

CHARLES UNIVERSITY IN PRAGUE

FACULTY OF SOCIAL SCIENCES

Institute of Political Studies

Gabriel Szuma

**The Challenge of Modern Maritime Piracy for
International Community**

Master's Thesis

Prague 2015

Author: Bc. Gabriel Szuma

Supervisor: Mgr. Martin Riegl, Ph.D.

Academic Year: 2014/2015

Bibliographic note:

SZUMA, Gabriel. *The Challenge of Modern Maritime Piracy for International Community*. 87 p. Master's thesis. Charles University in Prague, Faculty of Social Sciences, Institute of Political Studies. Department of Political Science. Academic Supervisor Mgr. Martin Riegl, Ph.D

Abstract:

Piracy is one of the oldest known illegal activities, and its very existence endangers the international arena due to its lawless nature and ruthless methods. Today's piracy, particularly prominent in Africa and Asia, has contemporary political and social implications, and is viewed as a new threat to international order. The aim of this thesis is to present piracy as both local and regional issues, and an international problem, and to observe how these two separate perspectives come together. It analyses how modern-day piracy operates, where it thrives, and what are its geopolitical impacts. It also provides a valuable addition to current views on the state of global affairs and geopolitics; by examining international legislative and interventions created to tackle piracy, and by showing that their effectiveness is insufficient. The text argues that the role of states, their sovereignty, and their lack of it are closely connected to piracy, and that the international arena, and contemporary efforts of nations and international organisations to confront piracy are mainly driven by power struggles. It is concluded that piracy is a result of continuous global tensions, thus allowing this crime to exist and expand.

Keywords:

contemporary piracy, pirates, international community, sovereignty, maritime crime, geopolitics, state failure

Range of thesis:

114 915 characters with spaces, excluding the initial pages, the list of bibliography and appendices.

Declaration of Authorship:

1. I hereby declare that I compiled this thesis independently, using only the listed resources and literature.
2. I hereby declare that all the sources and literature used have been properly cited.
3. I hereby declare that the thesis has not been used to obtain a different or the same degree.
4. I agree that this work might be published for research and study purposes

Prague, 5.1.2015

Bc. Gabriel Szuma

Acknowledgments:

I would like to thank my supervisor Mgr. Martin Riegl, Ph.D. for his precious time and patience. His comments helped to identify some key elements of this thesis. Besides that, I thank doc. Ing. Vladimír Benáček CSc. for his initial suggestions and ideas for developing this thesis.

Master Thesis Proposal

Institute of Political Studies
Faculty of Social Sciences
Charles University in Prague



Date: 16.11.2013

Author:	Gabriel Szuma	Supervisor:	Mgr. Martin Riegl, Ph.D.
E-mail:	gabriel.szuma@gmail.com	E-mail:	riegl@fsv.cuni.cz
Phone:	722 345 389	Phone:	251 080 256,257
Specialisation:	IEPS	Defense	
		Planned:	June 2014

Proposed Topic:

The Challenge of Modern Maritime Piracy for International Community (working title)

Registered in SIS: Yes

Date of registration: November 2013

Topic Characteristics:

My thesis will focus on the topic of maritime piracy and its' geopolitical impacts. Abolition of piracy off Somalia (and other piracy hotspots as South East Asia, Western Africa etc.) has been in the interest of the international community since 2008, because of record high numbers that it has reached. It now seems that the measures undertaken by the international community has been successful, at least according to data released in 2013, which shows a significant decline in cases of piracy in some of the most affected areas. In order to find the possible answers to the modern day piracy, we must first of all understand this phenomenon itself, by exploring its history, causes and contexts. Although our country does not possess any coasts, we may not pass a blind eye along this local/regional problem having also global effects. We will look at piracy in the context of the so-called "New Middle Ages Theory" that is getting more and more attention nowadays. According to this theory, the role and power of the state as the only sovereign is in decline in contrast to other entities that are getting more authority. This can be viewed in two ways: first the devolution of state functions to local levels and second the emergence of supranational authorities such as the EU. How does this all relate to piracy? If we look at the local levels getting more independent that is where piracy can get its' share on power. We will try to use the theory of stationary and rowing bandits, and the inability of the former to form stable institutions because of the latter. In some fragile regimes coastal areas with the highest occurrence of piracy have seen huge influx of money and wealth. There have been new cities emerging on the coastline, and these are much more bound to the rule of the groups that secure their basic needs. We will look at the incentives, which drive a person to become a pirate. In this way we can see piracy as a factor contributing to the phenomena of failed states. Can we define piracy as a type of entrepreneurship, if so what are its basic premises? We will undertake a thorough examination of piracy via case study, the legal character of this activity, as well as the possible (e.g. political, military, legal, technical, etc.) means of taking actions against it.

Working hypotheses:

1. The growing number of piracy incidents in the world leads to its self-destruction via provoking strong reaction from opposing parties (international community, NATO, affected states etc.)
2. Piracy is a factor that strongly contributes to the occurrence of failed states, or is it the other way around?
3. Have commercial sea routes in 21st century become as dangerous as they were in the Middle Ages? What are the losses to international trade on total maritime transport via piracy?
4. Piracy is closely linked to other illegal activities as drug trade, arms trade and human trafficking
5. People have no choice but to join and support the pirates.

Methodology:

The research question and objective of the study is to analyze the effects of the different recent counter piracy initiatives on the suppression and emergence of maritime crime. The study will go into the practical aspects of the current control over the high seas and analyze more effective ways of handling maritime crime, drawing from the lessons of the past. This study is a desktop study, conducted through an analysis of books, a survey of news reports, a research of published and unpublished academic articles and master's and doctor's theses, both published and unpublished and analyzing and comparing statistical data describing the phenomena.

Outline:

1. Introduction
2. Definition of Piracy, theoretical background
3. History and geographical occurrence, causes and impacts of piracy
 - a. Historical development of piracy
 - b. Occurrence of piracy on the world map
 - c. Impacts of piracy
 - d. Implications for states
4. Position of state as sovereign in the new middle ages theory
 - a. Changing role of the state
 - b. New actors taking charge
 - c. Changes in Local, Regional, International levels
5. Counter piracy efforts
 - a. Efforts by NATO, EU, African Union, UN etc.
 - b. Effects of these efforts
 - c. Discussion of the Results
6. Economic implications of piracy
 - a. Effect on world trade
 - b. Local and regional implications
7. Somalia case study
8. The roots of the problem
 - a. Incentives to becoming a pirate
 - b. Business model of the pirates
9. Conclusions

Provisional bibliography:

BBC. 2010. Somali pirates get record ransom. [online] Available at:

<http://www.bbc.co.uk/news/world-africa-11704306> [Accessed: 8 Dec 2013].

Beckmann R.C., 2002, *Combatting Piracy and Armed Robbery Against Ships in Southeast Asia: The Way Forward, Ocean Development & International Law*, available at:

<<http://community.middlebury.edu/~scs/docs/Beckman,%20Combatting%20Piracy%20and%20Armed%20Robbery.pdf>> [Accessed 01 December 2013]

Bowden A. et al., 2010, *The Economic Cost of Maritime Piracy, One Earth Future Working Paper*, available at:

<http://oceansbeyondpiracy.org/sites/default/files/documents_old/The_Economic_Cost_of_Piracy_Full_Report.pdf> [Accessed 01 December 2013]

Doby, D., 2010. *Piracy Jure Gentium; The Jurisdictional Conflict Of the High Seas and Territorial Waters*, in: *Journal of Maritime Law&Commerce*, Vol.41 ,No.4, p.561-580

Dua, J. 2012. *The context of Contemporary Piracy- The case of Somalia*, in: *Journal of International Criminal Justice*, Vol.10, No. 4, p. 749-767

Erdos, A., 2011, *Szomalia – a nemzetepites kudarca*, [online] available at:

<http://www.grotius.hu/doc/pub/OSWWDO/2011_221_erdos_attila_szomalia_a_nemzetep%C3%ADtes_kudarca.pdf> [Accessed 01 December 2013]

Ford, R., Powell, B., Nowrasteh, C., 2008. *Somalia after state collapse: Chaos or improvement?*, in: *Journal of Economic Behavior and Organization*, Vol.67, No. 3-4, p.657-660

Gettleman J., 2008, *Somalia's Pirates Flourish in a Lawless Nation*, *New York Times*, available at:

<<http://www.nytimes.com/2008/10/31/world/africa/31pirates.html?pagewanted=all>> [Accessed 01 December 2013]

Gilpin, R., 2009. *Counting the Costs of Somali Piracy*, United States Institute for Peace, Washington D.C.

Guilfoyle, D., 2009. *Treaty Jurisdiction over Pirates: A Compilation of Legal Texts with Introductory Notes*. Available at:

<http://www.academia.edu/195470/Treaty_Jurisdiction_over_Pirates_A_Compilation_of_Legal_Texts_with_Introductory_Notes> [Accessed 01 December 2013]

Guilfoyle, D., 2012. *Prosecuting Somali Pirates, A Critical Evaluation of the Options*, in: *Journal of International Criminal Justice*, Vol.10, No. 4, p. 767- 798

Haguejusticeportal.net. 2013. Ireland v. United Kingdom (MOX Plant Case) » The Hague Justice Portal. [online] Available at: <http://haguejusticeportal.net/index.php?id=6164> [Accessed: 8 Dec 2013].

Hansen, S., 2009. *Piracy in the greater Gulf of Aden*, Norwegian Institute for Urban and Regional Research, Oslo

Hegedus, K., 2006. *Szomália – a véget nem érő háború országa*, in: Marton, P. (2006): *Államok és államkudarok a globalizálódó világban*, Teleki László Intézet Külpolitikai Tanulmányok Központja, p.212-242.

ICC International Maritime Bureau, 2011, *Piracy and armed robbery against ships annual report*, from the website of ICC of Denmark, available at:

<<http://www.iccdanmark.dk/dox/News/April/2011%20q1%20imb%20piracy%20report.pdf>> [Accessed 01 December 2013]

Konstam, A., 2011, *Pirates: The Complete History from 1300 BC to the Present Day*. Lyons Press.

Kreijen, G., 2004. *State Failure, Sovereignty and Effectiveness Legal Lessons from the Decolonization of Sub-Saharan Africa*, Martinus Nijhoff Publishers, Boston

Leeson, P. T., 2007. *Better Off Stateless: Somalia Before and After Government Collapse*, in: *Journal of Comparative Economics* Vol.35, No. 4, p. 689–710.

OBP. 2012. Economic Cost of Piracy 2012 | OBP. [online] Available at:

<http://oceansbeyondpiracy.org/publications/economic-cost-piracy-2012> [Accessed: 8 Dec 2013].

Olson, M., 2000, *Power and Prosperity: Outgrowing Communist And Capitalist Dictatorships*. Basic Books.

Payne, J.C., 2010, *Piracy Today: Fighting Villainy on the High Seas*. New York: Sheridan House.

Potter, D.W., 2004. *State Responsibility , Sovereignty , and Failed States* Available at: <https://www.adelaide.edu.au/apsa/docs_papers/Others/potter.pdf> [Accessed 01 December 2013]

Silva, M., 2010. *Somalia: State Failure, Piracy, and the Challenge to International Law*, in: *Virginia Journal of International Law*, Vol.53, No. 3, p. 554-578

World Bank, 2013, *Pirate Trails: Tracking the Illicit Financial Flows from Pirate Activities off the Horn of Africa*. A World Bank Study. Washington, DC: World Bank

Legal documents:

Convention on the High Seas, 1958 April 29, 450 UNTS 11

Djibouti Code of Conduct (2009) available at:

<<http://www.imo.org/OurWork/Security/PIU/Documents/DCoC%20English.pdf>>

United Nations Convention on the High Seas, 1982. December 10, 1833 UNTS

S/RES/751 (1992). United Nations Security Council Resolution 751. Geneva: United Nations.

S/RES/775 (1992). United Nations Security Council Resolution 775. Geneva: United Nations.

S/RES/794 (1992). United Nations Security Council Resolution 794. Geneva: United Nations.

S/RES/814 (1993). United Nations Security Council Resolution 814. Geneva: United Nations.

S/RES/837 (1993). United Nations Security Council Resolution 837. Geneva: United Nations.

Statistical data, other:

Foreignpolicy.com (2013): *Failed State Index*. Available at:

<http://www.foreignpolicy.com/failed_states_index_2012_interactive > [Accessed 01 December 2013]

ICC-CCS. 2013. Piracy and armed robbery against ships: Report for the period 1 January – 31 December 2012.. [online] Available at: <http://www.icc-ccs.org/piracy-reporting-centre/request-piracy-report> [Accessed: 8 Dec 2013].

International Expert Group on Piracy off the Somali Coast., 2008. *Piracy off the Somali Coast Workshop commissioned by the Special Representative of the Secretary General of the UN to Somalia Ambassador Ahmedou Ould-Abdallah*. Available at:

<<http://www.asil.org/files/somaliapiracyintlexpertsreportconsolidated1.pdf>> [Accessed 01 December 2013]

UN.org., 2003. *Somalia- UNSOM I- Background*. Available at:

<<http://www.un.org/en/peacekeeping/missions/past/unosom1backgr2.html>> [Accessed 01 December 2013]

UNCTAD. 2013. Review of Maritime Transport 2013. [online] Available at:

http://unctad.org/en/PublicationsLibrary/rmt2013_en.pdf [Accessed: 8 Dec 2013].

United Nations Security Council, 2012. *Report of the Secretary-General on specialized anti-piracy courts in Somalia and other States in the region*. [online] available at:

<<http://www.unhcr.org/refworld/docid/4f2a604f2.htm>> [Accessed 01 December 2013]

Worldbank, 2003. *Conflict in Somalia: Drivers and Dynamics* [online] Available at:

<<http://siteresources.worldbank.org/INTSOMALIA/Resources/conflictinsomalia.pdf>> [Accessed 01 December 2013]

Worldbank, 2013. *World Development Indicators- Somalia* [online]. Available at:

<<http://databank.worldbank.org/ddp/home.do?Step=2&id=4>> [Accessed 01 December 2013]

Table of Contents

Table of Contents	1
List of abbreviations	3
Introduction.....	4
1. Piracy in spatio-temporal context.....	7
1.1 Historical development of piracy	7
1.2 Theoretical background of modern-day piracy	9
1.2.1 Occurrences on the world map.....	9
1.2.1.1 The Strait of Malacca	10
1.2.1.2 The Gulf of Aden	10
1.2.1.3 The Gulf of Guinea	10
1.2.2 Causes, impacts and implications	11
1.2.3 Legal framework for piracy	13
2. Methodology, and the 'New Middle Ages Theory'.....	15
2.1 Changing role of the state as sovereign	15
2.2 New actors taking charge.....	16
2.3 Effects in the world	17
3. Inside the mind of contemporary piracy	19
3.1 Inner workings of piracy.....	19
3.1.1 Causes, incentives and pre-requisites	19
3.1.2 How piracy operates.....	21
3.2 Socio-economic implications	22
3.2.1 World-wide implications	23
3.2.2 Local and regional implications	24
3.3 Political and legal implications	25
3.3.1 World-wide implications	26
3.3.2 Local and regional implications	27
3.4 Somalia case study	28
3.4.1 The Republic of Somalia	28
3.4.2 The rise and fall of Somalian piracy	29
3.4.3 The business model and economic impacts.....	30

3.4.4 The question of a failed state and piracy	31
4. The international community and piracy	33
4.1 Legislative in detail	33
4.2 Counter-piracy efforts.....	35
4.2.1 Military interventions and international operations	35
4.2.2 Alternative initiatives	36
4.2.3 Effects and results	37
4.3 Piracy and the world stage	38
4.3.1 World-wide political implications.....	39
4.3.2 Local political implications	41
4.4 Somalia case study	42
5. Discussion	46
Conclusion	50
Bibliography.....	53
List of appendices.....	65
Appendices.....	66

List of abbreviations

AIMS - the Africa's Integrated Maritime Strategy 2050

AU - the African Union

BMP - the Best Management Practices

CGPCS - the Contact Group on Piracy off the Coast of Somalia

DCoC - the Djibouti Code of Conduct

EEZ - the exclusive economic zone

EU - the European Union

FFP - the Fund for Peace

HRA - high-risk areas

ICC - the International Criminal Court

ICU - the Islamic Courts Union

IMB - the ICC International Maritime Bureau

IMO - the International Maritime Organisation

JWC - the Joint War Committee

NM - nautical miles

LMA - the Lloyd's Market Association

NATO - North Atlantic Treaty Organisation

NGO - a non-governmental organisation

P.N.G. - page not given

ReCAAP - the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia

SCIC - the Supreme Council of Islamic Courts

TFG - the Transitional Federal Government

UN - the United Nations

UNCLOS - the United Nations Convention on the Law of the Sea

UNSC - the United Nations Security Council

UNSOM - the United Nations Assistance Mission in Somalia

WFP - the World Food Programme

WWF - the World Wide Fund

Introduction

Piracy is one of the oldest known illegal activities. It has existed for centuries, disturbing maritime transport, posing a threat to naval vessels, and evoking fear in communities and among sailors. Its very existence endangers the international arena due to its lawless nature and ruthless methods. Pirates of the past are viewed as romanticised characters, symbolising long-forgotten morals of political and social history. However, through a gradual transformation, today's piracy, with remnants of its past-mythologised glory, is a new phenomenon, with contemporary implications, and 'perhaps a more fundamental challenge to the organization of post-colonial polities' (Trumbull, 2010, p.n.g.). This work is going to explore this age-old, yet somewhat transformed, profession, and examine its modern counterpart.

In the 21st century, piracy is viewed as a new threat to international order, especially in the most affected locations, such as Asia and Africa. Somalian piracy, being particularly prominent from 2008 to 2011, has gained notoriety in the media, and has drawn attention of various institutions. Recently, however, based on statistics and well-versed reports, it appears this issue has been resolved, and modern pirates are no longer a cause for concern. Or are they? What is the true status of pirate activities in any given moment? And, if pirates pose a threat, how do we know?

This text will analyse how modern-day piracy operates, where it thrives, and what are its geopolitical impacts. It will also provide a critical commentary on interventions created to tackle piracy, and what are the results of such endeavours. Most importantly, the thesis will assess the role of the international community within this struggle for international safety, and comment on a position of states and other entities in a world of global insecurity.

Significance of this subject lies in a current geopolitical stratification, and socio-economic issues of the present day. One must study piracy alongside other global matters, from terrorism, formations of institutions such as the European Union (EU), and international law, to emerging challenges to the role of Western superpowers in contemporary geopolitics. Thus, in this setting, the main goal of the work will be to present piracy as both local and regional issue and an international threat, and to observe how these two separate perspectives come together. Consequently, these questions offer a further consideration of how piracy relates to the modern era, and what

can be expected in the future. It seems that Somalia can serve as a blueprint for dealing with piracy in other parts of the world, but there are limitations to this idea; all of which will be addressed within this work.

With this in mind, the key questions of this paper are as followed:

1. Does piracy contribute to a failed state, or is it the other way round?
2. As a side effect, does piracy strengthen or weaken the position of the international community as a whole?
3. Through its gradual transformation, is piracy approaching its demise, or its self-preservation in new forms?
4. Can piracy survive in today's globalised world?

In the first chapter, the thesis will explore an overall background of piracy, considering it both an old and new phenomenon. In order to find possible answers to modern forms of piracy, this section will provide a general understanding of the business itself. Therefore, there will be a short overview of its history, causes, impact and implications, contemporary geographical occurrences, and a legal framework for the crime as such.

Chapter two will end a theoretical section of this work, by exploring the so-called 'New Middle Ages Theory'. It will discuss the role of states, their sovereignty, and their lack of it due to the existence of other entities. It will also relate the devolution of a state function to piracy and supranational authorities, which fight piracy, in order to connect these ideas to practical workings of the international community, discussed in subsequent chapters. In other words, this chapter will present a methodological framework for approaching the topic, in the light of international relations. Also, with Somalia in mind, the chapter will discuss failed states and their relationship to piracy.

Chapter three will approach the subject in a more practical and analytical manner, assessing piracy from the point of view of pirates, their surroundings and inner workings. It will be shown how piracy occurs, what are the pre-requisites and circumstances, what business models occur within the profession, and what are its basic premises. It will also be discussed how piracy affects the worldwide community and local areas in terms of socio-economic, political and legal implications. Finally, the chapter will examine these issues through a case study, centred on piracy in Somalia.

