The New Barbary Wars
Assessing the Threat of Modern Day Piracy

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Executive Summary

Changes in the international power structure in the last two decades as well as the rapid increase in international trade have created an environment that is both vulnerable to maritime piracy and lucrative for those who might engage in such activity. The volume of trade conducted on the high seas (in excess of $1 trillion annually) provides would-be pirates a tempting target, especially where legitimate economic opportunities in their home countries may be unsatisfactory or even non-existent. Further, the collapse of the global security umbrellas characteristic of Cold War power dynamics has meant that maritime security around small, weak states virtually does not exist. The Howard H. Baker Jr. Center for Public Policy has prepared this Policy Brief to survey the history of maritime piracy, explain the drivers of its recent resurgence as a global security threat, evaluate the success of recent antipiracy measures, and suggest some policy tools that may be more effective at curtailing the lure of such brigandry.

The Brief is divided into a short introduction describing the recent trends in and impact of maritime piracy and three more substantive sections. The first section provides a brief history of maritime piracy as well as its evolution into a more recent phenomenon. Innovations and improvements in maritime technology and the expansion of international sea trade coupled with the absence of a capable police presence by smaller states in heavily trafficked trade routes are the underlying global conditions that have led to the resurgence in the incidents of maritime piracy.

The second section differentiates between the factors that motivated piracy in ancient and early modern eras from those that underscore the frequency of attacks in the late 20th and early 21st centuries. Though the root factors – poorly regulated seas or profitable economic opportunities – are common to both past and contemporary incidents of maritime piracy, there are some differences in the drivers of piracy in the modern period, especially state fragility and the absence of legitimate employment opportunities in weak states. Also important here is the diversion of resources from maritime security to protections against international terrorism.

The third section elaborates on the trends in maritime piracy incidents over the last 20 years. Maritime attacks, though a global phenomenon, occur largely in specific regional clusters. These often coincide with established and highly trafficked shipping lanes close to territorial waters. Moreover, not all states near such trade routes experience episodes of maritime piracy with equal frequency. Those who rank higher on
political fragility indices, are prone to corruption, or that experience high rates of unemployment are much more likely to serve as shelters for pirate groups.

Our concluding section evaluates the effectiveness of international policing mechanisms and argues that though these must necessarily be part of any successful global antipiracy regime, they are insufficient to deter would-be pirates from pursuing such illicit activity. Rather, policies that address the underlying conditions that enable pirate groups – fragile and corrupt governments and dissatisfactory economic environments – are much more likely to succeed at decreasing the frequency of such attacks.
On April 5, 2010, two attack skiffs successfully boarded and hijacked a German-owned commercial vessel in the Indian Ocean. The MV Taipan, on its way from Haifa, Israel, to Mombasa, Kenya, intentionally avoided sailing near Somali waters because of the increased frequency of such attacks since 2005. When captured, the Taipan was 500 nautical miles off the Somali coast, and had sighted a seemingly innocuous dhow. The two skiffs, equipped with 10 Somali pirates, attacked the Taipan with machine gun fire upon approach, causing the ship’s master to order his crew into a secure location, while he and another officer remained on the bridge. The pirates disabled the ship’s GPS and redirected its route to Somalia. The sequestered crew were able to radio international naval forces in the area, bringing the Dutch warship HNLMS Tromp to the Taipan’s rescue. The approach of the Tromp led to the immediate retreat of the dhow Hud Hud – serving as the pirate mothership – but all attempts at negotiations between the Dutch Marines and the pirates aboard the Taipan were unsuccessful. The Tromp resorted to freeing the Taipan and its crew by force, opening fire against the pirates and boarding the ship by rappelling down from a military helicopter. Within only a matter of hours from the initial hijacking, the Dutch Marines successfully apprehended the Somali pirates, rescued the crew, and freed the ship with no casualties or loss of merchant supplies.

The suspects involved in the pirate attack on the Taipan were immediately taken to Djibouti, flown to the Netherlands, and extradited to Germany, where they stood trial for their crimes in the first legitimate piracy trial in Germany in 400 years. The trial itself lasted an unprecedented 105 days given the apparent simplicity of the ordeal, and was marred by the inability of the German prosecutors to assess the age of the accused, the specific actions taken by each individual during the hijacking, and the consideration of the duress under which some of the suspects may have acted. Nevertheless, the meticulous and drawn-out proceedings resulted in the conviction of all 10 Somali pirates on charges of kidnapping and attacks on maritime traffic. Prison sentences ranged from two to seven years, and the trial itself set a precedent for larger antipiracy counter-measures in the international community. The importance of this incident – and the subsequent criminal proceedings – cannot be ignored in a brief on the resurgence of maritime piracy and the success of antipiracy policies, as incidents like the attack on the Taipan are not rare.

