnerability exposed by piracy appears to make the possibility of an attack more probable.

The maritime trade system is integral to the global economic system based on the sheer volume of trade carried by sea. Global interdependence, coupled with reliance on maritime commerce gives threats such as piracy and maritime terrorism the potential to have crippling global effects.

Whilst the nexus between piracy and maritime terrorism has been extensively examined and debated it is worth studying these two as part of the wider problem; their affect on global security. This paper will argue that piracy and maritime terrorism, whether considered individually or collectively, represent significant risks to maritime security and therefore threaten global stability by threatening the global economic system. First, the importance of the maritime trade in the global economic system will be examined. Secondly, the threats of piracy and maritime terrorism will be considered in

¹ "High Resolution: Trying to Tame Somalia's Piracy Problem," *Jane's Intelligence Review* 20, no. 08 (August 2008), 26.

² International Chamber of Commerce: International Maritime Bureau, *Annual Report 1 January - 31 December 2008* (London: ICC International Maritime Bureau, 2009), 13.

order to demonstrate their threat to the global economic system. Finally, the paper will consider the threat from any possible nexus between piracy and maritime terrorism.

GLOBAL ECONOMIC SYSTEM

We live in a global society which is supported by a global economy – and that economy simply could not function if it were not for ships and the shipping industry.

- International Maritime Organization (IMO)³

Maritime trade is of vital importance to the global economic system. In 2008, over 90% of global trade was transported by sea.⁴ The global seaborne oil trade equates to 50% of world oil production with more than 70% of that passing through strategic chokepoints on widely used global sea routes.⁵ This maritime trade requires freedom of navigation and a safe and secure maritime environment. Globalization has resulted in a massive expansion in maritime trade and this has created a complex system of economic interdependency and inter-connectivity that relies on the free flow of goods across the sea. Admiral Gary Roughead, United States Navy Chief of Naval Operations, articulated this point in a speech to the International Seapower Symposium in 2007 when he said, “The global system and network and commerce could not function without the

³ International Maritime Organization Maritime Knowledge Centre, "International Shipping and World Trade - Facts and Figures," International Maritime Organization, <http://www.imo.org/>; Internet; accessed 20 January 2009, 6.

⁴*Ibid.*, 7.

⁵ Energy Information Administration, "World Oil Transit Checkpoints," United States Government Department of Energy, http://www.eia.doe.gov/cabs/World_Oil_Transit_Chokepoints/Background.html; Internet; accessed 12 January 2009.

free flow on the world's oceans."⁶ Therefore, as maritime trade is a cornerstone of the global commerce system the ability to maintain its stability and security has far reaching consequences.

The global interdependence of economies means that any potential disruption to the world economic system would result in profound repercussions to global stability. The events of 9/11 and the current financial crisis are clear evidence of this. The United States Navy's, maritime strategy, establishes the link between American security and the stability of a global system of interdependent networks, comprised of: trade, finance, information, law, people and governance.⁷ Globalization results in increased integration of both domestic and international security as states are no longer able to isolate themselves from events in other parts of the world.⁸ Therefore, the importance of maritime trade in the global system gives nations a vested interest in maintaining maritime security. This concept is part of the Canadian Navy's strategic outlook which states:

It is therefore in the best interests of Canada to assist in ensuring the free flow of good and the creation and maintenance of an

⁶ Ann Scott Tyson, "New Maritime Focus on 'Soft Power'," *The Washington Post*, sec. Nation, 17 October, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/10/17/AR2007101700536.html?hpid=moreheadlines> ; Internet; accessed 10 January 2009.

⁷ Chief of Naval Operations United States Navy, "A Cooperative Strategy for 21st Century Seapower," United States Navy, <http://www.navy.mil/maritime/MaritimeStrategy.pdf>; Internet; accessed 10 January 2009.

⁸ Directorate of Maritime Strategy, "Securing Canada's Ocean Frontiers," National Defence Headquarters, http://www.navy.forces.gc.ca/cms_images/strat/story_images/Securing%20Canada%20Ocean%20Frontiers%202.pdf; Internet; accessed 10 January 2009.

environment free of disruptions and threats not only to us but also to our trading partners.⁹

This standpoint further emphasises the argument that threats to maritime security, which include piracy and maritime terrorism, must be examined in context to their potential effect on the global system.

PIRACY

Modern-day piracy threatens the security of some of the world's most important sea lines of communication, restricts the free and orderly passage of the maritime commerce that underpins world order.