Chapter four will focus on the international arena, and contemporary efforts of nations and international organisations to confront piracy. It will analyse a current legal framework as well as counter-piracy initiatives, drawing on military and humanitarian approaches from nations across the global, and assessing effects and results of these. Furthermore, it will be examined how piracy affects the world stage, and how it connects to seemingly unrelated matters, such as 'the balance of powers'. This section will also conclude with practical examples from Somalia.

Lastly, chapter five will provide a space for a discussion of arguments examined above. It will bring various strands of the text together, and weigh different ideas alongside one another. It will assess modern-day piracy, and, at the same time, critically analyse the international community in relation to pirates. The discussion will also suggest several scenarios for the future, based on the past and current initiatives in place.

In conclusion, the thesis will extract some major observations made throughout the work, and answer to the posed key questions. It should make clear whether the role of states and the international community is positive or negative in regard to international crime, and what is the basis for interactions between piracy and geopolitics.

This work draws on academic sources on piracy, and contemporary research in the area. It highlights existing legislative, such resolutions of the United Nations (UN), and established international laws. All arguments are backed up by adequate literature of scholarly depth, from journals to articles, statistical reports by the International Maritime Organisation (IMO) and the ICC International Maritime Bureau (IMB) and conference papers, to assessments of international responses. A majority of the available research pre-dates the most recent developments in counter-piracy initiatives. Nevertheless, these sources provide highly informed perspectives on the issue. Thus, there are limited data on developments within the past two years, as well as statistics for the year 2014. However, this fact also allowed for this work to have a significance of its own, being able to comment independently on the most current developments.

It can be argued that how the international community interacts and responds to the problem of piracy mirrors other approaches to global problems. Thus, this work should be a valuable addition to current views on the state of global affairs, contemporary geopolitics and future endeavours of entities in power.

1. Piracy in spatio-temporal context

This chapter summarises the concept of piracy throughout time and space, in order to understand basic principles of the subject in this work's practical assessment of modern piracy. It traces historical origins of piracy, and connects these to their contemporary forms. It also accounts for current occurrences of piracy, underlying causes, implications and legal definitions of the term, thus creating a clear picture about the great divide between pirates and the international community.

1.1 Historical development of piracy

The business of piracy, from Greek *peiran* (to attack) has existed for over 2,000 years, from the ancient world to the modern era, and its political and social features have influenced the West as well as the East. Consequently, it has had various degrees of impact on political geography, many nations, and their interests. Throughout time, it has been understood as 'a tool of warfare and state policy, as well as a criminal endeavour committed by non-state groups who pillaged for private gain' (Kraska, 2011, p.10). In other words, a concise definition of piracy did not exist for many centuries.

In the West, maritime piracy has been primarily associated with the Mediterranean area. Homer's *Odyssey* is one of the first literary texts describing this profession, and the island of Crete as an epicentre for pirates, building on real sea bandits operating by the Greek coastlines. In the Greco-Roman world, pirates were understood as *hostis humani generis*, the enemies of all mankind. In Cicero's *De Officiis*, he argues that for a pirate, 'there ought to be no faith with him, nor the sharing of any sworn oaths' (Cicero, 1991, p.107). Thus, Cicero suggests that pirates threaten social order in such a way that they cannot be understood as ordinary criminals, but as an internationally recognised threat (Paige, 2013).

Among the most famous pirate communities were the Cilicians, who significantly affected seaborne trade between Asia and Europe. In 75 B.C.E., they kidnapped Julius Caesar for ransom, which ultimately led to their demise by Roman forces (Payne, 2010). However, they also used piracy as a form of resistance against the Roman empire and its expansions and, for Romans, the term 'pirate' was used more loosely, according to their political needs (Heller-Roazen, 2009; Kraska, 2011). Thus, defeating Cilicia had an imperialist agenda; an aspect of anti-piracy affords still present today.

Vikings, on the other hand, used piracy as a form of warfare and exploration, as well as a tool for theft and violence. These Scandinavian warriors reached as far as the coasts of North America, and changed social and political landscapes all over the medieval world, thus further linking piracy to geo-political issues (Kraska, 2011).

In the Middle Ages, the Ottoman Empire developed a sophisticated relationship of a state and piracy, in order to gain wealth, and geographical and religious influences. However, the most significant milestone of this period was the great era of privateering, when European rulers licensed seafarers to attack ships of other nations, thus giving them a role in international political endeavours, sanctioned by states (Leeson, 2009). According to a contemporary understanding of international law, these individuals were viewed as private combatants, guaranteed protection by states that required their services.

This period gave way to the 'Golden Age' of piracy. Released privateers, pirates and ex-sailors of the late seventeenth century began to operate in the Caribbean, east coasts of Americas, west of Africa and the Indian Ocean, managing to gain incredible wealth, and proving difficult to be captured (Payne, 2010). Nevertheless, English law has had gradually started to see pirates as criminals, and, by 1698, the first law against them was passed. Murphy (2007) suggests that this 'reflected the view, which was beginning to be shared by other European states at the same time, that piracy was an international problem' (p.156). One by one, European countries adopted various measures, and by the end of the 1720s, piracy was significantly reduced (Leeson, 2009).

In addition, by the beginning of the nineteenth century, piracy fell behind in terms of technology, and it subsided due to modern professionalised navies all over the world. Officially, by the 1856 Treaty of Paris, the piracy's relationship with a state changed forever. Ending the Crimean War, Britain, France, Prussia, Russia, Austria, Sardinia and Turkey uniformly abolished privateering as a method of war, and, according to Paige (2013), 'piracy *jure gentium* began to truly exist as a *jus cogens*' (p.143). That is, piracy was not only acknowledged by international law, but it also became a self-evident norm. It was not until the 1980s that right conditions for a re-emergence of piracy appeared, shifting the Western character of piracy to South-East Asia, and western and eastern coasts of Africa.

Thus, throughout its history, piracy has been connected with various states, and its history is a story of interactions between state and non-state ideals and actions. This

fact will be repeatedly shown throughout the thesis, along with proposed explanations of it.

1.2 Theoretical background of modern-day piracy

On the one hand, in regard to modern and ancient pirates, not much has changed. Pirates have always worked in groups, relying on hierarchy and their own rules, and dividing their loot in shares. Pirates, who work outside established norms, are considered criminals, and others condemn their actions. On the other hand, today, piracy has gained a new significance. More than ever before, maritime transport connects people, places and cultures, and its role as a global distributor of goods is just one of many other. Today, around '90 per cent of all commercial goods and raw materials are still conveyed aboard ships, at some stage during their progression toward market' (Marley, 2011, p.37). Also, given present post-colonial political practices and contemporary international threats, any form of a disturbance to maritime traffic is viewed as a menace for the entire global peace and security.

Modern piracy re-appeared in the late 1980s and, according to Hansen (2009), it has begun to increase each year, particularly since 2004-2005. By 2008, it reached incredible proportions, making South-East Asia and waters off the coasts of West and East Africa the epicentres of contemporary maritime piracy, and bringing this ancient criminal activity to the forefront of a modern struggle for international order (Pristrom, et al., 2013).

1.2.1 Occurrences on the world map

Firstly, it is important to note that first-hand information on maritime crime in terms of intervention results is not readily available, and operations dealing with piracy keep their data protected. Thus, the only information accessible to the public comes from the UN related reports and resolutions, and the IMO statistics, or news provided by the media. However, the more piracy occurs on the world map, the better statistical records about numbers of attacks are obtained. For purposes of this work, most data will be extracted from the IMB reports, which can be viewed as an authority on contemporary piracy in numbers. However, as Twyman-Ghoshal (2014) notes, even these data ignore some subtle inconsistencies, changing tactics of pirates, or professional disputes over data analysis.

Piracy thrives in areas of a strategic value, where transport networks are the densest, yet their security is rather loose, and an illegal activity can take place. In the past two decades, the overwhelming majority of all attacks have taken place in Asia or Africa. Since 2004, there have been three hotspots, associated with this maritime crime: the Strait of Malacca, the Gulf of Aden and the Gulf of Guinea (see Appendices 1-3).

1.2.1.1 The Strait of Malacca

The Strait of Malacca in Southeast Asia is a strategic gauntlet, historically serving as a connection between the Indian Ocean and the South China Sea (Marley, 2011). This area is of interest to many nations due to supplies of oil, from China, Japan and India, to Malaysia or Indonesia, thus making anti-piracy efforts complicated. At the beginning of the millennium, over 40% of all pirate activities took place in this area, but, since 2005, numbers have dropped, and since 2011, pirate attacks are annually kept in single digits (Bradsher, 2014). Nevertheless, this change also reflects on an expansion of piracy to the South China Sea, Indonesia, Philippines, Malaysia, and the Singapore coastline. Particularly Indonesian waters, pirate attacks exponentially grow every year, hence keeping Southeast Asian piracy active and alive (IMB, 2014a).

1.2.1.2 The Gulf of Aden

This area will be closely examined in the work's case study, thus providing here only a short overview. The Horn of Africa as a whole has been a significant shipping lane for India, Arabia, as well as Africa, allowing a passage through the Gulf of Aden into the Red Sea. The narrowest part of the Gulf is known as Bab el-Mandeb, providing perfect geographical conditions for successful maritime robberies (Marley, 2011). Most criminal activities on sea happen off the coast of Somalia, due to its impressive coastline of over 3,000 kilometres in length. Since 2006, there has been a steady increase in attacks or attempted attacks by Somali pirates and, according to the IMB (2011), in 2010, 'hijacking off the coast of Somalia accounted for 92% of all ship seizures' (p.23). Nevertheless, since 2011, the number of attacks by Somali pirates has significantly dropped, and, as noted by Bellish (2014), 'not a single commercial vessel was successfully hijacked off the Horn of Africa in 2013' (p.9).

1.2.1.3 The Gulf of Guinea

The Gulf of Guinea in West Africa is another strategic location for maritime transport, being a significant route for oil tankers, traveling to Europe or Americas. In

this area, piracy has been gradually increasing for years and, most importantly, in levels of violence. The three most affected areas are territorial waters of Niger, Benin and Togo. What has been noted is that if piracy decreases in one of these countries, it usually means a movement to a neighbouring one. In 2013, the Gulf of Guinea was responsible for more than 15% of all pirate attacks. Hence, clearly, 'in contrast to a decline in global piracy, (...) in the Gulf of Guinea (...) piracy has remained continuously high there since the 1980s' (Gabbatt, 2013, p.n.g.). As of 2014, Nigeria, Benin and Togo are the most pressing locations of maritime crime, particularly due to levels of violence within Nigerian incidents, reaching as far as 170 nautical miles (nm) from the coast (IMB, 2014b).

Appendix 4 provides details on piracy incidents from 2006 to 2014 in all affected areas. This table will be used throughout the text, providing a good visualisation for trends discussed below.

For the first time in five years, in 2013, there was a significant decrease in piracy, dropping by 41% since 2011 (IMB, 2014a). However, at the same time, 'piracy on high seas has increased dramatically over armed robbery in territorial waters' (IMB, 2011, p.23), thus suggesting a more sophisticated approach of pirates, allowing them to move further away from the land. Also, there is an interesting trend in a continental representation of piracy. Whereas in 2010, 259 attacks involved Africa, and only 70 took place in Southeast Asia (IMB, 2011), in 2013, only 79 incidents happened in Africa, and 128 incidents in Southeast Asia (IMB, 2014a). A more detailed analysis of available data will follow in chapters three and four. Nevertheless, it is important to point out that future trends in pirate activities are unclear. In January-September 2014, 'there has been a significant increase in the number of incidents compared to the same period of last year' (ReCAAP, 2014, p.n.g.). The most recent updates by the IMB continue to encourage vigilance and a continuation of all anti-piracy measures in Indonesia, Malacca Straits, Singapore Straits, South China Sea, Bangladesh, India, usual Somalian areas, as well as Ivory Coast, The Congo, Egypt and Ecuador. Thus, so far, it appears that pirates are not out of business.

1.2.2 Causes, impacts and implications

This section gives an introductory note on circumstances and implications of piracy, further developed in chapter three. It summarises general causes and effects of

piracy in the contemporary world, and thus provides a background for more detailed synthesis in practical part of this work.

Pristrom, et al. (2013) argues that piracy is predictable, based on an idea of piracy high-risk areas (HRA). These locations have some generally agreed pre-requisites for piracy to occur. Overall, the major causes of piracy anywhere in the world are linked to 'geography, weak law enforcement, maritime insecurity, economic dislocation, and cultural acceptability' (Bueger, 2013c, p.n.g.). Thus, modern pirates take advantage of increased seaborne traffic in so-called 'choke-points' with problematic maritime jurisdiction to provide security. Increasingly larger, automatized ships that require smaller crews serve as perfect targets, and a lack of international cooperation, along with economic and social instability in piracy-prone regions, allows piracy crimes to emerge (Payne, 2010; Marley, 2011). A more detailed account of these causes will be in sub-section 3.1.1.

In terms of types of maritime piracy, each region exemplifies different characteristics. In general, it is believed that hijackings of ships for cargo are more sophisticated than kidnappings for ransom. Changing ship's identity and organising selling of a cargo are more demanding on resources, whereas ransom-type piracy allows a more spontaneous approach (Payne, 2010). More information on types of pirate attacks will follow in chapter 3.1.2, and more details are also available in Appendix 5. The most common targets for pirates are bulk carriers, containers, general cargo, tanker chums or tankers with crude oil. Notably, between 2006 and 2010, attacks on tankers increased by almost 200% in 2010, with only a mild decrease in 2013 (IMB, 2011; 2014a).

Nevertheless, all types of pirate activities affect economies, security, individual lives, international policies, and other types of crime. The most immediate effects are associated with victims. Although most of them are released and unharmed, in 2006, there were 317 victims of piracy, increasing to 1011 in 2008, and, in 2012, there were already 1270 victims. More positively, in 2013, the numbers dropped to 373 victims, and from 15 deaths in 2006, this trend decreased to a single death in 2013 (IMB, 2011; 2014a; 2014b) (see Appendix 6 for more details). Economic impacts of piracy (discussed in chapter 3.2) vary from direct effects on ship companies to indirect effects on the global economy and insurance costs. Legally, piracy requires new and updated measures, based on its political and social implications (further analysed in chapter 3.3).

Perhaps, the most pressing issue are reasons for piracy themselves, which can be found on land. These will be addressed in Somalia's case study and elsewhere. Recently, piracy has been associated with environmental problems, as well as risks for international security, often linked to terrorism. For Altafin (2014), 'from 2005, particularly in view of Somali piracy, it has become a global issue' (p.17) and, as such, it cannot be limited to regions where it occurs, but rather approached as yet another issue of the modern post-industrial landscape, as discussed in the practical part.

1.2.3 Legal framework for piracy

Since the advent of the state-system discourse, derived from the Treaty of Paris and, most importantly, the Peace of Westphalia, piracy has become officially outlawed. It is now considered to exist outside the state-system model, because 'international law and diplomatic custom and practice have only recognised the rights of states to make war and conclude peace' (Bromley, 2009, p.402). Consequently, pirates have become 'outsiders'; they are outlaws who exist outside of all societies and therefore, any state at any time is able to prosecute them, wherever they operate, with no regard for municipal laws. In this view, piracy falls under universal jurisdiction, and 'beyond the protection of any state' (Elleman, Forbes and Rosenberg, 2010, p.21). Pirates challenge law and order as established by authorities in power. These *hostis humani generis* operate with no regard for accepted norms and rules and, according to Bellish (2014), their crimes are as grave as 'genocide, crimes against humanity, war crimes, and the crime of aggression' (p.34). In other words, pirates are not *of* international origin, but *outside* of any origin, nation or an internationally accepted group.

However, as Elleman, Forbes and Rosenberg (2010) point out, 'defining exactly what constitutes a "piratical act" has never been easy, and it was centuries before a single definition was accepted' (p.21). Therefore, in the twentieth century, the UN attempted to define maritime piracy, first, in the 1958 Geneva Convention on the High Seas. Nevertheless, while piracy is considered an offence under universal jurisdiction, in this document, it lacks any precise wording. It is merely considered an act of violence, other than a lawful act of war, which happens at sea (Marley, 2011).

Consequently, the status of piracy did not change until the United Nations Convention on the Law of the Sea (UNCLOS) in 1982. This legal document incorporated the Convention on the High Seas, and put more clarity into the definition of piracy. The convention is still mainly concerned with navigation laws, territorial

waters, maritime economy or various rights of seafarers, but it provides seven articles, directly concerned with piracy.

In Article 100, The Law of the Sea urges individual nations to cooperate in tackling the treat of piracy on the high seas, 'or in any other place outside the jurisdiction of any state' (UNCLOS, 1982).

Article 101, perhaps the most cited legal document regarding piracy, outlines contemporary legal definition of piracy as followed:

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

(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

(UNCLOS, 1982, article 101)

This definition considers piracy to be any unlawful activity that takes place at high seas. Any action by pirates in territorial or national waters is thus considered an 'armed robbery at sea' (Murphy, 2007). According to the UNCLOS, piracy does not include the contiguous zone and the exclusive economic zone (EEZ), and therefore, a lawfully approved attack by pirates is only possible further than 12 nm of the territorial sea (Paige, 2013). See Appendix 7 for an illustrated scheme of this definition. Legal implications of this conundrum will be considered in chapter 3.3.

The International Maritime Bureau, on the other hand, understands piracy more broadly, acknowledging both the territorial and international waters. In the IMB reports, piracy is defined as 'piracy and armed robbery against ships' (Lucas, 2013). This text will make use of the IMB's approach, arguing that under the UNCLOS definition, deeper analyses of the contemporary maritime crime would be extremely limited and one-sided.

2. Methodology, and the 'New Middle Ages Theory'

This chapter introduces the 'New Middle Ages Theory', or new medievalism, in order to provide a theoretical framework for the analytical part of the thesis. It attempts to present political and social principles of this theory, crucial for the next chapters and their applicational aspects. Thus, there will be a discussion about the role of the state within this approach, other entities, like territorial non-state actors within the world politics, and effects these different players have on the world stage.

2.1 Changing role of the state as sovereign

The Peace of Westphalia in 1648 was one of the most crucial moments in a development of the European state-system model, which would govern the world politics for next centuries. It established that, according to the law of nations, sovereign states are geographically autonomous territories. However, as Potter (2004) notes, 'breaches of the model have been an enduring characteristic of the international environment' (p.3). These deviations became the basis for the 'New Middle Ages Theory', introduced in Hedley Bull's *The Anarchical Society* (1977), claiming that standards of sovereignty change over time, in different political settings, and today, it is clear that 'there is much that operates above, below and outside the state system' (Murphy, 2002, pp.193-194). State failure, for one, is a typical example of a non-functional sovereign state model. The world is undergoing a shift towards a new era, where global concerns, the world market economy and transnational interests cause a decline of the role and power of the sovereign state. A reason for the state-based model to seem insufficient is an array of 'conceptions of political order along ethical, cultural and religious lines' (Friedrichs, 2001, p.484), which do not fit the traditional nation-bound principles.

This new set of discourses, a global sovereignty, recognises entities based on their internal and external authority, and local and global significance, no longer restricted by territorial boundaries and principles of loyalty (Kobrin, 1998; Atkinson, 2012). Or, as Friedrichs (2001) puts it, new medievalism is 'a system of overlapping authority and multiple loyalty, held together by a duality of competing universalistic claims' (p.475). Thus, sovereignty of nations as a monopoly on political and social action is an illusion, susceptible to change (Pegg, 1998). Maritime security is particularly relevant to this new view of post-international world, since pirates are said

to be 'enemies of all' and thus, of every state. In other words, piracy itself provides an argument for the current antagonism between the state-based discourse and the transnational one.

2.2 New actors taking charge

Hence, different embodiments of new forms of sovereignty challenge the classic model of statehood. New global concerns cannot be treated in the ordinary state-system paradigm, and require a transnational approach, reflecting a 'fluidity that currently characterizes world politics' (Chalk, 2008, p.iii). These concerns emerge from globalisation and its hegemony over consumption, the capitalist system, transnationalism, technological advances, and, ultimately, economy. State-system still exists and has a significant function in providing an institutional framework, however, today, it co-exists with regional and global changes, where 'individual allegiances are increasingly directed towards groups other than the state' (Friedrichs, 2001, p.482).

On the one hand, there is devolution of a state function, and a disintegration of states, causing a development of local entities with more independence, such as de facto states or autonomous areas, or a complete dissolution of a national construct, such as Yugoslavia. In these instances, regions become internally and external sovereign, whatever their outer international status. They can provide basic security and infrastructure, as well as a functional governmental system (Berg and Kuusk, 2010, p.41). In cases of a state failure, the state is incapable to function, but other fractions of the state can, such as Somalia's Somaliland and Puntland.