Maritime piracy reappeared as a security threat in the early 1990s, as Figure 1 shows. The reemergence of piracy is commonly attributed to two phenomena. First, the end of the Cold War weakened the political control of states previously supported by the superpowers, which reduced states’ ability to provide maritime security. Coinciding with these developments was an increase in international business and trade as a result of globalization. In 2011, pirates launched 439 attacks against shipping vessels worldwide. This represented an 83% increase in piracy from 2006 and more than a 300% increase from 1991. Incidents dropped in 2012, but
still there were at least 297 attacks, 28 hijackings, and more than 550 hostages were seized, most by Somali pirates.¹

**Figure 1**: Global Piracy Incidents, 1991-2012

![Graph showing piracy incidents from 1991 to 2012]

Source: International Maritime Bureau

The increases in the number of piracy incidents come at a high cost for shipping companies and states. More than 80% of global trade is transported on ships, and these vessels provide pirates with large numbers of lucrative targets. Attempts to quantify the cost of maritime piracy put yearly losses to the international economy between $7-12 billion.² Understanding the drivers of piracy thus has important economic and security benefits for the United States and other countries. Yet despite threats posed by maritime piracy, modern manifestations of piracy continue to be largely ignored by scholars, the media, and political elites. While certain incidents have generated considerable attention, such as the rescue of Maersk Alabama captain Richard Phillips by US Navy SEALs in April 2009, maritime piracy continues to be ignored and largely misunderstood.

_Piracy continues to pose problems for the international community, and it remains to be seen whether deterrent measures can successfully reduce such criminality on the high seas._

The public policy response to piracy has also been limited. The United States and other countries have sent additional warships to the waters off Somalia and President Barack Obama publicly pledged to “halt the rise of piracy,” but such limited actions have had only marginal success. While international efforts such as UN Security Council Resolution 1851, Combined Task Force 150 and 151, and the European Union’s Operation Atalanta have attempted to stem piracy off the coast of Somalia, the actions appear to have had only limited impact. Indeed, the Task Force became fully operational in January 2009, but piracy incidents increased from 406 in 2009 to 445 in 2010, and then stabilized in 2011 at 439. Naval cooperation between the EU, the United States, and the United Nations has improved, and these efforts appear to have succeeded in reducing Somali piracy for the first time in 2012. But it remains to be seen whether deterrent measures can abate piracy in the long-term. Indeed, IMB statistics show that while piracy has seemingly decreased in the Gulf of Aden, it has increased in other areas, such as in the Gulf of Guinea. And while incidents decreased substantially in Southeast Asia from 2003 to 2009, incidents

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¹ Data come from the International Maritime Bureau (IMB).
in Indonesian waters have increased more than four-fold since 2009. Further, shipowners appear to regard the multilateral naval actions as insufficient (PiraT, November 2011). It seems that both the drivers of piracy as well as effective tools to combat piracy remain poorly understood. For example, if piracy and terrorism are linked, as they may be in certain places, and the United States continues to serve as a lightning rod for terrorist organizations, then an increased US naval presence may actually increase attacks rather than decrease them. Or, if fish catches continue to decrease as a result of foreign fishing fleets entering the territorial waters of under-developed states, then an international naval presence designed to combat piracy will only be addressing a symptom of the problem rather than the fundamental economic driver of pirate attacks.

- **A History of Piracy**

  Mentions of piracy frequently conjure romanticized notions of swashbuckling, rum-swigging, and skirt-chasing buccaneers hoisting the Jolly Roger. While such images stem from the portrayal of piracy in literature and film, they are of limited use in understanding both ancient and more recent manifestations of maritime banditry. Piracy has a long history in the oceans of the world, and its origins date back to the Phoenicians more than 4,000 years ago. However, as maritime technology increasingly allowed sailing vessels to travel farther away from littoral zones, and without adequate policing of the high seas, piracy not only flourished, but was largely sanctioned by the critical powers of the day (Nadelmann, 1990). Piracy was a means by which individuals accrued wealth, but also a tool used by political leaders to increase state power.3 Further, as trade on the high seas increased with European colonization, cargo ships laden with spices, silks, ivory, and precious metals became lucrative targets for the corsairs of the day.

  The Barbary pirates, for example, were the scourge of American merchant ships immediately following the Revolutionary War.4 While the British were able to patrol the Mediterranean and protect their trade routes, most states simply paid tribute to the Deys of the Barbary States (Howarth, 1991). Ransoming crews (similar to today) as well as tributes were common responses to the North African corsairs. The U.S. in 1791, for example, offered $49,000 to the Dey of Algeria for ransoming held U.S. sailors and created a tribute account to buy off the North African leaders (Howarth, 1991). Other countries, such as Holland, Austria, and Norway also paid for protection. Despite such efforts, Davis (2003) concludes that upward of a million European sailors were seized and sold into slavery during the

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3 In return for a letter of marque, which offered pirates some legitimacy through state sanction, governments received a share of the spoils (Conybeare and Sandler, 1993).