- Geoffrey Till, *Seapower*¹⁰

Piracy is not a new phenomenon and has been a part of seagoing trade for centuries. In fact by the late 18th century, piracy had become such a problem throughout the world that significant efforts were made to eliminate it by the main trading nations. Piracy had begun to hamper international trade which had become critical to the economic well-being of states.¹¹ The widespread piracy of that era was largely reduced. However, not eliminated in its entirety, piracy continued to be a sporadic factor with the maritime community particularly in Southeast Asia. Since late 1980's, piracy has been on the rise and emerged once again, as global concern.¹²

⁹ Chief of Maritime Staff, "The Future: Canada's Economic Prosperity," National Defence Headquarters, http://www.navy.forces.gc.ca/cms/10/10-a_eng.asp?id=295; Internet; accessed 15 February 2009.

¹⁰ Geoffrey Till, *Seapower* (Abingdon: Frank Cass, 2004), 316.

¹¹ John Scott Cowan, "Is a War on Terror Possible? Lessons from the Long War Against Piracy," *Queen's Quarterly* 114, no. 1 (Spring 2007), <http://proquest.umi.com/pqdweb?did=1285304481&Fmt=7&clientId=1711&RQT=309&VName=PQD>; Internet; accessed 05 December 2008.

¹² Peter Lehr, ed., *Violence at Sea: Piracy in the Age of Global Terrorism* (New York: Routledge, 2007), vii.

Maritime piracy has seen almost continuous growth this century. The International Maritime Bureau (IMB) Piracy Reporting Centre announced in its 2008 annual report the highest number of reported incidents since it commenced tracking them worldwide in 1991. In 2008, there were 293 reported incidents which represent an 11% increase from 2007. This includes 111 incidents off the Somalia coast; a 200% increase.¹³ It is highly likely that these figures probably do not represent the true extent of piracy as it is widely recognized that piracy is under-reported. Ship owners are reluctant to report attacks because investigations cause delays, which result in lost revenue for ship companies.¹⁴ In order to understand the affect of piracy on maritime security it is necessary to understand how piracy is defined and why it is currently prospering.

There are two key definitions of piracy commonly used. The first is the IMO definition in the 1982 United Nations Convention of the Sea (UNCLOS) which is specific in defining piracy as an act carried out for private ends in article 101:

- a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or passengers of a private ship or private aircraft and directed:
 - i. on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

¹³ International Chamber of Commerce: International Maritime Bureau, *Annual Report 1 January - 31 December 2008* (London: ICC International Maritime Bureau, 2009), 16.

¹⁴ Peter Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States* (Santa Monica, California: RAND Corporation, 2008), 7.

ii. against a ship, aircraft, persons or property in a place outside the jurisdiction of any State.¹⁵

The IMB, the internationally recognised source for piracy data, defines piracy as:

An act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in the furtherance of that act.¹⁶

The IMO definition focuses on the intention of personal gain and that the act is committed on the high seas. Whilst, the IMB definition is broad and includes acts that take place inside territorial or coastal waters. They both represent a criminal act which utilizes violence or the threat of violence at sea, and is motivated for financial gain.

Piracy is criminal activity motivated for economic gain. It includes armed robbery, hijacking (which may or may not include disposal of the crew and seizure of the vessel) and kidnap for ransom. Piracy ranges from simplistic attacks by individual groups, to complex organized crime syndicates, which are able to support highly coordinated attacks ranging from outright theft of ships to complex negotiations in order to secure ransoms. Whether it is the low end sea ‘mugging’ or the sophisticated piracy for ransom off the coast of Somalia, it is necessary to identify the factors influencing growth of what the United States Secretary of State, Hillary Clinton, described as the “scourge of piracy.”¹⁷

¹⁵ Canada. Office of the Judge Advocate General, "United Nations Convention on the Law of the Sea (UNCLOS) - 1994 Part VII - High Seas Section, Article 101," in *Collection of Documents on the Law of Armed Conflict*, ed. Directorate of Law Training, 2001st ed. (Ottawa: DND, 2001), 64.

¹⁶ Rupert Herber-Burns, Sam Bateman and Peter Lehr, *Lloyd's MIU Handbook of Maritime Security* (London: CRC Press, 2009), 75.

¹⁷ DIPNOTE: U.S. department of state official blog, 15 April 2009, 2009, http://blogs.state.gov/index.php/entries/clinton_counter-piracy_initiatives/; Internet; accessed 16 April 2009.