On the other hand, there are groupings that can be national, international, transnational or supranational, which provide authority and a degree of legitimacy on the world stage. These are, for example, the EU, the Greater Chinese Co-Prosperty Sphere, or the African Union (AU), all created as a regional integration of states. There are also non-governmental organisations (NGOs), or transnational corporations, such as the World Wide Fund (WWF) or Greenpeace. These societal actors centre around ideas and values such as democracy, human rights, religious believes or capitalist enterprise (Thomsom, 1995; Khanna, 2009). Such entities not only conform to globalisation, but they also underlie its character by creating a non-territorial arena (Kobrin, 1998), where sovereignty means 'a responsibility by the international community to react' (Potter, 2004, p.2).

The difference between the local and transnational entities is that the latter sets global order, whereas the former often succumbs to deviations, such as piracy, thus, inevitably, these two forms of neo-medieval entities stand on opposite ends of the spectrum.

2.3 Effects in the world

Thus, new medievalism is a historical meta-narrative, which re-contextualises the function of statehood and other global forces. It comments on a re-composition of the world stage, where transnational entities have a greater opportunity to contribute to global politics. On an international level, there is a new security, by bringing together nations, armies, humanitarians and so on, without restrictions or financial limitations associated with individual nations. Moreover, there is also a sense of unity and of a democratic rule, when transnational forces act together. On the other hand, however, there are some entities, such as corporations, military complexes or banking conglomerates, which may have different goals in mind (Potter, 2004). Furthermore, there is also a paradox within some societal actors, formed on a principle of a lack of sovereignty, who, at the same time, attempt to fight anarchy, exemplified by piracy, and to establish national sovereignties again (Kamola, 2011).

Locally, formations outside the state-system often clash with interests of sovereign states. For instance, Rahman (2007) shows how in Southeast Asia, in areas affected by pirates, Malaysia and Indonesia compete with other entities over legitimate use of force in territorial waters. Also, a devolution of state function to a local level, such as in Somalia, often opens a space for international crime (Rotberg, 2002). Nevertheless, others like Leeson (2007), believe that statelessness helps Somalian development, and any external aid to establish its sovereignty as a state will lead to further destabilisation. Therefore, Somaliland and Puntland, function well without international recognition, the former existing as a de facto state, and the latter striving for a partial autonomy (Menkhaus, 2006-2007). Moreover, in Somalia and some other fragile regimes, coastal areas with the highest occurrence of piracy have seen huge influx of money and wealth, further supporting the idea of statelessness.

Overall, different entities promote different values, and ask others to follow these for different reasons. For example, the UN promotes equality and human rights, thus offering precedence for the international community's behaviour. These entities

promote common good in one way or another, but they also establish rules by which these ideals are to be achieved. Within them, each nation strives to maintain or expand its power, thus always caring, first and foremost, about its own interests. As Berg and Kuusk (2010) put it, 'the modern practise of sovereignty has come to resemble a game that spurs players to be more and more creative' (p.47). In essence, fighting piracy is about a struggle between maintaining sovereignty of states, preserving transnational interests and tackling threats that do not fit either model; a subject further examined in next chapters.

3. Inside the mind of contemporary piracy

This chapter provides a critical analysis of contemporary piracy and its inner workings, in order to provide a comparative perspective to the next chapter. In contrast to external mechanisms to deal with piracy, and to its effects on the world stage, here, the text examines piracy internally. In other words, this chapter offers a hands-on inside look, whereas later, it provides a view of 'the others'. This section re-visits causes for piracy, introduced in chapter one, and expands on the subject by discussing incentives to become a modern-day pirate. Also, this section looks at ways in which piracy operates, various business models, and strategies. It will be investigated what socio-economic, political and legal implications occur, as results of pirate activity. These issues will be analysed both locally and internationally, and, lastly, through a case study, focused on Somalia.

3.1 Inner workings of piracy

This sub-section describes conditions in high-risk areas that allow piracy to take place, and it addresses motivations for the criminal activity, as well as how pirates' business models work in practice. The aim is to analyse internal mechanisms of piracy, which vary from the much broader international geopolitical view.

3.1.1 Causes, incentives and pre-requisites

As introduced in chapter one, piracy develops in high-risk areas (HRA), which provide certain pre-requisites, such as geography; that is, piracy requires a proximity to areas with high maritime traffic, as well as an accessibility to safe heavens. For example, the Malacca Strait provides many disclosed islands, the Gulf of Guinea offers a number of suitable ports, and pirates of the Gulf of Aden make use of coastal strips and villages of Somalia (Payne, 2010). Moreover, piracy-stricken areas exemplify insufficient law enforcement, from coastal guards and surveillance, to a functional jurisdiction system. Hence, pirates are not likely to be captured, and if so, they are unlikely to be punished.

In the Strait of Malacca, Marley (2011) argues that the major cause of today's pirate activity is China's new capitalist expansion, as well as a newly emerging economic significance of Singapore and Hong Kong. More generally, South-East Asia provides 'a patchwork of strong and weak, rich and poor countries' (Hastings, 2009, p.220) surrounded by water, and disadvantaged by limited cooperation. In West Africa,

piracy is largely driven by the region's oil production, particularly from Nigeria. Pristrom et al. (2013) says that 'the nations of that region produce 5 million barrels of oil on a daily basis' (p.682), and, not surprisingly, oil tankers are the most frequent target. Finally, in the Horn of Africa, some believe piracy began as a reaction to foreign trawlers, and illegal dumping of toxic waste in the Somali territorial waters. This issue will be examined in detail in the case study in this chapter.

Another favourable element for pirates is a use of 'flags of convenience'. By adopting 'flags of convenience', that is, registering ships in countries, which require little operational standards, ship owners avoid extra costs, from tonnage fees to taxes, and they have less responsibility associated with cargo transports (Gómez, Ángel and Navarro, 2013). The most notorious countries that offer their flags are Panama and Liberia. Marley (2011) argues, that more than 50% of all merchant ships are registered under these 'impotent' flags (p.34), and Panama alone is responsible for more than a half of all registered vessels (CIA, 2008) (see Appendix 8).

Perhaps the most crucial aspect of today's occurrence of piracy is an incentive to become a pirate. There is 'a direct causal link between poverty or lack of employment opportunities' (Bueger, 2013c, p.n.g.), creating an economic dislocation of a region, due to globalisation and unequal world development. Lucas (2013) suggests that, presently, "even a low-ranking member of a pirate organization can earn as much as \$20,000" (p.56) from one successful attack. Hence, individuals seek out illegal opportunities, in order to financially profit, as well as to help their communities out of poverty.

Bueger (2013b), however, finds an additional social factor. He highlights cultural accessibility and individual skills, which make piracy possible and socially acceptable to certain groups and regions. According to him, piracy gains legitimacy through a narrative, which describes pirates as protectors or heroes in local communities, in which, in turn, they find food, a shelter and a logistical support. A particular example from Somalia will be described in section 3.4. Hence, pirates are not only viewed positively, but also recruited more easily. Moreover, pirates are often drawn to the profession due to their previous skills, such as swimming, navigation or an ability to handle weapons. The last example, of course, goes hand in hand with locations that are not stable, often exposed to violence and civil unrest for decades (Bueger, 2013c).

Thus, contemporary piracy makes use of internal instability in various regions, where sovereign states lack control over their entire territories. Moreover, as a result of insufficient economies, piracy, similarly to other crimes, becomes a symbol of failure, not only of nations, but also of groups and individuals. Triggered by external phenomena, such as oil export or capitalist interests on sea, pirates respond in their own way to the missing rule of law.

3.1.2 How piracy operates

According to Bahadur (2011), 'piracy is not so much organized crime as it is a business' (p.43), and, as Bueger (2013c) explains, 'a business plan requires to be developed. Hence, a considerable driving force of piracy will always be criminal-minded entrepreneurs' (p.n.g.). Pirates are thus a sophisticated brand of criminals, able to plan and make use of regional resources, developing economically well-functioning business strategies. In this way, they offer an alternative to an official state-based system, developing their own norms and rules.

In Southeast Asia, most attacks remain within territorial water, whereas in East Africa, pirates venture further away at high seas. This trend can be ascribed to a relatively recent use of mother ships, allowing the pirates to travel longer distances, and for longer periods of time. Pirates are always equipped by some kind of weapons, yet these are not always used. In Southeast Asia, weapons used by pirates, such as knives or machetes, are less sophisticated than military assault rifles, AK-47s, or rocket-propelled grenades in East and West Africa (Bradsher, 2014). Nevertheless, pirates all over the world are gradually better armed, resulting in increased levels of violence. In terms of ship boarding, numbers have been growing. Whereas in 2010, there were 196 boarded vessels, in 2013, given the significant drop in pirate attacks worldwide, there were 202 vessels boarded (see Appendix 5). This suggests pirates' growing boldness and confidence, and an ability to form homogeneous groups, able to grow in otherwise decayed conditions.

In the Malacca Strait and the South China Sea, a typical tactic is to rob an anchored vessel, and instances of either violence or hijacking for ransom are less common (Pristrom, et al., 2013). In the Gulf of Guinea, pirates attack anchored or slow-moving vessels, and their primary goal is to seize oil tankers, syphon the oil, and leave (Gabbatt, 2013). However, since 2012, the pirates of West Africa, as well as in Southeast Asia, have started to adopt techniques of Somalian pirates. Thus, whereas in

2012, there were 206 hostages in the Gulf of Guinea, in 2013 there were already 279, suggesting that the 'West African piracy is increasing in scale and (...) in organization' (Bellish, 2014, p.12). Furthermore, Nigerian pirates are increasingly more violent, and their share on Africa's piracy grew from 17.3% in 2008 to 66.7% in 2013 (UNCTAD, 2014). On the other hand, in the Malacca Strait, pirates attempt to avoid any interaction with the crew (Twyman-Ghoshal, 2014). The case study below will look in detail on the East African region. There, Somalian pirates focus on hijacking for ransom, and are less likely to board a ship. Lastly, in relation to terrorism, terrorist-related attacks are extremely rare. According to Asal and Hastings (2014), they form '199 out of 98,000 attacks in 40 years, which is less than 0.2% of the total' (p.n.g.).

Today, pirate strategies are ever more efficient, allowing this profession to remain successful, even after Somalian piracy rapidly decreased. This impressive business model is shown through pirates' financial arrangements. There are organisers, suppliers, individual 'foot soldiers', businessmen, negotiators, and an array of people who will ultimately financially benefit from an attack, each having a different share, based on his role (Stockbruegger, 2011a).

Pirates thus exemplify a kind of prosperity, and perhaps also a sense of order in a disordered environment. While, at distance, they appear to contribute to anarchy and a state failure, from another point of view, they show impressive abilities to adapt, improvise and rise. In their world, piracy provides a new profession, marked by planning, cooperation, and a profit, not so different from a starting business of the Western world.

3.2 Socio-economic implications

Nevertheless, piracy a great threat to the international order, and also to economic stability and global trading (World Bank, 2013). It not only challenges individual ship owners, but entire workings of the modern economic market, as well as regions where pirates come from. Estimates on costs of piracy show 'wide discrepancies in numbers of attacks and total losses' (Elleman, Forbes and Rosenberg, 2010, p.20), due to different definitions of piracy, reported and unreported cases, or illegal activities associated with it. Moreover, large numbers of people can actually benefit from piracy, and its regional effects on economies are not necessarily in accord with the global

economy. This section will discuss all these ideas, and give a general view on the widespread and domestic impact piracy has today.

3.2.1 World-wide implications

According to UNCTAD (2014), piracy results in direct and indirect economic costs, varying between 1 to 16 billion dollars a year, and the World Bank (2013) suggests an annual cost of 18 billion dollars. These financial losses to the world economies come from localised incidents, and expand to other regions and parts of the world, ultimately affecting a large number of people and areas.

Directly, piracy affects both public and private sector, resulting in losses, far beyond the immediate pirate activity (see Appendix 9 UNCTAD's estimates). For private companies, piracy means extra spending on security equipment, and protection technologies, estimated to cost between 1 and 2 billion dollars a year (Hallwood and Miceli, 2014; OEF, 2011; OEF, 2012). Insurance costs, which are 'the most significant barometer' (Chalk, Smallman, and Burger, 2009, p.xi) of costs of piracy, depend on banks and insurance premiums. An insurance price for a single voyage has risen from 500 dollars in 2008, to 20,000 dollars in 2009, and up to 150,000 dollars in 2010 (OEF, 2011; Gilpin, 2009). As a result, Hastings (2009) believes that pirate incidents are underreported, since reports would raise companies' insurance premiums. In addition, the reason for this incredible jump since 2008 was that the Lloyd's Market Association (LMA) declared the Gulf of Aden a war risk area (OEF, 2011).

Moreover, military operations are another expensive result of pirate activity. According to Marley (2011), 'deploying a single frigate into the Horn of Africa amounts to about \$1.3 million a month' (p.72). Furthermore, an initial budget for just one operation, the EU's Operation Atalanta (discussed in chapter four), was 450 million euros (Marley, 2011). Thus, UNCTAD (2014) estimates an incredible sum of 2 billion dollars invested into overall naval forces and military operations in 2010, and a lower, yet still high cost of 1.9 billion in 2012 (Appendix 9).

In addition, payments of ransom have risen from tens of thousands, to hundreds of thousands, 2 million dollars in 2009 (Payne, 2010), and, in 2010, the average ransom price was already 5.4 million (Bellish, 2014). UNCTAD (2014) shows that between 2005 and 2012 ransoms reached '\$339 million to \$413 million' (p.15) (see Appendix 10 for a visual illustration).

Further financial losses, even more difficult to account for, are indirect investments and costs, ranging from macroeconomic impacts to affected lives in many parts of the world. In piracy-affected areas, ships are forced to travel in high speed, thus spending more money on fuel (Hallwood and Miceli, 2014), while, on the other hand, re-routing, such as through the Horn of Hope instead of the Gulf of Aden, means not only additional fuel costs, but also extra time for travel. Mbekeani and Mthuli (2011) believe that between 2 to 3 billion dollars are annually spent on re-routing, increasing demands on worldwide import and export, and topping up prices of commodities for customers. Trade-related impacts also create international trade losses and changes in foreign investments. Finally, there are mental and emotional costs for crew members on ships, hostages, their families, and also families of pirates, and these losses cannot be put into real numbers, or sufficiently measured (Abila and Tang, 2014).

3.2.2 Local and regional implications

Economic losses are important exactly because the states suffering from piracy are developing or failed states, with a need for economic stability. However, there are tensions between the principle of weak or failed states, pirates' financial influx, and a possibility to tackle this illegal activity.

On the one hand, piracy perpetuates economic instability and poverty, and, in weak states, it is a significant player within regional economies. Due to piracy, affected areas have fewer investments, and their contribution to the global economy is limited. Piracy onshore also causes 'price inflation which has sent the cost of food and other commodities soaring' (Murphy, 2012, p.9). This trend is directly linked to an idea of stationary and roving bandits, where roving bandits only care to steal, with little interest in economic stability of the whole region (Olson, 2000).

If this is the case with pirates, how can they operate in one place, instead of moving to another? Pirates need an environment where they can sell their stolen goods, acquire weapons and other necessities, and at least some support from local communities. This is where the idea of stationary bandits comes to play. Stationary bandits, attempt to maintain their power structures and operation fields, thus contributing to a betterment of the region, at least to some extent. With these principles in mind, do pirates undermine regions' economic potentials, or do they have anything to contribute?

Pirates cannot function without some degree of stability. As mentioned in chapter two, some coastlines gain wealth and prosperity due to the presence of piracy. According to the UN Office on Drug and Crime (2013), 'Somali pirates brought in an estimated US\$150 million in 2011, which is equivalent to almost 15% of Somalia's GDP' (p.1). Consequently, pirates maintain an influx of capital within states and regions involved, which would otherwise be unavailable, and contribute to their economic development. In a manner, similar to mafia, pirates distribute certain amounts of resources, provide security, and bribe when necessary, thus keeping themselves connected to their environments (Bellish, 2014). Therefore, it can be said that they operate in a manner of stationary bandits, and so it seems that piracy-stricken regions are actually on a way towards more stability; more so than, for example, opportunistic rebels in Kenya, who strongly resemble roving bandits (Olson, 2000).

According to Olson's *Power and Prosperity* (2000), the presence of stationary bandits suggests a trend towards democratisation. Thus, it is feasible to imagine that the presence of pirates may have some long-lasting positive effects on local developments. Kamola (2011) goes as far as to suggest that international efforts to eradicate piracy in territorial and international waters are really an attempt to preserve existing capital circulation, thus not attempting to aid regions at all. Pirates 'attack agents whose industries have damaged coastal economies, as well as those shipping vessels that yield economic value when ransomed' (Kamola, 2011, p.3), thus creating a new, home-grown economic market, a 'pirate economy', which is, of course, in opposition to global capitalist interests. Hence, pirate businesses are of great economic value and significance, and it can be argued that, along with political effects, financial aspects of piracy are the most important ones.

3.3 Political and legal implications

This section discusses political and legal issues related to piracy, and their effects in practise. According to Murphy (2012), 'piracy's political significance has generally exceeded its economic impact' (p.5). Therefore, it is crucial to address the issue of pirates' status. This part will discuss existing law enforcement problems, and what juridical implications apply in global, as well as local and regional terms. The purpose here is to address a current standing of pirates in terms of a prosecution, in order to better understand socio-economic factors discussed earlier, and to set the scene for international efforts, analysed in chapter four.

3.3.1 World-wide implications

The act of piracy challenges authorities of states or governmental legitimacy, and the international community as a whole. However, there are political and legal difficulties, regarding how to deal with this crime, and how to limit its impacts. Although pirates are 'the enemies of all', the UNCLOS provides only a legal base for handling of piracy, and each nation views this crime differently, with different ideas on its elimination. Ultimately, the quality of law enforcement in global terms is extremely weak (Bellish, 2014). As Bueger (2013d) argues, 'good law is not the same as good law enforcement' (p.11).

Many argue that, in order to deal with piracy effectively, the International Criminal Court (ICC), a responsible jurisdiction over global heinous crimes, namely, genocide, crimes against humanity, war crimes, and the crime of aggression, should incorporate piracy as well. However, the ICC would have to undergo substantial changes, and currently excludes piracy (Hallwood and Miceli, 2014). Moreover, on a local scale, pirates do not cause any immediate danger to local communities, and their activity targets perspective sources of money rather than individuals.

Another issue, in legal view, is that, due to coastal states and their interest in maritime resources, the UNCLOS now allows for the EEZs almost two hundred nm, and the high seas are further away from the coastlines, thus making 'certain acts against shipping that had previously been in the jurisdiction of all states (...) mere criminal or civil offences under the coastal state's municipal laws' (Elleman, Forbes and Rosenberg, 2010, p.28).

Furthermore, once a pirate ship is captured on high seas, it is difficult to go any further. Pirates are often released because problems associated with a proper prosecution practices are much greater than benefits of a trial, which would set an example (BBC, 2011). Hence, most prosecutions ordinarily fall on individual countries, or mutual agreements among countries, such as in case of Somalia and Kenya, and their results are extremely limited. Pirates are usually punished according to criminal laws of involved nations, and 'not under international law in an international tribunal' (Marley, 2011, p.64).

Often, countries completely refrain from a trial due to associated high costs. From flying the accused to countries of trials, to incarceration and legal expenses, any one trial many reach millions of dollars (Hallwood and Miceli, 2014). Distances

between countries attempting a prosecution, and locations of committed crimes are often great. Also, given the uncertain results, to actually convict a pirate requires statements, evidence, witnesses from other countries and so on, thus proving the whole process too strenuous (Gómez, Ángel and Navarro, 2013).

Lastly, one must question the very nature of a legal prosecution. What sanctions are adequate, and is a punishment the way, how to tackle piracy? It may very well be that a well-executed trial, in proximity to the area involved, may set a good example and a lesson for active pirates, but, until there are templates to be followed, for example the ICC's policy, piracy will not be threatened, and individuals involved will not be discouraged. An optimal enforcement of piracy requires cooperation, as no one single country is able, legally and otherwise, to do so (Hallwood and Miceli, 2014). Accordingly, piracy remains to stand in opposition to the international community as a self-determined criminal act, able to reshape and relocate at any given time.

3.3.2 Local and regional implications

Locally, it appears that piracy is perceived on a boarder-line between a benefactor and a villain for local and regional authorities, as well as entire communities. Despite state failures and flawed systems, 'to include the territorial sea in the definition of piracy would (...) be a gross breach of state sovereignty' (Paige, 2013, p.148). Therefore, local governments are responsible for this crime, at least when it occurs in territorial waters. Nevertheless, due to instability of governments of nations where piracy occurs, it is unlikely that pirates can be dealt with through proper law enforcement. These countries, such as Nigeria, Togo, Benin, or Somalia, lack legal frameworks for piracy, or, at least, are not able to enforce existing laws (Murphy, 2007). Also, there are no practical ways of dealing with pirates on seas, especially since the EEZs were included to territorial waters, and no coast guard or police units are able to track pirates that far from the coast, or to constantly guard anchored vessels (Marley, 2011).

In addition, most regional governments are too corrupt to provide a good trial. Some law enforcement agencies, such as police, are dependent on bribes, in order to function at all (Hansen, 2009). Pirates as small groups have an advantage in ruling territories precisely because they appear beneficial rather than selfish. Thus, to be perceived by the public as harmful predators, their wider networks and links to other criminal activities would have to be exposed, in order to gain a public image as self-

interested networks, with no common good in mind (Olson, 1975). Since 'maritime threats should hence been seen as interdependent' (Bueger, 2013d, p.9), piracy may lead to a perpetuation of other forms of violence and new illegal activities, such as prostitution in coastal cities.

Bellish (2014) proposes that, in order for local prosecutions to have any effect, they must focus on capturing leaders of pirate organisations. He argues that there is a constant flow of willing individuals to enter these syndicates, existing as open systems. Thus, the most effective solution would be to establish law enforcement units in individual regions, such as in Somalian de facto state Somaliland, where 'local prosecutors may receive training and mentoring from internationally seconded staff funded by donor states' (Guilfoyle, 2012, p.105). Such a system would be more likely to work. However, there is a risk that if a pirate is caught by foreign forces and handed to local authorities, according to Islamic laws, he can be killed, as is the case in Kenya (Payne, 2010). In these conditions, it seems that local and regional prosecution of pirates is just as complicated as it is in international terms, and, perhaps, the most viable solutions lie in international interventions, addressed in the next chapter.

3.4 Somalia case study

At this point, we finally turn to Somalia to examine particular examples of the above-mentioned issues, economic, legal and social effects, and local and regional relationships between people, authorities and pirates.

3.4.1 The Republic of Somalia

Somalia emerged as a failed state through historical processes. In 1960, as part of a decolonisation process, the country became a republic by connecting former British Somaliland and Italian Somalia. As mentioned below, Somaliland aims for independence on basis of its former sovereignty, and is recognised as such by about thirty nations worldwide. Between 1969 and 1991, the nation was under a dictatorship of Mohamed Siad Barre, and, after his demise, further conflicts followed (Leeson, 2007). A civil war that intensified the region's poverty, and posed threats to international peace and security, Islamist power struggles, and clan-based disputes throughout the 1990s provided a fertile ground for criminal activities and, of course, piracy (Silva, 2010). In 2006, the Islamic Courts Union (ICU) took over the capital, and, since then Mogadishu has experienced various riots, demonstrations and violence in

general. In the twenty-first century, a coalition government was established, and in 2009, Shaik Sharif Ahmed was elected as a president. Nevertheless, the country remains fragmented, and, according to The Fund for Peace (FFP) (2014), Somalia is on top of a list of failed states.

It lacks a functional central government, and is unable to provide its citizens with basic security, as well as to maintain formal relations with other states (Potter, 2004). Despite Somalian homogeneous religious structure, the overall societal organization is still a major obstacle in a creation of an effective government (so far there has been sixteen attempts for a stable government), still heavily relying on clans and regional structuring, which, however, can provide a considerable stability.

3.4.2 The rise and fall of Somalian piracy

Somalian piracy has always made use of the country's long coastline, as well as the Gulf of Aden's traffic, 'with more than 20,000 ships a year' (Bueger, 2013c). Piracy first emerged in the region during the civil war, as a result of increased insecurity and economic dislocation (Wambua, 2009). Somalia remains marginalised, and its collapsed economy contributes to increased poverty, unemployment, and a general backwardness. Somalia's law enforcement as a whole is weak as well as corruptible, thus providing a limited oversight to illegal activities.

In addition, by the mid 1990s, Somalian waters became overcrowded by foreign trawlers, who pushed out local fishermen, thus causing their bankruptcy, and a further sense of insecurity. As a result, Somali fishermen began to attack those ships on small boats, with basic weapons, demanding money, and making their own kind of 'justice' (Beloff, 2013). Shortly, they realised a potential and a true value in these vessels' crews. By 2008, this model was given a narrative, legitimising Somalian piracy for local communities (see Appendix 11). This 'grand narrative' depicts pirates as protectors of the Somalian waters from intruders, who not only fish but also dump toxic wastes. Thus, piracy became presented as 'the performance of quasi-state functions, and as orderly and rule-based' (Bueger, 2013b, p.117). Thus, the contemporary Somalian piracy emerged as a response to hyperinflation, a realisation of a viable business model (that is, hijacking for ransom), missing law enforcement, and a gradual legitimization through the 'grand narrative'.

By 2010, out of 445 worldwide attacks, there were 219 attacks attributed to Somali pirates alone (IMB, 2011) (see Appendix 4). Their operation field has spread from 'the Gulf of Aden, southern Red Sea, areas off Yemen and off Oman and Arabian Sea, to coastal waters off Kenya, Tanzania, Seychelles, Madagascar, Mozambique, Indian Ocean, Indian west coast, and Maldives west coast' (IMB, 2011, p.19) (see Appendices 12 and 13).

By 2011, however, due to international efforts and military interventions, Somalian attacks began to decrease and, within two years, they essentially disappeared. In 2013, there were only 15 reported attacks by Somalian pirates (IMB, 2014a). However, since this is mainly due to international efforts, rather than changes in Somalia, reasons for this change will be analysed in chapter four. Here, the thesis primarily comments on a Somalian perspective and Somalian experience of piracy. In addition, according to the IMB (2014b), there are still reasons to believe that Somalian piracy may re-appear, because no internal changes within Somalia itself have been made.

3.4.3 The business model and economic impacts

Somalian piracy has a good organisation, socio-economic links, and a capable leadership. In practice, Somalian pirates use speedboats and mother ships, thus having an advantage over other vessels. Individuals take part in pirate business due to a lack of other opportunities, a financial motivation, as well as due to a belief that piracy is 'a tax on foreigners who are overfishing Somali waters' (Hallwood and Miceli, 2014, p.n.g.). Pirates have a sophisticated profit sharing model, keeping around 40% of ransom for themselves, using approximately 10% for bribes, and distributing some 50% to clan leaders and financial supporters. Overall, a single pirate may ear around 15,000 dollars (BBC, 2012; Kamola, 2011), and a clan leader can receive up to 100,000 dollars from a single kidnap (see Appendix 14 for an example of the pirate profit sharing).

Given the country's GDP is extremely low, piracy supports Somalian fragile, yet increasingly more vibrant, economy, and also individuals and their families. BBC (2012) report points to investments in regional centres, indicating that 'the benefits being shared out between a large number of people due to the clan structures in place' (p.n.g.).

The most famous pirate-entrepreneur, who managed to create a successful business, is Mohamed Abdi Hassan, known as Afweyne. Afweyne professionalised the kidnap-ransom model, created a cross-clan network, helped the local economy, and established a 'pirate stock exchange', allowing individuals to invest in pirate ventures, and providing a culmination of money, as well as a cooperation among people (Bahadur, 2011; Bellish, 2014; Hansen, 2009).

In regard to a prosecution, due to corruption and a general sense of protection from pirates, Somalia shows little interest in punishing this crime. The present government tries to cooperate with the international community, but, as mentioned above, its law enforcement abilities are very weak. Therefore, the greatest authority remains with clans and clan leaders, who, of course, do not wish to turn against these criminals for social as well as financial reasons.

3.4.4 The question of a failed state and piracy

Thus, it is questionable whether the collapse of the Somali state is further perpetuated by piracy. Rather, it appears that Somalia as a state will always remain lawless, because 'to even speak of Somalia as a uniform entity is a mischaracterization' (Bahadur, 2011, p.17-18). By observing individual units of this failed state-system, one notes a significant degree of sovereignty and stability. Piracy is, indeed, a result of the state's failure, but it also brings positive impact on local developments.

Based on the clan-system and local governments, Somaliland and Puntland are two regions able to function effectively, given the overall destabilisation of the country. Somaliland, with its own constitution, strives for a complete independence, currently representing a de facto state. Puntland, the infamous stronghold of pirates, also shows a high degree of stability, and, as Johnson and Smacker (2014) argue, a gradual process of democratisation. More on the region's sovereignty will be said in the next chapter.

Hence, in Somalia, there is 'a kind of highly-ordered lawlessness' (Guilfoyle, 2012, p.88), which, in certain parts, exemplifies 'security, stability, and some degree of democratic consensus' (Johnson and Smaker, 2014, p.12). Therefore, the nation should not be viewed in a paradigm of a state failure, but rather as an entity in making, where piracy is an element of this process, and not a cause of lawlessness.

Piracy's internal characteristics are of crucial importance in Somalia and elsewhere, as they ultimately determine the nature of this crime, its future and its

international status. One cannot speak about Somalian piracy without discussing its elaborate business model, and, in the same manner, it is vital to understand inner workings of piracy, and to separate them from an international viewpoint on maritime crime.

4. The international community and piracy

This chapter shifts from the issue of piracy as a uniform phenomena, and attempts to see it in a more contextualised manner, in relation to the international community. It also makes broader connections within the arena of international politics, addressing the occurrence of pirate activity in a wider perspective. The text will begin by discussing a detailed legal framework for international interventions, followed by an analysis of counter-piracy efforts, their initiators and final results. Also, it will be examined how piracy affects international and local politics, and how these issues manifest in Somalia.

4.1 Legislative in detail

This section takes a final look on the existing legislative related to piracy, expanding on the previous references to international law and universal jurisdiction. In terms of law, the international community is concerned with security at high seas due to safety, equality and sovereignty of all nations that use international waters for transport. As discussed earlier, the UNCLOS, ratified by 165 states, is built on the 1958 Convention on the High Seas. It consists of 320 articles, and seven of these focus on piracy. It establishes rules for maritime law and order, and stresses the importance of a global cooperation and recognition of these rules. Today, all activities related to oceans and seas have to comply with the UNCLOS. Article 101, cited in the first chapter, is the most important legal articulation of the act of piracy, arguing that piracy is an act of violence without a political motivation, thus strongly embedded in anarchy, a lack of order and illegality (Guilfoyle, 2012). At high seas, all states are allowed to arrest pirates, to organise strategic operations, and to exercise their powers over illegal actions.

However, as mentioned above, what constitutes high seas is undermined by interests of sovereign nations, who claim territories of the contiguous and exclusive economic zones for themselves (Silva, 2010). Therefore, some states have been reluctant to ratify the UNCLOS for an extended period of time. In consequence, an operation field for interventions against pirates by the international community is restricted, and a legal precedence of the UNCLOS is bypassed (on basis of legal agreements, rather than illegal breaches) (Marley, 2011).

Moreover, the UNCLOS is 'a subject to interpretation and application by every signatory government' (Marley, 2011, p.39). In other words, issues such as legal standards, ways to cooperate, handling of pirates, or a prosecution of criminals at high seas, are all understood in multiple ways. The Convention is limited to general guidelines, and other legal instructions are required. For example, the punishment of piracy, a matter discussed in the previous chapter, is not backed up by international jurisdiction, and thus, it falls within heterogeneous legal interpretations in different countries.

Thus, the international community draws, within its policing, security actions, and attempts to create an atmosphere of cooperation, on a legal document that is only an introduction to an entire area of piracy-related issues. In this vain, and also as an attempt to bridge the gap between territorial and international waters, there are agreements among nations, aimed at strengthening international jurisdiction.

The Djibouti Code of Conduct (DCoC), created in 2009, is a cross-continental, regional agreement, implementing hands-on strategies for cooperation among Djibouti, Ethiopia, Kenya, Madagascar, Maldives, Seychelles, Somalia, the United Republic of Tanzania and Yemen (Negi, 2009). This agreement suggests dealing with piracy through developments, trainings and education in piracy-affected regions. In relation to this conduct, there have been new entities introduced, such as the Contact Group on Piracy off the Coast of Somalia (CGPCS) (Silva, 2010). The next section will return to the DCoC, as well as introduce a similar initiative outside military interventions.

A significant part of the international legal structure consists of efforts by the UN. Since 2008, there have been extensive additions to legislative concerning piracy. The United Nations Security Council (UNSC) has adopted resolutions to support anti-piracy efforts, and to raise awareness about issues related to pirate activities. For the first time, these resolutions address causes of piracy, as well as acts of piracy themselves, thus providing a closer look at the actual problem (Altafin, 2014).

In 2008, the UNSC passed a first set of resolutions, informing member states about the severity of piracy, particularly in the Somali region. *Resolution 1814* presents Somalia as a sovereign nation, but it also informs about its humanitarian crises, and emphasises the importance of direct action by the international community. In the next *Resolution 1816*, the Security Council authorises actions in Somali territorial water, and renders 'assistance to vessels threatened by or under attack by pirates or armed robbers,

in accordance with relevant international law' (UNSC, 2008, res.1816, paras. 2 and 3). This resolution already stresses military interventions rather than cooperation, while presenting any involvement as a temporary measure, arguing that it does not attempt to alter existing international law. Followed by Resolutions *1838*, *1846* and *1897*, the UN further stresses direct involvement in Somalian waters, while in *Resolution 1851*, the Security Council urges 'all States (...) to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations' (UNSC, 2008, res.1851, paras. 2-5). This resolution has become later supported by a creation of the CGPCS.

In resolutions *1918* and *1950* of 2010, the UN continues its efforts to call upon nations to stabilise pirate situation in the Gulf of Aden Resolutions *1976*, *2015* and *2020*, introduced in 2011, suggest ideas on prosecution of pirates by special courts, and *Resolution 2018* finally addresses piracy in the Gulf of Guinea, requesting cooperation within the region. Resolutions *2039* and *2077*, implemented in 2012, and, lastly, *Resolution 2125*, published in 2013, all renew authorisation for actions within the Somalian territory. How were these resolutions used in practice will be addressed in the next parts.

4.2 Counter-piracy efforts

From the EU, the AU and the North Atlantic Treaty Organisation (NATO), to the League of Arab States, and former enemies, such as Russia, the USA or China, more than forty countries are involved in counter-piracy efforts, mutual cooperation and joint forces, to address threats of piracy, and to offer various solutions to the problem (World Bank, 2013; UNCTAD, 2014).

Piracy requires a range of responses, from military operations and strategic initiatives, to preventive measures, because 'if it is considered as a symptom then piracy becomes a secondary problem as the true one is structuring its root causes' (Altafin, 2014, p.18). Thus, any international aid must also address state building and an establishment of a good regional infrastructure, making any involvement in counter-piracy efforts multi-layered and multi-dimensional.

4.2.1 Military interventions and international operations

In Asia, the first initiative to counter-piracy activities was the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in

Asia (ReCAAP), established in 2004 (Murphy, 2007). When, in 2005, the Joint War Committee (JWC) of the LMA labeled the Malacca Strait an area highly prone to piracy, there was a quick multilateral response by Malaysia, Indonesia and Singapore, defeating Southeast Asian pirates within a year (Chalk, Smallman, and Burger, 2009). However, this surge of piracy was only a beginning of a decade marked by hijackings and attacks in different parts of the world, but, most notoriously, in the Gulf of Aden.

It was not until 2008, with several high-profile hijackings in this region, that the UNSC resolutions occurred, finally addressing piracy in its full extent, and forcing international organisations to react (Guilfoyle, 2012). The first NATO mission was the Allied Provider, escorting the World Food Programme (WFP) ships through the Somalian area between October and December 2008 (Altafin, 2014; Marley, 2011). The second deployment by NATO, the Allied Protector, took place between March and August 2009, designed to continue a presence of international military forces in the region. The third and current mission, the operation Ocean Shield, remains active, providing a successful cooperation among various nations (Altafin, 2014).

At the same time, the EU manages the operation Atalanta, initiated in December 2008. It is the first instance of the EU to establish a joint naval task force to operate in international waters (Marley, 2011). In 2012, the Atalanta became complimented by an onshore mission, the EUCAP Nestor, designed to help in Djibouti, Kenya, the Seychelles, Somalia and Tanzania, in order to develop regional training for 'a self-sustainable capacity for continued enhancement of their maritime security' (Bueger, 2013a, p.n.g.), as well as a development of legal framework within these regions to deal with piracy.

The EU and NATO are thus the two main providers of international suppression of piracy, aided by the US Task Force, as well as nations willing to participate in these efforts, such as Russia, India, or even Brazil.

4.2.2 Alternative initiatives

The second area of international interventions to tackle piracy involves less invasive approaches, alternative to deployments of naval vessels and military personnel. In 2009, the UN established the CGPCS, to coordinate all countries and organisations involved in the counter-piracy missions, and to allow a space for discussion, providing 'a partnership of nearly 80 countries and international organizations, all working toward

the prevention of piracy off the Somali coast' (Pristrom, et al., 2013, p.676). Moreover, the United Nations Assistance Mission in Somalia (UNSOM) attempts to cooperate with Somalian and other regional authorities to develop legislative and a prosecution system.

On a regional level, the DCoC, a result of international meetings, organised by the IMO, aims to tackle piracy and armed robbery through regional counter-piracy measures, based on 'information-sharing, national legislation update, regional training, and capacity-building' (Pristrom, et al., 2013, p.690), striving for long-term solutions. Unlike the sub-regional DCoC, the 2050 Africa's Integrated Maritime Strategy (AIMS), adopted at a summit of the AU in January 2014, exemplifies the most localised efforts to eliminate piracy, presented so far. It attempts to develop African-based maritime security, functional on a continental level, rather than reliant on an outside help. According to Stockbruegger (2014), it is 'the first true African effort to reclaim the continent's maritime security agenda' (p.n.g.).

Lastly, there are efforts within the private sector to establish preventative measures, filling the gap between international and individual protection of vessels and their crews, and ranging from contracted armed security personnel on board, to an implementation of the Best Management Practices (BMP). These include preventative solutions such as satellite-based tracking systems, or travelling in such a speed that pirates cannot execute an attack (BBC, 2011; Gómez, Ángel and Navarro, 2013; BMP4, 2011).

4.2.3 Effects and results

Clearly, the emergence of maritime protection by the international community has significantly altered the overall perspective on pirate activity today. Moreover, the 'international collaboration has definitely been fundamental to containing the pirate threat' (Altafin, 2014, p.33). Together, the EU and NATO are able to have up to fifteen active ships in the Gulf of Aden, accompanied by the US Maritime Forces. In the eyes of Western media, the defilement of Somalian pirates is an enormous success, indicating good international cooperation, and an ability to react timely and effectively (see Appendix 15). Nevertheless, the success and the way these interventions unfold are more complex.

The operation Atalanta's major achievement is a reduction in successful kidnappings, but it has in no way reduced attempted hijackings. In addition, the EUCAP Nestor, completely failed to succeed in its objectives, due to a lack of cooperation by African nations (Bueger, 2013a).

Furthermore, as Smith and Gebhard (2014) indicate, working cooperation and mutual support of international entities is due to an informal collaboration, rather than any official program for joint planning. Thus, the organisations have discovered 'creative ways in which to individually and collectively overcome political limitations' (p.n.g.).

Crucially, this international maritime support 'has effectively treated the symptoms of the disease' (Altafin, 2014, p.33), but, so far, it has avoided the true causes of Somalian piracy, thus providing only short-term solutions. Also, finances allocated to these efforts would likely do greater good if used for onshore programmes. In fact, as Bellish (2014) points out, '99.4% of all direct costs were spent on short-term mitigation' (p.9).

Hence, examples of softer approaches to counter-piracy remain scarce, and most factors that trigger piracy still exist (Gjelsvik and Bjørgo, 2013). According to Bueger and Saran (2012), programmes, such as the DCoC or the 2050 AIMS, are over-ambitious, and largely dependent on international financial support.

So, which approaches work more, and what results can be seen in practice? The international naval forces create an unfavourable environment for pirates, but the true success comes from self-defensive strategies, applied by the naval industry itself. Hence, 'so far at least no ship with an armed detachment on board has been hijacked' (Murphy, 2012, p.8), and a compliance with the BMP dramatically reduces risks of hijackings. However, there are also standing concerns about armed guards on board, in terms of safety, as well as legality, showing that not even this approach remains unchallenged (Bradsher, 2014).