Piracy requires an enabling environment to prosper. Peter Chalk attributes several key factors to the growth of contemporary piracy in his book, *The Maritime Dimension of International Security*. These include: the profusion of targets, dependence on trade through chokepoints, weak coastal surveillance and corruption of national criminal justice.¹⁸ The massive growth of maritime trade as a result of globalization has increased commercial traffic at sea. This coupled with the requirement for much of that traffic to pass through strategic choke points, which are located in areas where maritime criminal activity is systemic, provides ample opportunity for piracy to flourish. Weak coastal surveillance is attributed to two further issues; the sheer cost of maintaining resources to achieve this successfully; the competing pressures post 9/11 to focus efforts on land-based homeland security.¹⁹ The lack of surveillance creates an environment particularly vulnerable to criminal activities. Piracy has always flourished in environments of lawlessness. Somalia, a failed state with no functioning government, and areas of the Philippines and Indonesia which have national criminal justice systems rife with corruption and dysfunction, all enable criminal enterprises to prosper.²⁰ The growth of piracy in the 21st century can be attributed to the above mentioned factors which have created an enabling environment upon which pirates have capitalized.

The cost of global piracy to the maritime industry are difficult to measure as they are not purely economic but include difficult to measure human dimensions. These dimensions include the loss of life, injury, and psychological effects from the threat of

¹⁸ Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*, 11.

¹⁹ *Ibid.*, 15.

²⁰ Johnson, *Crisis in the Horn of Africa*, 6.

violence. The financial costs include: loss of ships and property, increased insurance premiums, the cost of rerouting and the costs of ransom. In 2008, shipping insurance costs through the Gulf of Aden increased tenfold and *Jane's* estimated ransom payments at 80 million USD.²¹ Industry estimates put cost anywhere between \$1 billion to \$16 billion a year; however this is a minuet portion of the total maritime commerce, which was \$7.8 trillion in 2005.²² It is therefore, not principally the financial cost to the industry which causes piracy to be a global concern. It is the lack of maritime security which has much greater implications.

The gap in maritime security, which piracy demonstrates, is a threat to the global economic model because “it endangers sea lines of communication, disrupts freedom of navigation and the free flow of commerce, and undermines regional stability.”²³ The global economy is dependant on secure and reliable maritime environment for the flow of trade and commerce.²⁴ Piracy disrupts the flow of trade by; causing ships to transit areas with fear of attack and causes ships to reroute to avoid potential dangerous areas. Strategic chokepoints, critical to international trade, are vulnerable to interruption

²¹ Claude Berube, "Marine Corps: Private Security Companies and Piracy," *Jane's Intelligence Review* 21, no. 03 (March 2009), 34.

²² Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*, 16.

²³ James Kraska and Brian Wilson, "Piracy, Policy, and Law," *United States Naval Institute Proceedings* 134, no. 12 (December 2008), [http://proquest.umi.com/pqdweb?did=1610026761&Fmt=7&clientId=1711&RQT=309&VName=PQD](http://proquest.umi.com/pqdweb?did=1610026761&Fmt=7&clientId=1711&RQT=309&VName=PQD;); Internet; accessed 10 January 2009.

²⁴ Victor E. Renuart Jr and Dane S. Egli, "Closing the Capability Gap: Developing New Solutions to Counter Maritime Threats," *Naval War College Review* 61, no. 2 (Spring 2008), <http://proquest.umi.com/pqdweb?did=1456934641&Fmt=7&clientId=1711&RQT=309&VName=PQD>; Internet; accessed 02 February 2009.

whether through a hijacked ship blocking a narrow strait or because the security environment is so hazardous.²⁵ The Ottawa Citizen reported in October 2008:

There is a growing concern that the free passage of the Suez Canal, one of the great breakthroughs in international trade, is under threat from the spread of piracy off the coast of Somalia.²⁶

The disruption of sea lines of communication, freedom of navigation and flow of commerce resulting from piracy are evidence of an insecure maritime environment.

As piracy becomes more prevalent in an area it also becomes more organized. Regional stability is degraded as piracy becomes more entrenched in the culture. Martin Murphy describes this effect in terms of piracy's destructive capacity to "distort economic incentives, erode confidence in authority, and undermine the notions of justice."²⁷ This instability is evident in some of the areas plagued by the worst piracy in this century which include: Nigeria and Somalia.

Furthermore, the establishment of organized crime syndicates leads to corruption ashore as the potential for financial reward increases when these groups are permitted to act with impunity. Seth Cropsey described this trend in the *Weekly Standard* saying, "Lawlessness breeds more lawlessness, especially when reward vastly exceeds risk."²⁸

²⁵ Murphy, *Contemporary Piracy and Maritime Terrorism: The Threat to International Security*, 42.

²⁶ Damien McElroy, "Spread of Piracy Threatens Suez Trade," *The Ottawa Citizen* 01 October 2008, [http://proquest.umi.com/pqdweb?did=1567252601&Fmt=7&clientId=1711&RQT=309&VName=PQD](http://proquest.umi.com/pqdweb?did=1567252601&Fmt=7&clientId=1711&RQT=309&VName=PQD;); Internet; accessed 12 December 2008.

²⁷ Martin N. Murphy, "Suppression of Piracy and Maritime Terrorism: A Suitable Role for a Navy?" *Naval War College Review* 60, no. 3 (2007), <http://proquest.umi.com/pqdweb?did=1373544411&Fmt=7&clientId=1711&RQT=309&VName=PQD>; Internet; accessed 05 December 2008.

²⁸ Seth Cropsey, "To the Shores of Tripoli . . ." *The Weekly Standard* 14, no. 12 (December 2008), 8, <http://proquest.umi.com/pqdweb?did=1613149721&Fmt=7&clientId=1711&RQT=309&VName=PQD>; Internet; accessed 12 January 2009.

The record growth in piracy off Somalia is evidence of this. These sea-based crimes are supported by elaborate organizations ashore described in an article in the *Proceedings* journal in March 2009:

While small gangs of armed men riding in fast skiffs are the dramatic face of piracy, these men are just the foot soldiers of sophisticated criminal enterprises in which major infrastructure is land-based. The most successful pirates...are employed by wealthy criminal bosses, many of them expatriates, and draw on information provided by paid sources inside key Kenyan maritime agencies.²⁹

This is cyclic as the ability for piracy to flourish leads to increased attacks which leads to more complex criminal enterprises.

Once the roots of these activities are established their sophistication and reach grows. In the case of Somalia, piracy is spreading further into the international sea with attacks taking place hundreds of miles off the coast. The *M/V Sirius Star*, a Saudi oil tanker, carrying nearly \$100 million in crude oil was attacked and captured 450 miles off the coast of Kenya by Somalia pirates. It was later ransomed for \$3.5 million.³⁰

Regional stability weakens in the face of systemic corruption as a change in cultural acceptability and tolerance emerges towards these criminal enterprises. Robert D. Kaplan described piracy as “the maritime ripple effect of anarchy on land”.³¹

²⁹ David Axe, "Defeating Somali Pirates on Land: The Kenya Connection," *United States Naval Institute Proceedings* 135, no. 3 (March 2009), <http://proquest.umi.com/pqdweb?did=1668488461&Fmt=7&clientId=1711&RQT=309&VName=PQD>; Internet; accessed 09 April 2009.

³⁰ Patrick Lennox, *Contemporary Piracy Off the Horn of Africa* (Calgary, Alberta: Canadian Defence & Foreign Affairs Institute, 2008); <http://www.cdfai.org/PDF/Contemporary%20Piracy%20off%20the%20Horn%20of%20Africa.pdf>; Internet; accessed 04 January 2009.

³¹ Robert D. Kaplan, "Anarchy on Land Means Piracy at Sea," *The New York Times*, sec. World, 11 April 2009, http://www.nytimes.com/2009/04/12/opinion/12kaplan.html?_r=1; Internet; accessed 18 April 2009.

Some have argued that the threat from piracy is overstated. John Patch supports this view in his article in the *Proceedings* journal:

While maritime piracy incidents capture media attention and generate calls for action, the piracy threat is in fact overstated. It is nothing more than high-seas criminal activity, better addressed by law enforcement than warships. As a localized nuisance, it should not serve to shape maritime force structure or strategy.³²

However, the result of globalization, with its dependence on the free flow of maritime trade, means that anything that threatens freedom of navigation represents a threat if it is not in one's backyard. Geoffrey Till describes this in *Seapower*:

This all means that everyone has an increasing security interest in what happens 'over there'...the protection of this ancient attribute of the sea [freedom of navigation] increasingly requires combined action on the high seas, against everything that might threaten it (drug- and people-smuggling, piracy, disorder ashore). The freedom of navigation, in other words, depends on the suppression of other peoples's freedom to misuse or interfere with it.³³

Far from being a 'localized nuisance', piracy has global effects which cannot be ignored, nor can maritime terrorism; the other significant threat to the global economic system.

MARITIME TERRORISM

The suicide attacks launched against the USS *Cole* in October 2000, the supertanker *Limburg* in October 2002, or the attacks against the Al-Basra Oil Terminal and the Knor al-Amaya Oil Terminal in April 2004 could give us a glimpse of the shape of things to come.³⁴

³² John Patch, "The Overstated Threat," *United States Naval Institute Proceedings* 134, no. 12 (December 2008), <http://proquest.umi.com/pqdweb?did=1610026731&Fmt=7&clientId=1711&RQT=309&VName=PQD>; Internet; accessed 10 January 2009.