4.3 Piracy and the world stage

This section shows that international efforts to eliminate piracy do not exist in a vacuum, but rather as a part of social and political tensions on the world stage. Thus, there are conflicts between interests of sovereign nations, international organisations and private institutions, which inevitably affect a regional situation in piracy-affected

areas. Thus, piracy may reveal 'how apparently local problems can have considerable global effects' (Bueger, 2013d, p.9), and it questions whether the global governance strives for a unity or a fragmentation and a struggle for power. In this respect, there is a need for 'a pluralistic perspective that recognizes that several overlapping motivations (...) are observable' (Stockbruegger, 2011b, p.n.g.).

4.3.1 World-wide political implications

Apart from international security and global order, what other motifs stimulate the international community to fight piracy? There is the element of protection, but it is also a protection of each entity's own interest, based on international power struggle.

Firstly, when the EU and NATO deployed their first naval vessels, their public image was of humanitarian missions on sea. Nevertheless, clearly, their purpose was military, 'embracing the humanitarian argument as a successful political strategy' (Bueger, 2010, p.n.g.). This military approach is, in turn, based on other interests, stemming from geo-strategic motivations, and maintenance of the balance of power.

In Southeast Asia, states are more suspicious of one another, and 'it is inevitable that doubts about the durability of any anti-piracy agreement will persist' (Murphy, 2007, p.175). China is more interested in bilateral agreements, rather than multilateral ones, because that way, it can exercise its power. Japan, India, Russia and Brazil, on the other hand, have become active in the anti-piracy initiatives as a result of their own fears, based on China's involvement in the international maritime efforts, and an 'increasingly forceful claim to sovereignty' (Bradsher, 2014, p.n.g.).

For the United States, the danger of African piracy is primarily related to oil supplies and potential maritime terrorist activities (Barnes, 2005). And, since the United States' Navy has always had a strong position within the Southeast Asian international waters, expanding this influence to the East African region seems as a logical step. Consequently, all superpowers, or states with a rising influence and power, wish to participate and not to be left out, in order to take part in the balancing of power on the world stage (Winner, 2011; Erthal Abdenur and de Souza Neto, 2014). Thus, it is a reasonable assumption that all international efforts to intervene in waters of Africa as well as Asia are motivated by self-interests (Chalk, Smallman, and Burger, 2009). Ultimately, due to these motivations for the international community to act, it avoids

addressing real causes for piracy, and perpetuates a cycle of violence and violence suppression.

In addition, what is 'common to all these states and inter-state alliances', is a protection of 'the flow of key commodities' (Trumbull, 2010, p.n.g.). In this sense, all waters affected by piracy are also spaces of capitalist exchange and hegemonic power struggles, and any military presence is based on financial interests as well as interests in regional resources, such as oil (Kamola, 2011). Therefore, any efforts are efforts to protect each entity's sea-lanes (Winner, 2011). This is also true for the private sector. Here, piracy also serves as a new area of business opportunities, such as an export of weapons and military items (Quinn, 2013; Mason, 2013). Hence, when considering the counter-piracy initiatives, one must search for layers of meaning, and reasons for credibility, in order to see the whole picture, based on tensions among sovereign nations, international bodies and private organisations.

Lastly, foreign policies of individual nations vary, and are inevitably linked to other issues such as human rights (Recchia and Welsh, 2013). According to Korab-Karpowicz (2013), political and national entities such as the EU, Canada, the Netherlands, the United Kingdom or the United States, are more inclined to a Kantian view of foreign politics. Their approach is liberal, and pays attention to moral codes, individual and collective rights. Countries such as Russia and China, on the other hand, support the Hobbesian model, with more forceful intervention strategies and a 'neo-realist' approach to international relations (Forsythe, 2000). As a result, they promote their own national interests, and are wary of potential aggressors, thus being less sensitive to human rights issues. Therefore, the drive for counter-piracy efforts is a mixture of authoritarian and more liberal views.

Nevertheless, again, this issue is not so easily resolved. Whereas China and Russia are subjects of international criticism for ignoring human rights (Tibet and Chechnya being the most notorious examples), and China in particular faces challenges in regard to capitalist enterprises in Africa, the so-called liberal approach of the West is mainly driven by economic interests. To point to breaches in human rights is a part of a political agenda, pointing to potential rivals in their struggle for power. For example, deals with countries of the Gulf of Guinea to export oil by means of corruption are not uncommon.

Thus, similarly to all international efforts, human rights preservation or abuses are also not black and white, are unpredictable, and often underlined by self-interests within the entire international sector.

4.3.2 Local political implications

Consequently, the international involvement in the issue of piracy is driven by global interests, from political to economic, and, mainly, by the West, as well as by emerging powers in other parts of the world. Thus, regional and local interests, nations and their citizens, are secondary. In Africa, 'the entire continental maritime waters are virtually encircled by the western and non-western naval forces, in effect militarising the oceans surrounding Africa' (Rao, 2014, p.n.g.). This clearly points to 'the glaring unevenness of the emergent global order' (Negi, 2011, p.35), and a continuous instability in areas where piracy exists.

Piracy is primarily a local issue, affecting the states that also host pirates, from East and West Africa, to Indonesia or India (Chalk, Smallman, and Burger, 2009). From unemployment and a lack of education opportunities, to endangered fishing livelihoods, roots of piracy are still present (Hatcher, 2013).

According to Kamola (2011), even when looking back in history, the international community has failed to aid on land, and thus to address the key reasons for maritime crimes. Consequently, Stockbruegger (2014) argues that possible solutions rest in initiatives such as the 2050 AIMS, which could open a window for regions to 'reclaim the maritime security agenda from external actors and to define a coherent and development oriented maritime security strategy' (Stockbruegger, 2014, p.n.g.).

In regard to Somalian missions, the greatest failure of the global community rests on its insistence to preserve the idea of a state, even when there is none. The idea of a failed or weak state ensures a line of reasoning necessary for a justification of the international interventions. Nevertheless, people living in these regions view concepts such as state failure as purely imaginative (Trumbull, 2010). Moreover, Berg and Kuusk (2010) argue that Somalia lacks empirical sovereignty, based on external and internal manifestations. While officially a *de jure* sovereign state, Somalia provides high external sovereignty, based on international relations, official status, and diplomatic relations, but low internal sovereignty, consisting of symbolic attributes, governance or territorial integrity, thus arguably failing to participate in the international arena

properly (see Appendix 16 for an illustration of various degrees of sovereignty). An additional note on the subject of Somalian sovereignty will be discussed in the last section.

Concerning Southeast Asia, Hastings (2009) suggests that this area provides an example of a greater sophistication of pirates as a consequence of better economies on land. This indicates that the same could be the case in West and East Africa, if countries, such as Somalia, Niger or Togo, gain greater stability. By the same token, pirates are not simply criminals, let alone terrorists. They are consequences of wider issues and global marginalisation. Therefore, socio-economic processes always underline all developments in the pirate-centred paradigm.

Lastly, many suggest that ransoms go, in part, into financing of terrorist groups, such as Al Shabab in Somalia (Gómez, Ángel and Navarro, 2013), and 'there are many (...) who are quick to label pirate attacks as maritime terrorism' (Snoddon, 2007, p.225). However, this view would reduce piracy to a political manifestation with agendas and strategies. In reality, pirates are a reactionary group, susceptible to opportunistic businesses, and a random coordination of actions. They are a result of power struggles in the capitalist space, and the very last body in the contemporary global food chain.

4.4 Somalia case study

The case of Somalia, and its rise and fall of pirate activities is a complicated one. On the one hand, recent events, based on counter-piracy efforts, proved effective, dramatically eliminating the Somalian maritime crime. On the other hand, however, little has changed in terms of root cause for piracy itself, or for the state as a whole.

Beginning in the 1990s, the international community has intervened within the region in order to restore stability. The UN organised humanitarian missions, due to famine, high mortality and civil unrest. These missions were unable to provide order and permanent governance, eventually abandoning the country completely (Leeson, 2007).

Since then, the global community has participated in short-term initiatives, such as humanitarian aids to prevent drought-related disasters, and diseases outbreaks. Nevertheless, a direct threat to the established status quo in a form of maritime attacks, emerging most clearly in 2008, forced the powers that be to interfere more profoundly

than before. By endangering international interests, Somalia has finally received attention as a failed state, and thus an enabler of piracy.

However, counter-piracy efforts in Somalia are undermined by heterogeneous objectives within the international community. In 2006, the Supreme Council of Islamic Courts (SCIC) consolidated power in Mogadishu, and by proclaiming that piracy was against Islamic beliefs on the one hand, and by organising anti-piracy missions on the other, piracy in central Somalia disappeared (Payne 2010).

Despite this success, the same year, the US counterinsurgency, working together with Ethiopia, removed the SCIC from power, and piracy re-emerged. Many argue that the SCIC managed to tackle piracy in a strategic way, and that it was 'one of the most efficient local remedies against piracy in Somalia used so far' (Hansen, 2009, p.27). This view has also been supported by the EU, arguing that, in a long run, the Islamic Courts could bring economic stability to Somalia as a whole, thus suggesting that interests of the international entities have never been unitary in nature (Marley, 2011).

The Transitional Federal Government (TFG), supported by the USA, replaced the Islamists, and quickly proved to have no control over the national territory, let alone pirates. This suggests that state building in Somalia is of interest to other nations only as means to achieve their own political goals.

Furthermore, foreign interventions cause Somalian macro-regions a great sense of uncertainty, resulting in tensions and territorial disputes. For example, in 2007, the Maakhir State of Somalia (see Appendices 17 and 18) proclaimed autonomy in response to aggressive claims of Somaliland and Puntland to parts of the region, only to be incorporated into Puntland two years later. This ex-British colony was historically a self-governing region, stripped of its independence with the creation of the Republic of Somalia. Despite its support of federalism, and a good approach to humanitarian aid, Maakhir State became gradually disadvantaged, and was never recognised by the TFG (Somalia Online, 2014).

Somaliland and Puntland themselves are excluded from the international community as a result of standing sovereignty of the state as a whole. Yet, its sovereign attributes are not so straightforward, as mentioned above. Thus, Somaliland is a *de facto* state, outside the current state-system paradigm. It is not legally recognised, but its internal sovereignty is much greater than Somalian (see Appendix 16). Similarly,

Puntland is an autonomous region with internal strength and external exclusion from the world politics.¹ These regions have 'formally established governmental structures and claim to have legitimacy in the eyes of the people (...) contrary to the expectations of the metropolitan state' (Berg and Kuusk, 2010, p.43). In this view, separate regions of Somalia, while still lacking international recognition, probably provide greater stability in terms of sovereignty than Somalia.

In regard to Somalian territorial waters, due to power related interest in the region, the Somali coast has been a subject to capitalist interests of other nations for decades (Kamola, 2011). From India, China and Russia, to the USA or France, there is a 'desire to have greater control over the African side of the Indian Ocean Rim' (Silva, 2010, p.573). Thus, Somalia and its statehood or internal stability are not a major concern.

As discussed in previous chapters, by 2013, Somalian piracy has dropped due to naval forces in the Gulf of Aden, and preventative measures within the private sector (IMB 2014a. East Africa saw 117 attacks in 2009, and only 6 in 2013 (see Appendix 4). The reduction in overall Somalian piracy is impressive, and it is true that Somalian piracy dropped its share on African piracy as a whole, 'from nearly 50 per cent in 2008 to about one third in 2010 and 17.3 per cent in 2012' (UNCTAD, 2014, p.10), but these positive changes show very little about Somalian situation on land. Also, all measures taken to come to these positive results are painstakingly short-term solutions.

Military naval presence, and security on boards of ships are currently holding Somalian pirates back, but these applied strategies in the region are only provisional measures. Pirate activities have moved from the Gulf of Aden to more distant areas (see Appendix 15). In addition, if opportunities arise, Somalian pirates will go back to business in an instance, motivated by a financial gain, as well as a sense of power (Bellish, 2014). As Bueger (2013c) states, 'Somalia will always be a fruitful terrain for piracy operations' and 'piracy in Somalia might return, if the lessons of the past outbreak are not learned and sustainable structures are put in place' (p.n.g.).

Again, the way to deal with Somalian piracy rests on Somalian land, through both land-based operations, and local communal initiatives. Law and persecution of pirates are all nice and well reasoned, but the root causes of piracy cannot be

¹ Puntland, unlike Somaliland, does not strive for a complete independence and a status of a sovereign state. Rather, it aims for a federal-type of sovereignty, where it would exist as an autonomous part of a heterogeneous whole.

overlooked. What the global powers do is to deal with pirate incidents as they happen, since this approach is less costly, and requires less international and inter-regional cooperation (Beloff, 2013).

Thus, long-term solutions on land must be centred on regional self-governance, based on an infrastructure development, economic and political stability. The key idea is not state building, but rather good governance in individual territories, such as Somaliland and Puntland. From there, other stabilising processes can emerge. It is vital for the international bodies to abandon any counterinsurgency operations, which decisively undermine any internal efforts within the nation to rebuild itself. Bueger (2013d) identifies this strategy as a window of opportunity, where local communities would treat their own issues sustainably, and, at the same time, tackle problems such as the illegal fishing and dumping of toxic waste (Altafin, 2014). This approach, focused on power-sharing within the international and local communities, could take form in federalisation of Somalia, and would likely motivate Somalia to self-develop, and to have a say in the international arena, which, so far, has been the major drawback for Somalian national consciousness to emerge.

5. Discussion

This chapter is a conclusive piece of evidence in the work's effort to bring together two phenomena: the modern day piracy and the international community. Here, the text comes a full circle in assessing contemporary politics, different entities with different methods to exercise their power, and issues of the twenty-first century, such as globalisation and transnationality. This section proposes two considerations, based on previously discussed issues, and thus arrives at the most crucial aspects of piracy and world politics.

Firstly, piracy is, without a doubt, a public threat. It is an illegal activity, based on unlawful business models, designed to gain wealth with no economic productivity or social value attached to them. Thus, pirates truly are 'enemies of all'. Their actions venture beyond the idea of statehood or any established social structures (Trumbull, 2010). Piracy causes human suffering, whether it involves injured crewmembers or families of kidnapped individuals. It contributes to social instability and a proliferation of insecurity for humans. Also, piracy causes economic losses, from global trade and the international community's budgets, to money paid in ransoms and finances spent on humanitarian aid.

On a local level, pirates maintain the existence of failed states by perpetuating a cycle of criminal destabilisation, and a communal failure to act in unity. Thus, there is a need for counter-piracy measures and international interventions, in order to stop this maritime crime for a betterment of people and communities.

Nevertheless, as Pristrom, et al. (2013) argues, it is not entirely true that piracy destabilises itself through its expansion, and a subsequent suppression by force. As the case of Somalia shows, elimination of pirate activities in one place does not stop piracy elsewhere. Thus, in West Africa, as well as Southeast Asia, piracy not only continues, but emerges as more sophisticated. Furthermore, pirates operate further at sea, thus limiting a sense of predictability. Nevertheless, the recent pirate surge in East Africa also forced the international community to address Somalian national instability and decay. Moreover, piracy motivates authorities to reconsider maritime security, and missing legal structures (Altafin, 2014).

Addressing the other consideration, piracy is also an indicator of other forces at work. It shows inconsistencies within the global division of power and global order

(Negi, 2011). It challenges the existing status quo by denying any form of formal structures, but also, by pointing to global inequalities among entities that care primarily about their geo-political position. As Altafin (2014) stresses, 'maritime security threats tend to look very local at first sight but they can rapidly lead to global effects' (p.18). Hence, contemporary piracy depicts how the international arena is divided and ruled, and who has the right to intervene, from formal organisations such as the EU and NATO, to sovereign nations, such as the USA and Russia. There is no single voice within the international community. It is rather a myriad of power relations, working together, as well against one another (Chalk, Smallman, and Burger, 2009).

In this way, piracy is convenient, if not desirable, allowing superpowers and transnational entities to claim a responsibility to react, and to exercise power over affected territories, leaving out regional states, supposedly too weak to participate in global affairs. Piracy provides an arena for new world actors to take part in repressive actions, from China and Japan, to private organisations that supply weapons for the counter-piracy operations. International entities do not want to be left out, requiring an access to the balancing of power (Bromley, 2009).

A major problem arises from the fact that these entities measure their legitimacy to power through capital enterprises, efforts to protect global order, and a preservation of their own wellbeing. Global powers, ruled by consumption, accumulation of capital, and marginalisation of disadvantaged regions, are unwilling to alter current hegemonic structures in geo-politics.

In Somalia, coastal areas are a witness to transports of world oil supplies, and desired commodities, and to an accumulation of goods to and from privileged countries. The nation faces 'disadvantage by economic developments and globalization processes', and is not 'allowed to participate in sources of wealth' (Bueger, 2013c, p.n.g.). Thus, Negi (2011) asks: 'Is not the money gained out of piracy a kind of compensation for what outsiders have stolen from Somalia, (...) a form of rent?' (p.37). Furthermore, unlike many international players, pirates participate in the regional economy through investments into local communities. Therefore, their role can be viewed as more active.

So far, all external initiatives have further destabilised the region, from the removal of the SCIC in 2006, to a continuous denial of power resting in local clan leaders. In reality, the case of Somalia shows that counter-piracy efforts require preventative, multi-layered approaches, rather than a repression, limited to military

interventions and training on land, based on principles of the West. Thus, the issue of piracy is more complex, and how the international community interacts and responds to the problem of piracy, mirrors other approaches to other global problems.

Somalia can serve as a blueprint for dealing with piracy in different parts of the world, in a sense that it is not ideal to view the nation as one whole, with one criminal activity that is a result of the state's failure. In this region, statelessness and disintegration into autonomous areas create a 'window of opportunity' for localised functionality, such as in Somaliland and Puntland (Altafin, 2014).

All over the world, the future of piracy presents many question marks. With the decline in East Africa, regional stability is once again secondary to the international community. The window for a change closes, leaving underlying issues unsolved. In the meantime, pirates in Asia and the Gulf of Guinea still threaten maritime transport, and look for new inventive ways to operate more efficiently.

Thus, what lessons are to be learnt from the rise of piracy since 2008? Clearly, in order to deal with pirates in a way that is quick, as well as effective in long run, there must be versatile strategies and initiatives, involving international entities with financial means, and regional communities, affected by piracy the most. Such an approach is about 'intertwining long-term political and economic incentives with a short-term clamp-down on pirate activities' (Murphy, 2012, p.4).

One potentially promising approach is to focus on an imprisonment of pirate leaders. Historically, this method has been successful in most cases where criminal activities involve groups, financiers, and heads of such structured units (Bellish, 2014). Moreover, all initiatives must 'boost governance and socio-economic development in coastal societies' (Chalk, Smallman, and Burger, 2009, p.xii), and help to develop good legislative for both maritime crime and socio-political issues onshore.

If the international community leaves the overall pirate issue unsolved, as it probably will, and no lessons are learnt from current events, piracy will continue to exist, and is likely to re-occur in regions that have been 'cured'. In the gloomiest scenario, all current operations will be ended when pirate incidents disappear, and the shipping industry will gradually withdraw its armed guards, as well as loosen its BMP measures (Bueger, 2013b; 2013c). This may lead to a new piracy upsurge, stemming from unresolved situation on land. As discussed earlier, pirates are a result of greater

problems, and none of these has been dealt with. Thus, one must turn towards new programmes, such as the 2050 AIMS, and hope that these 'home-grown' strategies will treat the issue of piracy more sensitively, and less as a matter of international power struggles.

Conclusion

Piracy is a global phenomenon, characterised by criminal activities at sea, independent of any social, political or legal structures. It is 'a modern transnational threat with unique features' (Altafin, 2014, p.6), affecting individuals, groups and institutions on a large scale. This text examined its contemporary faces, and situated its effects as well as causes alongside the world of international politics. The thesis attempted to widen the discussion on contemporary piracy, and to see it in an integrated manner, drawing on prevalent trends in the international arena, from the global economic stratification, to views on law and order. Thus, the text assessed an interplay of piracy and the international community. Its aim was to analyse piracy from a local and regional perspective, and, at the same time, to understand its international implications, inevitably returning to places where pirates are born.

The work showed that piracy, increasing since 2008, has been successfully suppressed in East Africa, but other regions, most notably West Africa and Southeast Asia, are still linked to maritime crime and hijackings at sea. On numerous occasions, it was explained why underlying causes of piracy rest onshore, where a lack of governance and formal institutions enable anarchic state of affairs. The text also stressed that all initiatives by the international community are governed by current geopolitics with a complex nature, and thus their results are not straightforward or simple.