³³ Till, *Seapower*, 373.

³⁴ Herber-Burns, Bateman and Lehr, *Lloyd's MIU Handbook of Maritime Security*, 56.

Maritime terrorism historically has not been a significant issue on the world's oceans. Terrorist organizations have for the most part ignored maritime targets as explained in the RAND corporation study on maritime terrorism:

Groups are constrained by ceilings in operational finance and skill sets, most have deliberately chosen to follow the course of least resistance – adhering to tried and tested methods that are known to work, which offer a reasonably high chance of success.³⁵

Yet today, maritime terrorism is gathering growing attention in part due to the vulnerabilities of the maritime environment exposed by the massive increase in maritime piracy. In the same way piracy threatens the global economic systems, so do potential acts of maritime terrorism. Therefore, it is necessary to examine maritime terrorism in terms of how it is defined, the groups that engage in it, and its potential threat to maritime security.

The Council for Security Cooperation in the Asia Pacific defines maritime terrorism as:

The undertaking of terrorist acts and activities (1) within the maritime environment, (2) using or against vessels or fixed platforms at sea or in port, or against any one of their passengers or personnel, (3) against coastal facilities or settlements, including tourist resorts, port areas and port towns or cities.³⁶

Although there is no internationally agreed upon definition of terrorist acts, for practical purpose it will be deemed to be, the use of violence or threats of violence to create fear in order to achieve political goals.³⁷ Unlike piracy, which is pursued for financial gain, the motivation for maritime terrorism is political goals.

³⁵ Michael D. Greenburg and others, *Maritime Terrorism: Risk and Liability* (Santa Monica, California: RAND Corporation, 2006), 10.

³⁶ *Ibid.*, 9.

Maritime terrorism has predominately existed in Asia but has also begun to emerge on the West Coast of Africa in the Gulf of Guinea. The attack on the USS *Cole* and oil tanker *Limburg* were both the work of al-Qaeda. There are several other terrorist groups engaging in maritime terrorism which includes such groups as: Abu Sayyaf Group (ASG), Gerakin Aceh Merdeka (GAM), and Liberation Tigers of Tamil Elam (LITE) with its maritime branch of the “Sea Tigers”. The most recent act of maritime terrorism was the bombing of *Superferry 14*, in February 2004, by the ASG which claimed 116 lives.³⁸ The ASG is an extremist Islamic group based in the southern reaches of the Philippine archipelago. It has ties to both al-Qaeda and Jemmah Islamiyya terrorist organisations.³⁹ GAM is an insurgency group that uses maritime terrorist attacks, particularly against oil companies, in pursuit of its political goals.⁴⁰ The past actions of these groups establish a precedent for potential future attacks which could endanger maritime trade and global stability.

Past maritime terrorism has largely been limited to regional effects. However, future attacks could have global reach if they grow in frequency and/or scale. Two potential areas are economic targets and mass casualty targets. Economic targets that attack Western commercial, trading and energy system meet al Qaeda’s strategic goals of pursuing an economic war against the West.⁴¹ Al-Qaeda has clearly demonstrated that

³⁷ Bard E. O’Neill, *Insurgency & Terrorism*, First ed. (Virginia: Potomac Books, 2005), 33.

³⁸ Murphy, *Contemporary Piracy and Maritime Terrorism: The Threat to International Security*, 66.

³⁹ Rupert Herber-Burns and Lauren Zucker, "Drawing the Line between Piracy and Maritime Terrorism," *Jane's Intelligence Review* 16, no. 09 (September 2004), 31.

⁴⁰ Herber-Burns and Zucker, *Drawing the Line between Piracy and Maritime Terrorism*, 32.

⁴¹ Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*, 24.

this is within their capability with the attack on the *Limburg* and the failed attacks on the North Arabian oil terminals in 2004. Whilst passenger ferries and cruise ships offer the potential for very high casualties making them ideal targets, an attack against a cruise ship whether completely successful or not would have massive economic effect on the industry.⁴² Abd al-Rahim al-Nashiri, al Qaeda's maritime expert, planned both the USS *Cole* and *Limburg* attacks. He highlighted the value in attacking Western cruise ships particularly for the high media coverage it would achieve.⁴³

In order for terrorist groups to achieve their political goals they must be able to mount successful attacks which achieve the necessary magnitude of economic disruption and/or human casualties. As previously highlighted, mass casualties can be achieved through targeting ferries and cruise ships. A less likely method would be using a ship as a weapon; such as a Liquid Natural Gas carrier and exploding it in a populated port. This scenario of attack falls in the "low probability, high impact" category.⁴⁴ Whilst economic destabilization could be achieved by blocking a strategic choke point.⁴⁵ The potential impact of this type of action would have severe consequences for the global economy given the sheer volume of world energy resources passing through them daily.

The possibility of an increase in maritime terrorism is likely, given the very factors that contributed to the rise in piracy would also apply to terrorism.⁴⁶ The focus on

⁴² Murphy, *Suppression of Piracy and Maritime Terrorism: A Suitable Role for a Navy?*

⁴³ Silvia Ciotti Galletti, "Old and New Threats: Piracy and Maritime Terrorism," EuroCrime, <http://www.southchinasea.org/docs/Galletti-Piracy,%20Old%20and%20New%20Threats.pdf>; Internet; accessed 15 December 2008).

⁴⁴ Herber-Burns, Bateman and Lehr, *Lloyd's MIU Handbook of Maritime Security*, 68.

⁴⁵ Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*, 22.

land based domestic security resulting in weak coastal surveillance, has also meant a hardening of targets on land. The result is that the maritime environment is more susceptible to attacks, as it provides a multitude of potential targets coupled with a decreased chance of detection. The increased dependence on maritime traffic to transit through strategic choke points facilitates the ability to achieve maximum disruption of the global maritime system through single or coordinated attacks. The choke points are predominately located in regions associated with some level of religious extremism, making it easier to establish bases and logistical support to mount attacks. *Lloyd's Handbook of Maritime Security* makes the assertion that, "given al-Qaeda's propensity for patience and intricate preparation, a sustained maritime terrorism campaign in the near future seems to be highly likely."⁴⁷

Maritime terrorism is not new, it has however, in the past has been somewhat regional in nature and limited in scope. Now given the changing dynamics caused by increased reliance on global maritime trade and the expansion of Islamic religious extremism throughout the world; there is a real possibility of an increase in maritime terrorism. The capacity for maritime terrorism to disrupt maritime trade through a persistent campaign could have global effects that may increase global instability.⁴⁸ Piracy and maritime terrorism individually present a threat to the global economic system. However, it is worth examining any existing or potential nexus which could contribute to this threat.

⁴⁶ Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*, 21.

⁴⁷ Herber-Burns, Bateman and Lehr, *Lloyd's MIU Handbook of Maritime Security*, 68.

⁴⁸ Murphy, *Contemporary Piracy and Maritime Terrorism: The Threat to International Security*, 79.

PIRACY AND MARITIME NEXUS?

As different as their strategic goals may be in theory, in practice the distinction between the two [piracy and maritime terrorism] is sometimes ambiguous.

- Rupert Herber-Burns, *Lloyd's MIU Handbook of Maritime Security*⁴⁹

Piracy and maritime terrorism have many similarities including their tactics and approach. Although, they both use violence, predominately against civilians to achieve their respective goals, they differ in their motivation.⁵⁰ Piracy is motivated by financial goals whilst maritime terrorism is motivated by political or ideological goals. The link between piracy and maritime terrorism has been examined and written on extensively. The views surrounding them vary from them being intrinsically linked to no possible terrorism-piracy nexus at all.⁵¹ However, it is likely that there is a grey area between the two and it is the grey area that is worth examining in order to assess their potential threat to global stability.

There are several areas where a blurring of the lines between piracy and maritime terrorism present an increased potential threat.⁵² The first is terrorist organizations using piracy to obtain financial gain to support other terrorist operations. This is not a new phenomenon, as groups such as GAM and ASG have engaged in these activities

⁴⁹ Herber-Burns and Zucker, *Drawing the Line between Piracy and Maritime Terrorism*, 31.

⁵⁰ Graham Gerard Ong, *Ships can be Dangerous Too* (Singapore: Institute of Southeast Asian Studies, 2004), 1-31, <http://www.iseas.edu.sg/ipi12004.pdf>; Internet; accessed 15 January 2009.

⁵¹ "Arrr-Qaeda," *The Atlantic Monthly* 302, no. 2 (Sep, 2008), <http://proquest.umi.com/pqdweb?did=1562499041&Fmt=7&clientId=1711&RQT=309&VName=PQD>; Internet; accessed 10 January 2009.