In chapter one, the text presented a historical and theoretical background of piracy, showing that contemporary pirates have a sophisticated business model, spreading across the world, and affecting various spheres of social and material lives. This section also noted that the first legal documents on piracy were created in the twentieth century.

Chapter two concluded the theoretical aspect of this work by presenting the 'New Middle Ages Theory'. It showed how the role of sovereign states changes, and that there are tensions between the idea of statehood and other entities with international power. This chapter looked at two trends, one being a transnational legitimacy, and the other dissolution of states into smaller units, such as de facto states. It was argued that in both instances, these other than national entities make decisions and create order. Thus,

a failed state, unable to engage in international affairs, and yet autonomous, provides an ideal territory for pirate activities.

Chapter three moved towards a practical assessment of the subject matter. It discussed piracy as a phenomenon in its own right. Addressing root causes and operation models, it was described how piracy affects global and local economies, political and social lives, and legal establishments. Through the Somalian case study, the work showed how piracy impacts the world and local communities, concluding that a failure of a state is not a relevant concept for Somalia, where regional social structures prevail.

Chapter four complemented chapter three by approaching piracy from a global perspective, accounting for various international efforts to tackle piracy. It showed that an existence of maritime law is not a pre-requisite for a good law enforcement, and that current military and other interventions manage to decrease pirate activity in short-term, but are unable to deal with causes of piracy. Moreover, this chapter suggested that the international arena deals with piracy through the balancing of power, and that local issues and international efforts do not always work well together.

Chapter five provided a final discussion, arguing that, on the one hand, piracy is indeed a threat to the international order, and, on the other hand, it is an indicator of other issues unfolding on the world stage. It was shown that the international arena is a hostile place, centred on the balance of power, not dealing with piracy in its full extend. This chapter proposed that piracy will be a persistent phenomenon, unless it is viewed differently, and the existing global authorities put interests of affected regions before their own.

Throughout its course, the thesis showed that the roles of piracy, state, and the international community are not black and white, and whereas piracy threatens many institutions as well as lives, and the international community acts to restore order, their roles are not mutually exclusive. Some would argue that Somalian piracy was 'the single biggest maritime threat since the Second World War' (Murphy, 2012, p.4), and now, when it is gone, a new phase of maritime security emerges. This view, however, would ignore available data, which show a different trend, pointing to new pirate occurrences, and a gradually more violent nature of their attacks. Hence, for the time being, piracy will exist. Its geographical and internal changes do not affect its on-going presence, and international efforts to defile it only scratch the surface of the overall problem. Piracy is

successfully finding new approaches and modus operandi to self-preserve, currently posing the greatest threats in the Strait of Malacca and the Gulf of Guinea.

Thus, contemporary issues, such as globalisation, capitalist economy and international hegemony, not only set a wrong course for counter-piracy initiatives, but they also perpetuate the existence of piracy through marginalisation of areas, where pirates emerge. Piracy reinforces international struggle for power of states, formations such as the EU and NATO, and of the private sector. Pirates and their actions provide a territory where these international entities exercise their powers.

In Somalia, piracy is not a direct challenge to the state's stability. Rather, it exists as a result of economic, political and social insecurities in the region. To a considerable extent, this is due to an international insistence on viewing Somali as a sovereign state, and ignoring the nation's macro-regional stratification.

In conclusion, this work attempted to expand current views on piracy, and to show that this phenomenon does not exist in a vacuum, but rather, as a component in today's global affairs. Significantly, the work showed that its criminal character is not the major concern. Rather, it is its relationship with the existing status quo, and related powers. Thus, the text opened up a discussion about modern piracy, and linked it to a complex net of politics, economics, socio-cultural inequalities, and the changing role of the state.

In order to build on the above research, there is a need for results and implications of the handful of new initiatives in Africa that currently take place. As these move away from military-based approaches, with new data, it will be possible to re-assess the current position of piracy. This, however, is a subject of new developments in next year or two. For now, let us settle for the fact that, at least in Somalia, the disintegration of piracy made the country more accessible and friendly in the eyes of the West.

Bibliography

Monographs:

Bahadur, J. (2011). *The Pirates of Somalia: Inside Their Hidden World*. New York: Pantheon Books.

Bromley, S. (2009). Pirates and Predators: Authority and Power in International Affairs. In: S. Bromley, J. Clarke, S. Hinchliffe and S. Taylor (eds.). *Exploring Social Lives*. Milton Keynes: The Open University Press.

Bull, H. (1977). *The Anarchical Society: A Study of Order in World Politics*. London: Macmillan.

Cicero, M.T. (1991). *On Duties*. Translated by M.T. Griffin. Cambridge: Cambridge University Press.

Elleman, B.A., Forbes, A. and Rosenberg, D. (eds.) (2010). *Piracy and Maritime Crime. Historical and Modern Case Studies*. Newport: Naval War College Press.

Heller-Roazen, D. (2009). *The Enemy of All: Piracy and the Law of Nations*. New York: Zone Books.

Kraska, J. (2011). *Contemporary Maritime Piracy. International Law, Strategy and Diplomacy at Sea*. Oxford: Praeger.

Leeson, P. (2009). *The Invisible Hook: The Hidden Economics of Pirates*. Princeton: Princeton University Press.

Marley, D.F. (2011). *Modern Piracy: A Reference Handbook*. Oxford: ABC-CLIO.

Murphy, M.N. (2007). Piracy and UNCLOS: Does International Law Help Regional States Combat Piracy? In: P. Lehr, (ed.) (2007). *Violence at Sea. Piracy in the Age of Global Terrorism*. London: Routledge, pp.155-182.

Olson, M. (1975). *The Logic of Collective Action*. London: Harvard University Press.

Olson, M. (2000). *Power and Prosperity: Outgrowing Communist and Capitalist Dictatorships*. New York: Basic Books.

Payne, J.C. (2010). *Piracy Today: Fighting Villainy on the High Seas*. New York: Sheridan House.

Pegg, S. (1998). *International Society and the De Facto State*. Aldershot: Ashgate.

Rahman, C. (2007). The International Politics of Combating Piracy in Southeast Asia. In: P. Lehr, (ed.) (2007). *Violence at Sea. Piracy in the Age of Global Terrorism*. London: Routledge, pp.183-198.

Recchia, S. and Welsh, J.M. (eds.) (2013). *Just and Unjust Military Intervention: European Thinkers from Vitoria to Mill*. Cambridge: Cambridge University Press.

Snoddon, R. (2007). Piracy and Maritime Terrorism: Naval Responses to Existing and Emerging Threats to the Global Seaborne Economy. In: P. Lehr, (ed.) (2007). *Violence at Sea. Piracy in the Age of Global Terrorism*. London: Routledge, pp.225-240.

Journals / articles:

Abila, S.S. and Tang, L. (2014). Trauma, Post-trauma, and Support in the Shipping Industry: The Experience of Filipino Seafarers After Pirate Attacks. *Marine Policy*, 46, pp.132-136.

Asal, V. and Hastings, J.V. (2014). *Terror at Sea: Exploring Maritime Targeting by Terrorist Organizations*. [online] Available at: <<http://piracy-studies.org/2014/terror-at-sea-exploring-maritime-targeting-by-terrorist-organizations/>> [Accessed 6 October 2014].

Barnes, S.T. (2005). Global Flows: Terror, Oil and Strategic Philanthropy. *African Studies Review*, 48 (1), pp.1-22.

BBC (2011). Q&A: Somali Piracy'. *BBC News*, [online] 21 January. Available at: <<http://www.bbc.co.uk/news/10349155>> [Accessed 6 October 2014].

BBC (2012). Somali Piracy 'Boosts Puntland Economy'. *BBC News*, [online] 12 January. Available at: <<http://www.bbc.co.uk/news/world-africa-16534293>> [Accessed 6 October 2014].

Beloff, J.R. (2013). How Piracy is Affecting Economic Development in Puntland, Somalia. *Journal of Strategic Security*, 6 (1), pp.47-54.

Berg, E. and Kuusk, E. (2010). What Makes Sovereignty a Relative Concept? Empirical Approaches to International Society. *Political Geography*, 29, pp.40-47.

Bradsher, K. (2014). Recent Tanker Hijackings Add to Problems in the South China Sea. *The New York Times*, [online] 8 July. Available at: <<http://www.nytimes.com/2014/07/09/world/asia/tanker-hijackings-add-to-tensions-in-south-china-sea.html>> [Accessed 6 October 2014].

Bueger, C. (2010). *Is ATALANTA a Humanitarian Mission?* [online] Available at: <<http://piracy-studies.org/2010/is-atalanta-a-humanitarian-mission/>> [Accessed 6 October 2014].

Bueger, C. (2013a). *In search for a mission? The EU's regional training mission EUCAP Nestor.* [online] Available at: <<http://piracy-studies.org/2013/in-search-for-a-mission-the-eus-regional-training-mission-eucap-nestor/>> [Accessed 6 October 2014].

Bueger, C. (2013b). Practice, Pirates and Coast Guards: the Grand Narrative of Somali Piracy. *Third World Quarterly*, 34 (10), pp.1811-1827.

Bueger, C. (2013c). *The Decline of Somali Piracy-Towards Long Term Solutions.* [online] Available at: <<http://piracy-studies.org/2013/the-decline-of-somali-piracy-towards-long-term-solutions/>> [Accessed 6 October 2014].

Bueger, C. and Saran, M.S. (2012). *Finding a Regional Solution to Piracy: Is the Djibouti Process the Answer?* [online] Available at: <<http://piracy-studies.org/2012/finding-a-regional-solution-to-piracy-is-the-djibouti-process-the-answer/>> [Accessed 6 October 2014].

Erthal Abdenur, A. and de Souza Neto, D.M. (2014). *Rising Powers in Maritime Security? Comparing the Strategies of Brazil and India.* [online] Available at: <<http://piracy-studies.org/2014/rising-powers-in-maritime-security-comparing-the-strategies-of-brazil-and-india/>> [Accessed 6 October 2014].

Forsythe, D.P. (ed.) (2000). *Human Rights and Comparative Foreign Policy: Foundations of Peace.* [online] Available at: <<http://www.corteidh.or.cr/tablas/27531.pdf>> [Accessed 20 November 2014].

- Friedrichs, J. (2001). The Meaning of New Medievalism. *European Journal of International Relations*, 7 (4), pp.475-502.
- Gabbatt, A. (2013). White House Notes Increase in West Africa Piracy as Americans Held Hostage. *The Guardian*, [online] 25 October. Available at: <<http://www.theguardian.com/world/2013/oct/25/white-house-west-africa-piracy-americans-hostage>> [Accessed 6 October 2014].
- Gjelsvik, I.M. and Bjørge, T. (2013). Ex-pirates in Somalia: Disengagement Processes and Reintegration Programming. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 13 (2), pp.1-21.
- Gómez, F.I., Ángel, M. and Navarro, E. (2013). Analysis of the Somali Pirate Attacks in the Indian Ocean (2005-2011): Evolution and Modus Operandi. *Journal of the Spanish Institute of Strategic Studies*, 1, pp.1-28.
- Guilfoyle, D. (2012). Somali Pirates as Agents of Change in International Law-making and Organisation. *Cambridge Journal of International and Comparative Law*, 1 (3), pp.81-106.
- Hallwood, P. and Miceli, T.J. (2014). *Enforcing the Law: An Economic Approach to Maritime Piracy and its Control*. [online] Available at: <<http://piracy-studies.org/2014/enforcing-the-law-an-economic-approach-to-maritime-piracy-and-its-control/>> [Accessed 6 October 2014].
- Hastings, J.V. (2009). Geographies of State Failure and Sophistication in Maritime Piracy Hijackings. *Political Geography*, 28, pp.213-223.
- Hatcher, J. (2013). Somali Pirates Find Life in Kenyan Jail More Comfortable than on Ocean Waves. *The Guardian*, [online] 16 August. Available at: <<http://www.theguardian.com/world/2013/aug/16/somali-pirates-kenya-jail-indian-ocean>> [Accessed 6 October 2014].
- Johnson, M.C. and Smaker, M. (2014). State Building in De Facto States: Somaliland and Puntland Compared. *Africa Today*, 60 (4), pp.3-23.

- Khanna, P. (2009). The Next Big Thing: Neomedievalism. *Foreign Affairs*, [online] 15 April. Available at: <http://www.foreignpolicy.com/articles/2009/04/15/the_next_big_thing_neomedievalism> [Accessed 16 October 2014].
- Kobrin, S.J. (1998). Back to the Future: Neomedievalism and the Postmodern Digital World Economy. *Journal of International Affairs*, Spring, pp. 361-386.
- Korab-Karpowicz, W.J. (2013). Political Realism in International Relations. *Stanford Encyclopedia of Philosophy*, [online] 2 April. Available at: <<http://plato.stanford.edu/entries/realism-intl-relations/e>> [Accessed 17 November 2014].
- Leeson, P.T. (2007). Better off Stateless: Somalia Before and After Government Collapse. *Journal of Comparative Economics*, 35 (4), pp.689–710.
- Lucas, E. (2012). *Pirates and Insurgency: Reframing the Somali Piracy Problem*. [online] Available at: <<http://piracy-studies.org/2012/pirates-and-insurgency/>> [Accessed 6 October 2014].
- Lucas, E. (2013). Somalia's 'Pirate Cycle': The Three Phases of Somali Piracy. *Journal of Strategic Security*, 6 (1), pp.55-63.
- Mason, R. (2013). David Cameron Challenged to Justify Arms Sale to Sri Lanka. *The Guardian*, [online] 22 November. Available at: <<http://www.theguardian.com/world/2013/nov/22/david-cameron-quizzed-arms-sales-sri-lankacy>> [Accessed 6 October 2014].
- Mbekeani, K.K. and Ncube, M. (2011). Economic Impact of Maritime Piracy. Africa Economic Brief. *African Development Bank*, July, 2 (10), pp.1-8.
- Menkhaus, K. (2006-2007). Governance Without Government in Somalia: Spoilers, State Building and the Politics of Coping. *International Security*, Winter 31 (3), pp.74-106.
- Murphy, A. (2002). National Claims to Territory in the Modern State System: Geographical Considerations. *Geopolitics*, 7 (2), pp.193–214.

- Murphy, M.N. (2012). Somali Piracy. Why Should We Care? *Rusi Journal*, 156 (6), pp.4-11.
- Negi, R. (2011). Understanding Somali Piracy: Globalisation, Sovereignty, and Justice. *Economic and Political Weekly*, June 18, 46 (25), pp.35-38.
- Paige, T. (2013). Piracy and Universal Jurisdiction. *Macquire Law Journal*, 12, pp.131-154.
- Pristrom, S., Li, K.X., Yang, Z. and Wang, J. (2013). A Study of Maritime Security and Piracy. *Maritime Policy and Management*, 40 (7), pp.675-693.
- Quinn, B. (2013). A Very British Export: Guns and Mercenaries to Fight Piracy in Somalia. *The Guardian*, [online] 11 July. Available at: <<http://www.theguardian.com/business/2013/jul/11/anti-piracy-arms-trade-somali-pirates>> [Accessed 6 October 2014].
- Rao, P.V. (2014). *Rising Powers in Maritime Security? Comparing the Strategies of Brazil and India*. [online] Available at: <<http://piracy-studies.org/2014/africas-maritime-domain-can-the-regional-states-ensure-a-stable-regime-in-the-indian-ocean-region/>> [Accessed 6 October 2014].
- Rotberg, R. (2002). Failed States in a World of Terror. *Foreign Affairs*, July-August 81 (4) [online] Available at: <<http://www.foreignaffairs.com/articles/58046/robert-irrotberg/failed-states-in-a-world-of-terror>> [Accessed 6 October 2014].
- Silva, M. (2010). Somalia: State Failure, Piracy, and the Challenge to International Law. *Virginia Journal of International Law*, 50 (3), pp.554-578.
- Smith, S.J. and Gebhard, C. (2014). *Beyond Rivalry? EU–NATO Cooperation in Counter-Piracy Operations*. [online] Available at: <<http://piracy-studies.org/2014/beyond-rivalry-eu-nato-cooperation-in-counter-piracy-operations/>> [Accessed 6 October 2014].
- Stockbruegger, J. (2011a). *Pirates, Terrorists and Local Politics: the Professionalization of Somali Piracy, Next Episode?* [online] Available at: <<http://piracy-studies.org/2011/pirates-terrorists-and-local-politics-the-professionalization-of-somali-piracy-next-episode/>> [Accessed 6 October 2014].

Stockbruegger, J. (2011b). *The Contours of Piracy Studies in International Relations: Some Observations from the ISA Annual Conference, Montreal, 2011*. [online] Available at: <<http://piracy-studies.org/2011/the-contours-of-piracy-studies-in-international-relations-some-observations-from-the-isa-annual-conference-montreal-2011/>> [Accessed 6 October 2014].

Stockbruegger, J. (2014). *Reclaiming the Maritime? The AU's New Maritime Strategy*. [online] Available at: <<http://piracy-studies.org/2014/reclaiming-the-maritime-the-aus-new-maritime-strategy/>> [Accessed 6 October 2014].

Thomson, J.E. (1995). State Sovereignty in International Relations: Bridging the Gap between Theory and Empirical Research. *International Studies Quarterly*, 39, pp.213-233.

Trumbull, G.R. IV (2010). On Piracy and the Afterlives of Failed States. *Middle East Report (MER)*, 40 [online] Available at:<<http://www.merip.org/mer/mer256/piracy-afterlives-failed-states>> [Accessed 6 October 2014].

Twyman-Ghoshal, A. (2014). *Facts, Figures, Trends: the Contemporary Maritime Piracy Database 2001-2010*. [online] Available at: <<http://piracy-studies.org/2014/documenting-contemporary-maritime-piracy-contemporary-maritime-piracy-database-2001-2010/>> [Accessed 6 October 2014].

Wambua, P.M. (2009). Enhancing Regional Maritime Cooperation in Africa: The Planned End State. *African Security Review*, 18 (3), pp.45–59.

Reports / conference papers:

Altafin, C. (2014). *The Threat of Contemporary Piracy and the Role of the International Community*. Place not given: International Institute of Humanitarian Law.

Bellish, J. (2014). *The Systematic Prosecution of Somali Leadership and the Primacy of Multi-level Cooperation*. Denver: One Earth Future Foundation.

Best Management Practices for Protection Against Somalia Based Piracy (BMP4) (2011). *Best Management Practices for Protection Against Somalia Based Piracy: Suggested Planning and Operational*. Edinburgh: Witherby Publishing Group.

Bueger, C. (2013d). Learning from Piracy: Future Challenges of Maritime Security Governance. In: *Third International Conference on Strategic Theory 'Good Order at Sea off Eastern Africa: Beyond Piracy'*. Dar es Salaam, September.

Chalk, P. (2008). *The Maritime Dimension of International Security. Terrorism, Piracy, and Challenges for the United Nations*. Santa Monica: National Defence Research Institute.

Chalk, P., Smallman, L. and Burger, N. (2009). *Countering Piracy in the Modern Era*. Santa Monica: National Defence Research Institute.

Gilpin, R. (2009). *Counting the Costs of Somali Piracy*. Washington: United States Institute for Peace.

Hansen, S.J. (2009). *Piracy in the Greater Gulf of Aden*. Oslo: Norwegian Institute for Urban and Regional Research.

ICC International Maritime Bureau (IMB) (2011). *Piracy and Armed Robbery Against Ships. Report for the Period 1 January- 31 December 2010*. London: ICC International Maritime Bureau.

ICC International Maritime Bureau (IMB) (2014a). *Piracy and Armed Robbery Against Ships. Report for the Period 1 January- 31 December 2013*. London: ICC International Maritime Bureau.

ICC International Maritime Bureau (IMB) (2014b). *Piracy and Armed Robbery Against Ships. Report for the Period 1 January- 31 March 2014*. London: ICC International Maritime Bureau.

Kamola, I. (2011). Sailing the Capitalist Seas: Piracy and Accumulation in the Gulf of Aden. In: International Studies Association, *International Studies Association Annual Conference "Global Governance: Political Authority in Transition"*. Montreal, Canada, March 18, 2011. [online] Available at: http://citation.allacademic.com/meta/p500860_index.html [Accessed 6 October 2014].

One Earth Future Foundation (OEF) (2011). *The Economic Cost of Maritime Piracy 2010*. Working Paper.

One Earth Future Foundation (OEF) (2012). *The Economic Cost of Maritime Piracy 2011*. Working Paper.

Potter, D.W. (2004). State Responsibility, Sovereignty, and Failed States. In: University of Adelaide, *Australasian Political Studies Association Conference*. Adelaide, 29 September-1 October.