⁵² Peter Lehr, ed., *Violence at Sea: Piracy in the Age of Global Terrorism* (New York: Routledge, 2007), 122.

previously.⁵³ The second area of concern is the potential for terrorist groups to exploit weaknesses in the maritime environment exposed by piracy. This could include adopting piracy tactics in their maritime terrorism operations.

Prior to accessing the potential for terrorist groups to exploit piracy to support their operations financially, it is worth examining why this falls clearly into the grey zone between piracy and maritime terrorism. The distinction between piracy and maritime terrorism is motivation. Pirates seek profits, whilst maritime terrorists, in the context of jihadist groups, seek to further their war against the West.⁵⁴ When terrorist organizations engage in piracy for financial gain, the labelling of the act becomes convoluted by technicalities of definition.⁵⁵ Since the act is committed for financial gain, it is very often labelled as piracy as it fits the United Nations Convention on Laws of the Sea definition.⁵⁶ However, in the grand picture it constitutes maritime terrorism as it is pursued ultimately to further the terrorist agenda.⁵⁷ These groups can be described as, “tactically piratical, but strategically, they are terrorists.”⁵⁸

The use of piracy to finance terrorist operations has existed for some time by groups such as ASG and GAM. Both have engaged in piracy solely focused to obtain financial rewards, however they have also conducted purely terrorist activities at sea. ASG was responsible for the terrorist bombing of *Super14* and GAM in attacking oil and

⁵³ Herber-Burns, Bateman and Lehr, *Lloyd's MIU Handbook of Maritime Security*, 79-80.

⁵⁴ Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*, 31.

⁵⁵ Jack Pinkowski, ed., *Homeland Security Handbook* (Florida: CRC Press, 2008), 153.

⁵⁶ Herber-Burns, Bateman and Lehr, *Lloyd's MIU Handbook of Maritime Security*, 75.

⁵⁷ Pinkowski, *Homeland Security Handbook*, 153.

⁵⁸ Herber-Burns and Zucker, *Drawing the Line between Piracy and Maritime Terrorism*, 30.

port facilities in Indonesia.⁵⁹ There is growing evidence of links between piracy groups and the Ijaw separatists in Nigeria and also the Islamic insurgent group, al Shabab in Somalia.⁶⁰ There is a growing risk that piracy which has been described in these cases as, “logistical support terrorism”⁶¹ could spread to other extremist terrorist groups.

The possible expansion into piracy by terrorist groups is realistic because it presents a viable opportunity as a method for generating finance. Particularly since piracy has proven to be extremely profitable. The use of criminal activity to generate funds for operations is not new for al-Qaeda and it needs diversified methods to continue its fundraising.⁶² The measures post 9/11 to obstruct terrorism financing had little applicability in the maritime sector; making it appealing as an environment to fundraise.⁶³

There is evidence of ties between the pirates and the Islamic insurgent group al-Shabab in Somalia. The pirates are expanding into arms smuggling increasing the scope of their operations. Al-Shabab is providing training to Somalian pirates in conventional combat in return for money and maritime training for themselves.⁶⁴ The al-Shabab group has known ties to al-Qaeda, which indicates their diversification into piracy is not only a

⁵⁹ Lehr, *Violence at Sea: Piracy in the Age of Global Terrorism*, 121, 152.

⁶⁰ *Ibid.*, 230.

⁶¹ Herber-Burns and Zucker, *Drawing the Line between Piracy and Maritime Terrorism*, 32.

⁶² "Experts Fear Al-Qaida may Turn to Piracy," *Morning Edition*, 14 April 2009, <http://proquest.umi.com/pqdweb?did=1678703941&Fmt=7&clientId=1711&RQT=309&VName=PQD>; Internet; accessed 16 April 2009.

⁶³ "Murky Waters: Financing Maritime Terrorism and Crime," *Jane's Intelligence Review* 19, no. 06 (June 2007), 36.

⁶⁴ Bruno Schiemy, "Piracy's Rising Tide," *Jane's Intelligence Review* 21, no. 02 (February 2009), 40.

possibility but a reality.⁶⁵ This represents a growing threat in maritime security. However, more concerning is the potential that terrorist groups could exploit the weaknesses in the maritime environment in pursuit of maritime terrorism.