ReCAAP Information Sharing Centre (2014). *Piracy & Armed Robbery against Ships (January - September 2014)*. [online] Available at: <<http://www.imo.org/MediaCentre/HotTopics/piracy/Documents/ReCAAP%20ISC%20Third%20Quarterly%20Report%20Single-sheet%20Summary.pdf>> [Accessed 17 October 2014].

United Nations Conference on Trade and Development (UNCTAD) (2014). *Maritime Piracy: An Overview of Costs, Trends and Trade-related Implications*. Geneva: United Nations.

United Nations Office on Drugs and Crime (2013). *Transnational Organised Crime in Eastern Africa: A Threat Assessment*. Vienna: United Nations Office on Drugs and Crime.

Winner, A.C. (2011). Coalitions and Counterpiracy Operations: Something Old, Something New? In: International Studies Association, *International Studies Association Annual Conference "Global Governance: Political Authority in Transition"*. Montreal, Canada, March 18, 2011. [online] Available at: <http://citation.allacademic.com/meta/p500698_index.html> [Accessed 6 October 2014].

World Bank (2013). *The Pirates of Somalia. Ending the Threat, Rebuilding a Nation*. Washington: The World Bank.

Legislative:

Djibouti Code of Conduct (the Code of Conduct Concerning the Repression of Piracy and Armed Robbery Against Ships in the Western Indian Ocean and the Gulf of Aden) (DcoC) (2009). Djibouti Code of Conduct Trust Fund.

S/RES/1814 (2008). United Nations Security Council Resolution 1814. Geneva: United Nations.

S/RES/1816 (2008). United Nations Security Council Resolution 1816. Geneva: United Nations.

S/RES/1838 (2008). United Nations Security Council Resolution 1838. Geneva: United Nations.

S/RES/1846 (2008). United Nations Security Council Resolution 1846. Geneva: United Nations.

S/RES/1851 (2008). United Nations Security Council Resolution 1851. Geneva: United Nations.

S/RES/1897 (2009). United Nations Security Council Resolution 1897. Geneva: United Nations.

S/RES/1918 (2010). United Nations Security Council Resolution 1918. Geneva: United Nations.

S/RES/1950 (2010). United Nations Security Council Resolution 1950. Geneva: United Nations.

S/RES/1976 (2011). United Nations Security Council Resolution 1976. Geneva: United Nations.

S/RES/2015 (2011). United Nations Security Council Resolution 2015. Geneva: United Nations.

S/RES/2018 (2011). United Nations Security Council Resolution 2018. Geneva: United Nations.

S/RES/2020 (2011). United Nations Security Council Resolution 2020. Geneva: United Nations.

S/RES/2039 (2012). United Nations Security Council Resolution 2039. Geneva: United Nations.

S/RES/2077 (2012). United Nations Security Council Resolution 2077. Geneva: United Nations.

S/RES/2125 (2013). United Nations Security Council Resolution 2125. Geneva: United Nations.

United Nations Convention on the High Seas (1958). Geneva: United Nations.

United Nations Convention on the Law of the Sea (UNCLOS) (1982). Geneva: United Nations. [online] Available at:

<http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf> [Accessed 6 October 2014].

Websites:

Atkinson, L. (2012). Neomedievalism. *Blogspot*, [blog] 22 October. Available at: <<http://louiseatkinsonblog.blogspot.cz/2012/10/neomedievalism.html>> [Accessed 16 October 2014].

Central Intelligence Agency (CIA) (2008). *The World Factbook*. [online] Available at: <<https://www.cia.gov/library/publications/the-world-factbook/fields/2008.html>> [Accessed 20 October 2014].

ICC Commercial Crime Services (ICC-CCS) (2014). *IMB Piracy & Armed Robbery Map 2013*. [online] Available at: <<https://www.icc-ccs.org/piracy-reporting-centre/live-piracy-map/piracy-map-2013>> [Accessed 18 October 2014].

Somalia Online (2014). *Somalia Online News Snippets*. [online] Available at: <<http://www.somaliaonline.com/>> [Accessed 20 November 2014].

Somali Net (2014). *Maakhir State: Sanaag and Westen Bari*. [online] Available at: <<http://www.somalinet.cim/forums/viewtopic.php?f=32&t=123184>> [Accessed 20 November 2014].

The Fund for Peace (FFP) (2014). *The Failed States Index 2012*. [online] Available at: <<http://ffp.statesindex.org/rankings-2012-sortable>> [Accessed 6 October 2014].

Wikipedia (2014). *Somalia*. [online] Available at: <<http://en.wikipedia.org/wiki/Somalia>> [Accessed 6 October 2014].

World Ocean Review (2014). *Law of the Sea*. [online] Available at:

<<http://worldoceanreview.com/en/wor-1/law-of-the-sea/a-constitution-for-the-seas/>>

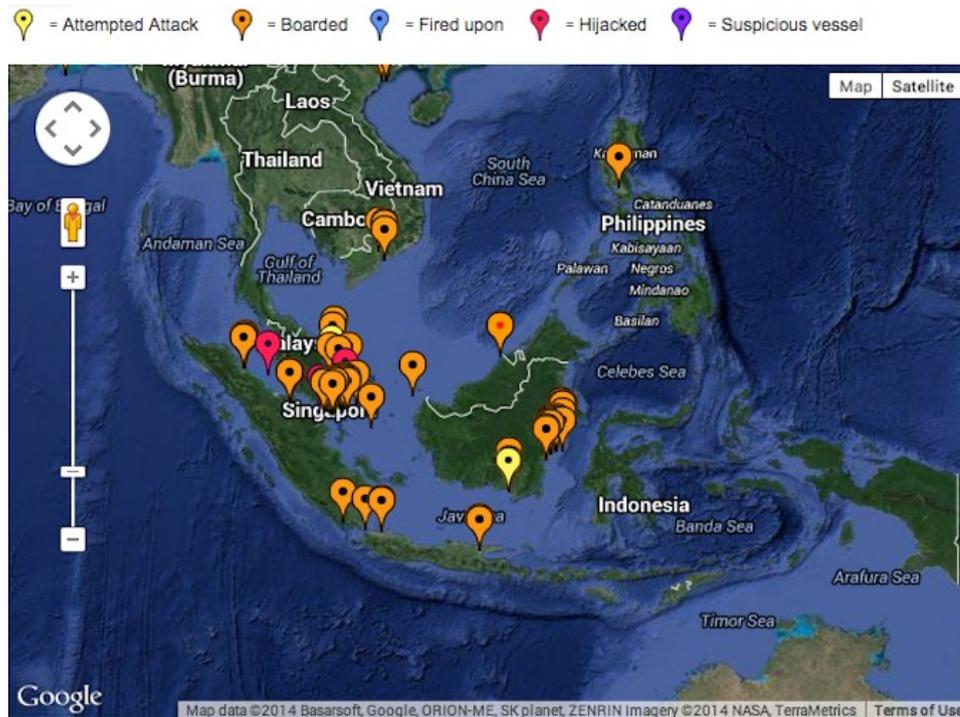
[Accessed 20 October 2014]

List of appendices

Appendix 1: South-East Asia- piracy incidents in 2013 (picture)	66
Appendix 2: East Africa- piracy incidents in 2013 (picture).....	66
Appendix 3: West Africa- piracy incidents in 2013 (picture).....	67
Appendix 4: Locations of ACTUAL and ATTEMPTED attacks (2006-2014) (table)...	67
Appendix 5: A comparison of types of attacks (table)	70
Appendix 6: Types of violence to crews (table)	70
Appendix 7: A sea division according to the UNCLOS (picture)	70
Appendix 8: Leading 'flag of convenience' nations, 2008 (table).....	71
Appendix 9: The economic costs of maritime piracy, 2010, 2011, 2012 (table).....	71
Appendix 10: Evolution of ransoms between 2005 and 2012 (graph).....	71
Appendix 11: Map of pirate activity off the coast of Somalia, 2005, 2010, 2011 (picture)	72
Appendix 12: A spike in a total number of captured ships 2000-2008 (graph).....	72
Appendix 13: Maritime domains of the countries and of the areas of operations of the Somali pirates (2005-2011) (picture)	73
Appendix 14: An illustrative annual income and spendings of pirates (based on available data and anecdotal evidence) (table)	73
Appendix 15: Changes in maritime pirate activity between 2011 and 2013 (picture)....	74
Appendix 16: An illustration of various degrees of sovereignty (graph)	75
Appendix 17: Somalia and its regions in 2014 (picture).....	76
Appendix 18: The Maakhir State before its integration into Puntland (picture)	76

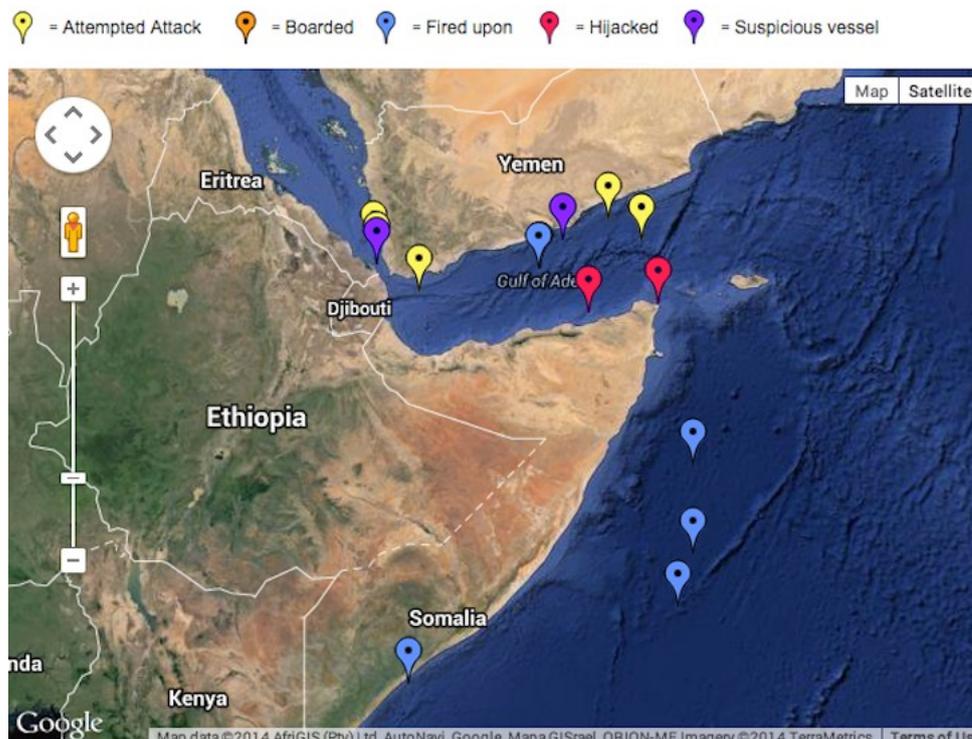
Appendices

Appendix 1: South-East Asia- piracy incidents in 2013 (picture)



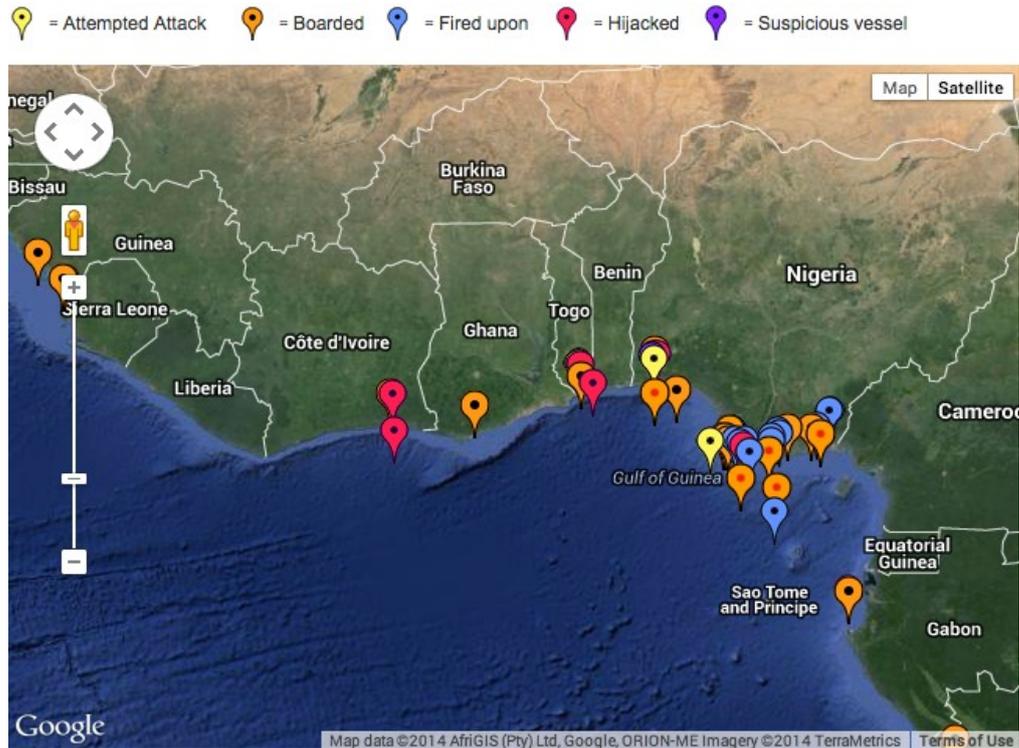
(ICC-CCS, 2014)

Appendix 2: East Africa- piracy incidents in 2013 (picture)



(ICC-CCS, 2014)

Appendix 3: West Africa- piracy incidents in 2013 (picture)



(ICC-CCS, 2014)

Appendix 4: Locations of ACTUAL and ATTEMPTED attacks (2006-2014) (table)

Locations	2006	2007	2008	2009	2010	2011	2012	2013	2014*
SE Asia									
Indonesia	50	43	28	15	40	46	81	106	18
Malacca Straits	11	7	2	2	2	1	2	1	
Malaysia	10	9	10	16	18	16	12	9	
Burma			1	1		1			
Philippines	6	6	7	1	5	5	3	3	
Singapore Straits	5	3	6	9	3	11	6	9	5
Thailand	1	2		2	2				
Far East									
China	1			1	1	2	1		
Papua New Guinea		1							
Solomon Islands		1							
South China Sea	1	3		13	31	13	2	4	
Vietnam	3	5	11	9	12	8	4	9	

Locations	2006	2007	2008	2009	2010	2011	2012	2013	2014*
Indian Subcontinent									
Bangladesh	47	15	12	18	23	10	11	12	4
India	5	11	10	12	5	6	8	14	2
Sri Lanka	1	4	1						
South America									
Argentina	1								
Brazil	7	4	1	5	9	3	1	1	
Colombia	2		1	5	3	4	5	7	
Costa Rica				3	1	3	1		
Dominican Republic							1	1	
Ecuador	1		2	2	3	6	4	3	
Guyana	1	5			2	1		2	
Haiti		2	2	4	5	2	2		
Jamaica	3	1							
Peru	9	6	5	13	10	2	3	4	
Suriname		2							
Trinidad and Tobago	1								
Venezuela	4	1	3	5	7	4			
Africa									
Algeria							1		
Angola	4	1	2			1			1
Benin				1		20	2		
Cameroon	1		2	3	5		1		1
Dem. Rep. of Congo	3	4	1	2	3	4	2		
Egypt		2			2	3	7	7	
Eritrea		1							
Gabon								2	1
Ghana	3	1	7	3		2	2	1	
Guinea	4	2		5	6	5	3	1	
Guinea Bissau				1					
Gulf of Aden ●	10	13	92	117	53	37	13	6	2
Ivory Coast	1		3	2	4	1	5	4	
Kenya		4	2	1		1	1	1	

Locations	2006	2007	2008	2009	2010	2011	2012	2013	2014*
Liberia		1	1		1				1
Madagascar		1							
Mauritania	1							1	
Morocco		1	1					1	
Mozambique		3	2				2	2	
Nigeria	12	42	40	29	19	10	27	31	6
Red Sea ●				15	25	39	13	2	1
Sierra Leone	2	2				1	1	2	
Somalia	10	31	19	80	139	160	49	7	2
Tanzania	9	11	4	5	1		2	1	1
The Congo			1		1	3	4	3	3
Togo	1		1	2		6	15	7	
Other									
Arabian Sea ●	2	4		1	2				
Belgium	1								
Caspian Sea				1					
France				1					
Gulf of Oman				1					
Indian Ocean ●				1					
Iran	2	2							
Iraq	2	2			2				
Mediterranean Sea						1			
Oman ●		3		4		1			1
Saudi Arabia	1								
Seychelles			1						
United Kingdom		1							
Sub total				102	67	142	102	66	49
Total at year end	239	263	293	410	445	439	297	264	

(IMB, 2011; 2014a; 2014b)

* 31 January 2014-31 March 2014

● All of the above attacks are attributed to Somali pirates

Appendix 5: A comparison of types of attacks (table)

Category	2006	2007	2008	2009	2010	2011	2012	2013	2014*
Attempted	56	62	47	85	89	105	67	28	5
Boarded	162	169	151	155	196	176	174	202	37
Fired upon	7	14	46	121	107	113	28	22	5
Hijack	14	18	49	49	53	45	28	12	2
Total	239	263	293	410	445	439	297	264	49

(IMB, 2011; 2014a; 2014b)

* 31 January 2014-31 March 2014

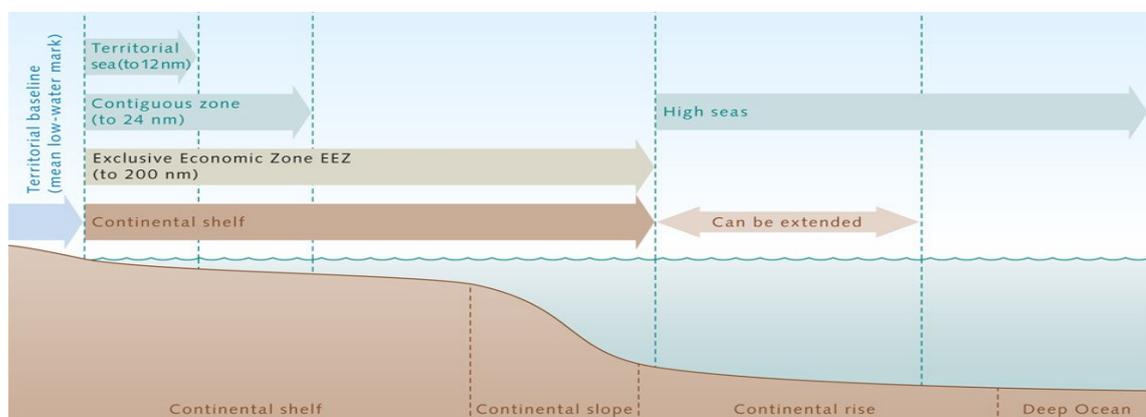
Appendix 6: Types of violence to crews (table)

Types of violence	2006	2007	2008	2009	2010	2011	2012	2013	2014*
Assaulted	2	29	7	4	6	6	4	-	-
Hostage	188	292	889	1050	1181	802	585	304	46
Injured	15	35	32	69	37	42	28	21	1
Kidnap/Ransom	77	63	42	12	20	10	26	36	2
Killed	15	5	11	10	8	8	6	1	-
Missing	3	3	21	8	-	-	-	1	-
Threatened	17	6	9	14	18	27	13	10	3
Total	317	433	1011	1169	1270	895	662	373	52

(IMB, 2011; 2014a; 2014b)

* 31 January 2014-31 March 2014

Appendix 7: A sea division according to the UNCLOS (picture)



(World Ocean Review, 2014)

Appendix 8: Leading 'flag of convenience' nations, 2008 (table)

Country	Registered Ships	Foreign-owned	Percent Foreign
Panama	5,764	4,949	86
Liberia	1,948	1,904	98
Malta	1,281	1,197	93
Bahamas	1,213	1,134	93
Antigua & Barbuda	1,059	1,021	96
Marshall Islands	990	857	95
Cyprus	868	724	83
Cambodia	586	463	79
St. Vincent & Grenadines	582	536	92
Belize	261	217	83
Gibraltar	216	201	93
Georgia	209	180	86
Netherlands Antilles	138	125	91
Bermuda	133	126	95
Cayman Islands	124	122	98
Mongolia	73	62	85
Barbados	71	67	94
Vanuatu	51	51	100