The massive growth in piracy and its ability to thrive, in spite of the current efforts of modern navies in the Gulf of Aden, highlights the vulnerability of the maritime environment.⁶⁶ The expanded use of maritime terrorism, by groups such as al-Qaeda, has been largely discounted in the past. The argument was based on operational constraints and in particular, their lack of mariner skills to mount and sustain operations in the maritime environment.⁶⁷ However, successful Somali pirate attacks, using small boats, demonstrated pirates were able to hijack very large ships with relative ease.⁶⁸ The Somali pirates utilise small boats, heavily armed personnel and surprise in their operations. The elements of surprise, simplicity and straightforward technology are favoured by Islamic militants.⁶⁹ These elements resonate through the piracy operations in the Gulf of Aden. The use of small boats has been a preferred method of al-Qaeda in

⁶⁵Greg Jaffe and Karen DeYoung, "Obama Team Mulls Aims of Somali Extremists," *The Washington Post*, sec. National Security, 11 April 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/04/10/AR2009041003734.html>; Internet; accessed 18 April 2009.

⁶⁶Douglas R. Burgess Jr., "Piracy is Terrorism," *New York Times*, 05 December 2008, <http://proquest.umi.com/pqdweb?did=1607060551&Fmt=7&clientId=1711&RQT=309&VName=PQD>; Internet; accessed 10 January 2009.

⁶⁷Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States*, 19.

⁶⁸Andrew Marshall, "Treasure Map for Terrorists?; Analysts Fear Pirates' Easy Successes at Sea could be an Inspiration to Al Qaeda Plotters," *Toronto Star*, 26 November 2008, <http://proquest.umi.com/pqdweb?did=1601940781&Fmt=7&clientId=1711&RQT=309&VName=PQD>; Internet; accessed 02 February 2009.

⁶⁹Martin Murphy, "Maritime Terrorism: The Threat in Context," *Jane's Intelligence Review* 18, no. 02 (February, 2006), 20-25.

its previous maritime terrorist attacks.⁷⁰ It is not inconceivable that al-Qaeda would adopt the proven methods of Somalian pirates and execute them in pursuit of their goals. A shift by terrorist groups such as al-Qaeda to capitalize on these opportunities is likely to cause a rise in maritime terrorism.

CONCLUSION

The maritime environment will likely remain a favourable theatre for armed violence, crime and terrorism given its expanse, lack of regulation and general importance as a conduit for international trade.

- Peter Chalk, RAND Corporation⁷¹

Piracy and maritime terrorism have global effects because they threaten the sea lines of communication which the global economy relies upon for unimpeded movement of maritime trade.⁷² Piracy is able to flourish because conditions both at sea and ashore enable their existence. These conditions of disorder and instability also favour maritime terrorism taking root.⁷³ The weaknesses in maritime security demonstrated by piracy also present terrorists with an operational environment where they can maximize success. Piracy and maritime terrorism whether considered individually or in view of their emergent nexus represent significant risks to maritime security and therefore threaten global stability by threatening the global economic system.

⁷⁰ Herber-Burns, Bateman and Lehr, *Lloyd's MIU Handbook of Maritime Security*, 3.

⁷¹ "RAND Corporation; RAND Study Finds Increase in Piracy and Terrorism at Sea," *NewsRx Health & Science*, 16 June 2008, [http://proquest.umi.com/pqdweb?did=1519644861&Fmt=7&clientId=1711&RQT=309&VName=PQD](http://proquest.umi.com/pqdweb?did=1519644861&Fmt=7&clientId=1711&RQT=309&VName=PQD;); Internet; accessed 10 January 2009.

⁷² Kraska and Wilson, *Piracy, Policy, and Law*, 52.

⁷³ Murphy, *Suppression of Piracy and Maritime Terrorism: A Suitable Role for a Navy?* 22.

Piracy and maritime terrorism should be given international attention in order to mitigate the substantial risks they pose to the global community. To underestimate or ignore them is to do so at our own potential peril. Virginia Lunsford made the following observation in *Proceedings*:

We must not ignore this contemporary African piracy or underestimate its potential severity simply because we arrogantly assume that pirates in small speedboats can do little harm.⁷⁴

This sentiment echoes loudly when considering the devastating terrorist attacks that occurred in India during late November 2008. When ten terrorists from Pakistan, using small rubber boats, entered the city of Mumbai and killed over 170 people.⁷⁵

⁷⁴ Virginia Lunsford, "What Makes Piracy Work?" *United States Naval Institute Proceedings* 134, no. 12 (December 2008), <http://proquest.umi.com/pqdweb?did=1610026721&Fmt=7&clientId=1711&RQT=309&VName=PQD>; Internet; accessed 10 January 2009.

⁷⁵ James Jay Carafano, "Mumbai Massacres Prove Threat of Small Boats to National Security" *Web Memo - The Heritage Foundation* (December 2008), http://www.heritage.org/research/homelandsecurity/upload/wm_2151.pdf; Internet; accessed 15 February 2009.

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