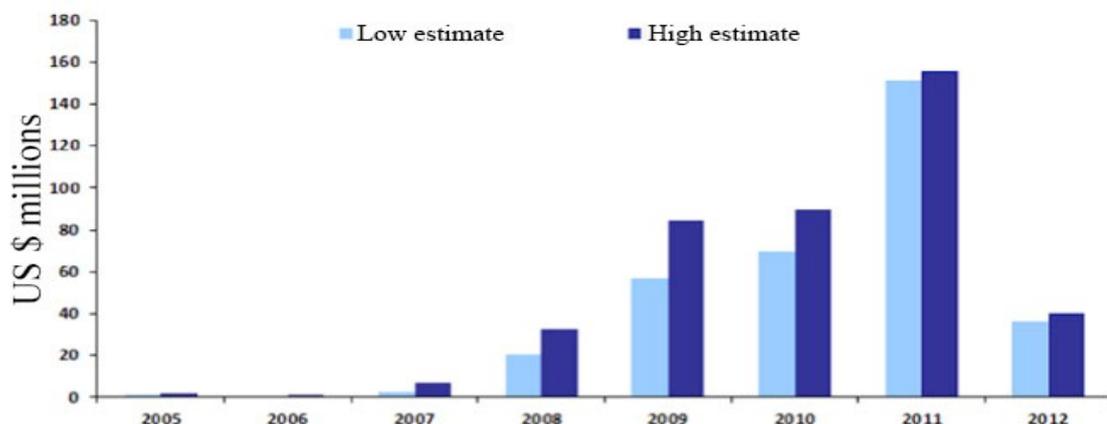
(CIA, 2008)

Appendix 9: The economic costs of maritime piracy, 2010, 2011, 2012 (table)

Cost Factor	2010	2011	2012
Ransom	\$176 million	\$160 million	\$31.75 million
Insurance	\$460 million - \$3.2 billion	\$635 million	\$550.7 million
Re-routing Ships	\$2.4 - \$3 billion	\$486 million - \$681 million	\$290.5 million
Security Equipment and Guard	\$363 million - \$2.5 billion	\$1.064 - \$1.16 billion	\$1.65 - \$2.06
Naval Forces and Military Operations	\$2 billion	\$1.27 billion	\$1.09 billion
Prosecutions and Imprisonment	\$31 million	\$16.4 million	\$14.89 million
Counter Piracy Organizations	\$19.5 million	\$21.30	\$24.08 million
Cost to Regional Economies	\$1.25 billion	N/A	N/A
Labour	N/A	\$195 million	\$471.6 million
Increased Speed	N/A	\$2.71 billion	\$1.53 billion
Total Estimated Cost	\$7 - \$12 billion	\$6.6 - \$6.9 billion	\$5.7 - \$6.1 billion

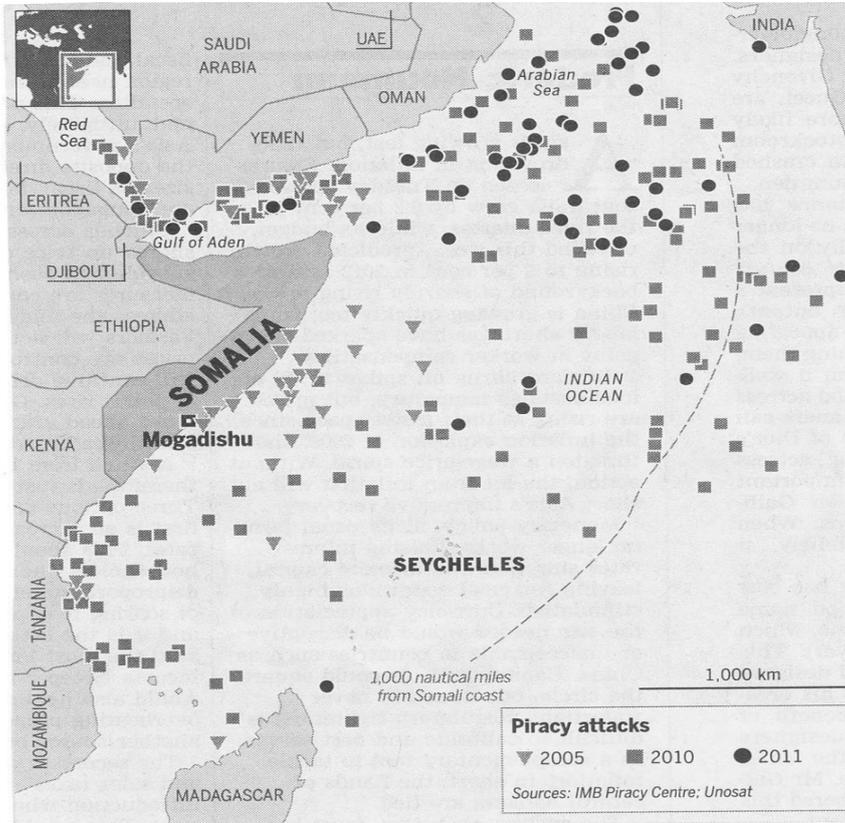
(UNCTAD, 2014)

Appendix 10: Evolution of ransoms between 2005 and 2012 (graph)



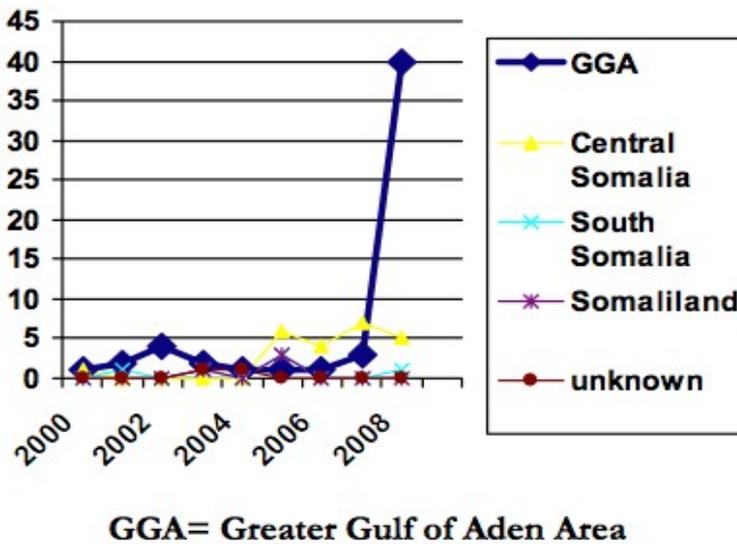
(UNCTAD, 2014)

Appendix 11: Map of pirate activity off the coast of Somalia, 2005, 2010, 2011 (picture)



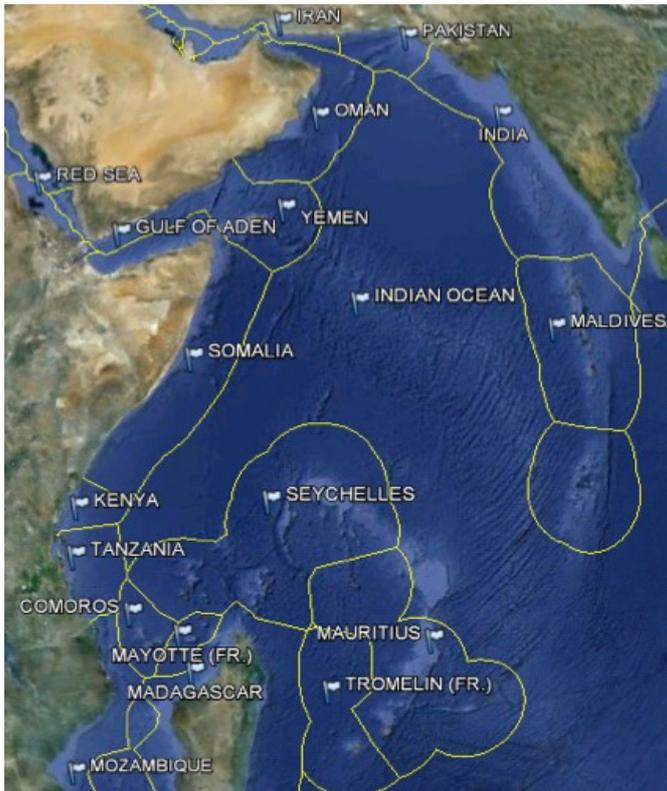
(ICC-CCS, 2014)

Appendix 12: A spike in a total number of captured ships 2000-2008 (graph)



(Hansen, 2009)

Appendix 13: Maritime domains of the countries and of the areas of operations of the Somali pirates (2005-2011) (picture)



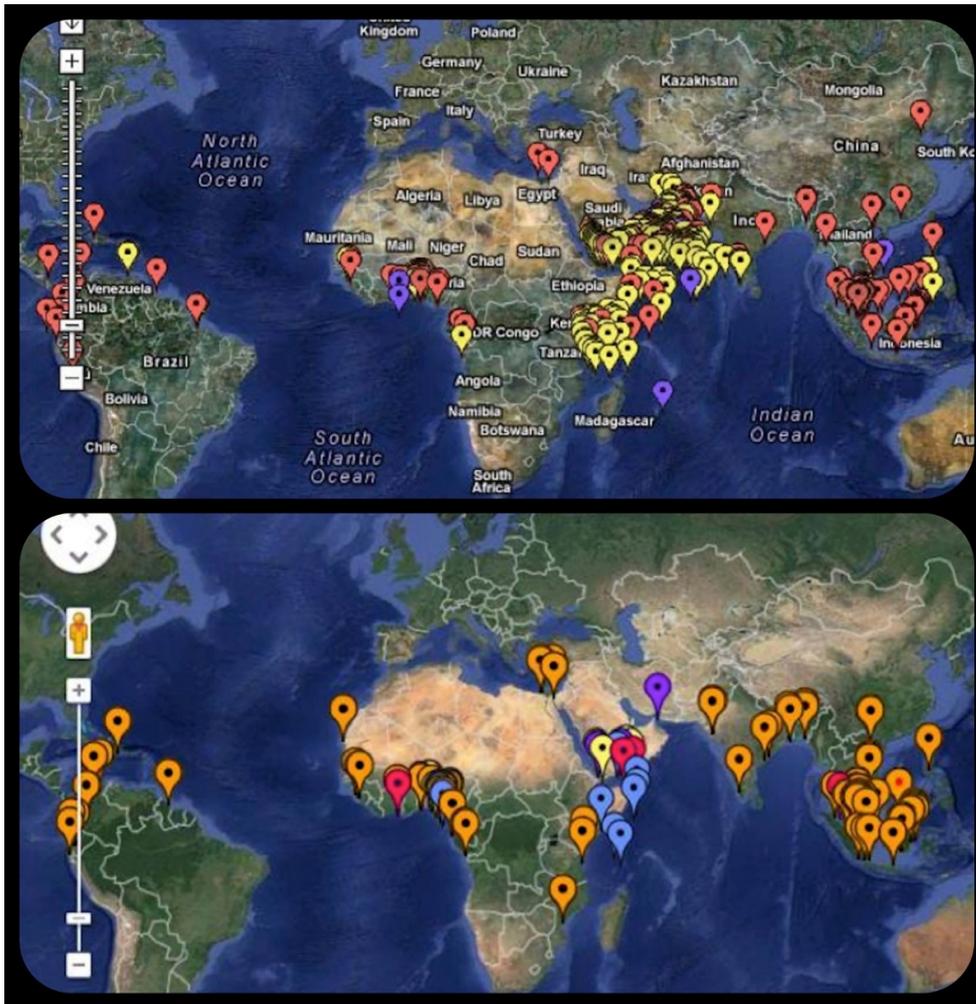
(Gómez, Ángel and Navarro, 2013)

Appendix 14: An illustrative annual income and spendings of pirates (based on available data and anecdotal evidence) (table)

INCOME	
Investment by Financier	
Skiff and outboard motor	\$14,000
Weapons and ammunition	\$2,000
Grappling hooks and ladders	\$1,200
Navigation aids, GPS	\$4,000
Ransom payments (2)	\$600,000
Total Income	\$621,200
SPENDING	
Operational Costs	
Food, Supplies, etc	\$72,800
Equipment maintenance	\$31,200
Care of Hijack Victims	\$15,750
Bribes to officials	\$180,000
Total Operating Costs	\$299,750
PROFIT	
Total Profit (gross)	\$321,450
Total Profit (less investments)	\$300,250
Financier's Share	\$120,250
Pirates' Share (12)	\$180,000
Share per pirate	\$15,000

(Gilpin, 2009)

Appendix 15: Changes in maritime pirate activity between 2011 and 2013 (picture)



(ICC-CCS, 2014)

Appendix 16: An illustration of various degrees of sovereignty (graph)

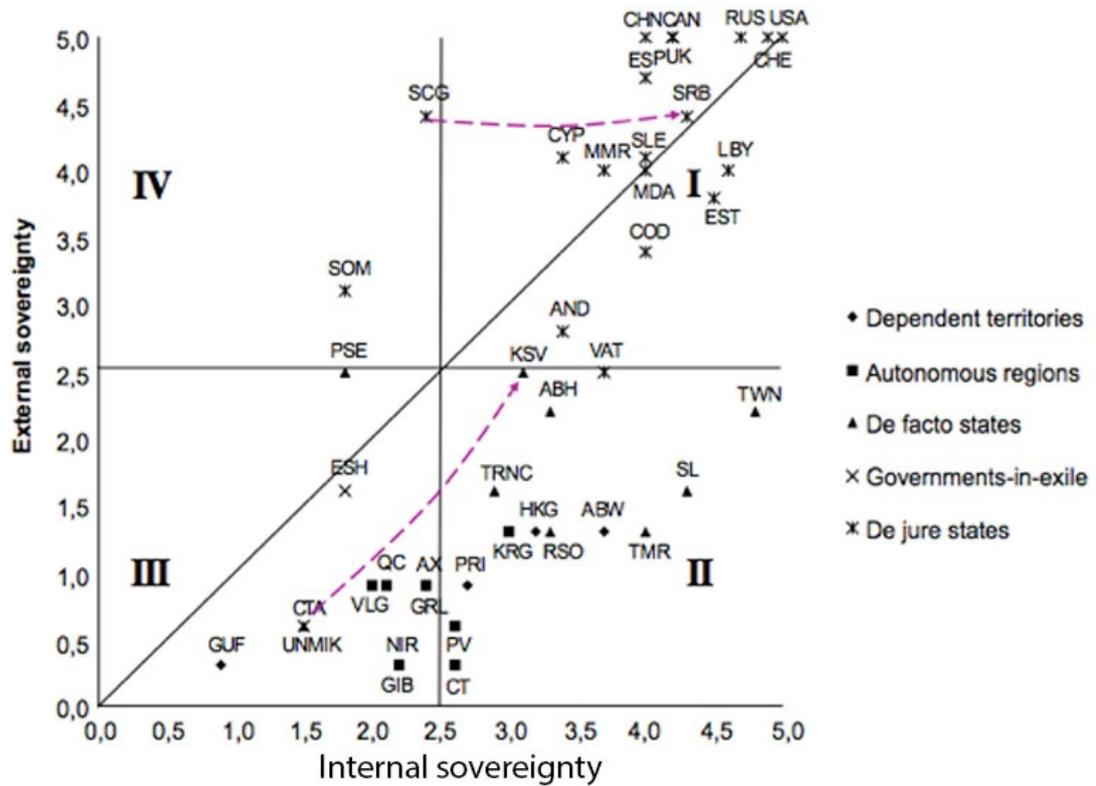
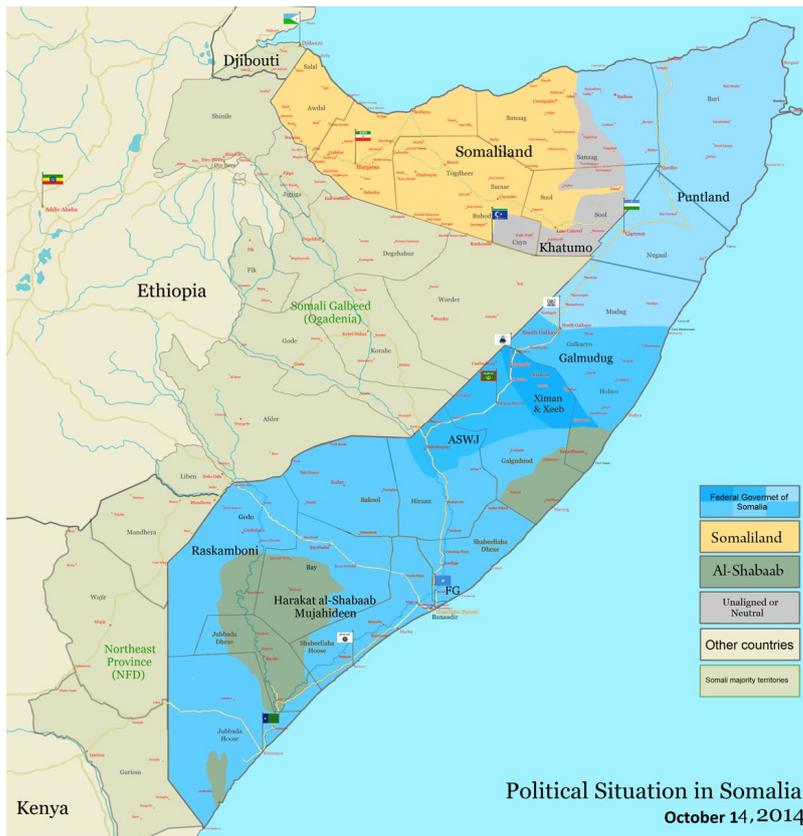


Fig. 4. Mapping sovereignties on the basis of internal and external sovereignty (relying on the data of 2009). **Political entity:** *Dependent territories:* Aruba (ABW), French Guiana (GUF), Gibraltar (GIB), Greenland (GRL), Hong Kong (HKG), Puerto Rico (PRI); *Autonomous regions:* Åland (AX), Basque Country (PV), Catalonia (CT), Flanders (VLG), Iraqi Kurdistan (KRG), Northern Ireland (NIR), Quebec (QC); *De facto states:* Abkhazia (ABH), Kosovo (KSV), Kosovo-2004 (UNMIK), Palestine (PSE), Somaliland (SL), South Ossetia (RSO), Taiwan (TWN), Transnistria (TMR), Turkish Republic of North Cyprus (TRNC); *Governments-in-exile:* Tibet (CTA), Western Sahara (ESH); *De jure states:* Andorra (AND), Canada (CAN), China (CHN), Congo (COD), Cyprus (CYP), Estonia (EST), Libya (LBY), Moldova (MDA), Myanmar (MMR), Russia (RUS), Serbia (SRB), Serbia and Montenegro-2004 (SCG), Sierra Leone (SLE), Somalia (SOM), Spain (ESP), Switzerland (CHE), United Kingdom (UK), United States of America (USA), Vatican (VAT).

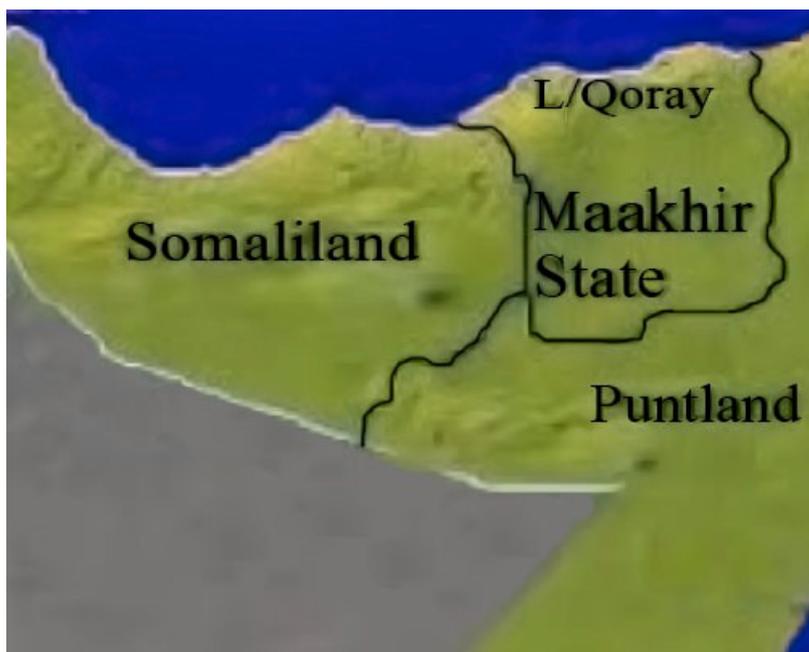
(Berg and Kuusk, 2010)

Appendix 17: Somalia and its regions in 2014 (picture)



(Wikipedia, 2014)

Appendix 18: The Maakhir State before its integration into Puntland (picture)



(Somali Net, 2014)