4 The Barbary pirates were sponsored, in most instances, by sovereign states and thus the term privateer is more accurate. Yet, how much control the Sultans of North Africa had over these ships and crews is not entirely clear. A treaty between Charles V of Spain and the King of Tunis requires the North African leader to offer no shelter to corsairs, pirates, and robbers, which suggests that some pirate vessels were operating independently of state control (Montmorency, 1918).
height of Barbary power in the 18th and 19th centuries.

Piracy reached its heyday in the late 17th and early 18th centuries when it flourished in the seas adjacent to Europe and North America as well as the Indian Ocean (Dear and Kemp, 2005: 430). Yet its success eventually produced a response by the British, whose naval forces had been substantially strengthened toward the end of the 17th century (Nadelmann, 1990). In part, the naval response to piracy by the British (as well as the Dutch, Spanish, and French) stemmed from the increasingly profitable maritime trade in goods to and from European colonies (DeNevers, 2007; Rediker, 2004). Consequently, political elites not only attempted to delegitimize criminality on the high seas, but also sought to crush it through the use of naval power (Ritchie, 1986). These actions were largely successful as buccaneers around the world were slowly eradicated and their state sponsors persuaded to close down safe-havens (Lehr, 2007: vii; Nadelmann, 1990).5

Piracy all but disappeared from security discussions until the number of pirate attacks started to rise again in the late 1980s. The reemergence of piracy was driven by both the collapse of the superpower rivalry, which frequently propped up weak states in Africa, Asia, and South America, as well as the tremendous increase in goods shipped around the world on the high seas (Lehr, 2007: viii). What are similarities and differences between earlier and more recent forms of piracy? Research argues that differences arise in the geographic reach and the international assessment of piracy (Ong-Webb, 2007). Recent piracy events occur primarily in the territorial waters of states, whereas piracy during its height was carried out on the high seas (Murphy, 2009). In addition, earlier forms of piracy possessed at least conditional legitimacy. Privateering (the procurement of private vessels by states) was given a degree of official government sanction (Abbot and Renwick, 1999). In comparison, contemporary piracy is seen as illegitimate and is considered criminal activity under international law.6 Yet there are also reasons to believe that substantial similarities between ancient and contemporary forms of piracy exist, especially with regard to explanations of piracy. Murphy (2009: 21) and Ong-Webb (2007) argue that many of the underlying factors contributing to piracy remain the same. For example, poorly regulated seas, favorable geography, sanctuaries on land, and economic prospects provide opportunities and motives for pirates old and new.

5 Interestingly, Nadelman (1990: 491) also maintains that the advent of steam power brought a final end to the incidence of piracy. Pirates could not keep up with steam powered vessels and the resources needed to build or buy such technologically advanced ships were out of reach of the pirates of the day. Unfortunately, technology now allows even the most resource-limited groups to chase down and threaten large merchant ships.

6 The criminalization of piracy in international law was completed with the ratification of UNCLOS (United Nations Convention on the Law of the Sea), which entered into force in 1994 and currently has 161 member states. In addition, many states have domestic legislation against piracy although substantial variation exists (Murphy, 2007: 166).
• The Drivers of Modern Day Piracy

Piracy, while implemented at sea, begins and ends on land. Access to a state is essential because pirates need sanctuaries on land to plan attacks, protect themselves from capture, and conduct ransom operations. In addition, piracy groups need access to markets to dispose of their loot. State weakness, then, creates the enabling environment in which piracy can flourish. Weak states are states in which corruption, crime, and other social problems are rampant. The inability of governments to monitor and police their territories opens up the geographical space that enables pirates to act. Space refers not only to territorial waters and the inability of fragile states to provide the naval forces necessary to capture suspected criminals. But it also refers to the space on land where pirates organize and plan their raids. Sometimes the piracy exists long enough to become accepted and integrated into the local culture and community (Murphy 2009, 43; Hansen 2009). Further, limited government control over a country’s coastal zone allows pirates access to ports and anchorages for discharging their captured cargo. Such illegal activities might be obvious in strong states with working political institutions (Liss 2007). However, in countries with weak governments, local police forces and bureaucratic officials may be more likely to facilitate piracy rather than hinder it so as to share in the proceeds from the sale of plundered goods or ransom rewards (Hansen 2009; Murphy 2009).7 Moreover, the

7 The underfunding of law enforcement in coastal waters was exacerbated by September 11, 2001. Governments shifted funds to combat terrorism and international focus on terrorism in recent decades may have only exacerbated this situation, as it has forced many states to devote extensive resources into homeland security initiatives and away from the investigation, apprehension, and prosecution of maritime brigands (Chalk, 2009).

State weakness creates the environment from which piracy flows and can flourish.

Weak institutional environments also create more direct opportunities for piracy by threatening the livelihoods of coastal fishing communities. Weak states’ inability to protect their territorial waters can lead to illegal, unreported, and unregulated fishing (IUU), which results in the redeployment of fishers into illegal activities such as piracy. After the collapse of government institutions in Somalia in the early 1990s, for example, commercial foreign fishing vessels began working off the Somali shoreline, frequently invading its territorial waters and exclusive economic zone, and thus displacing local fishers (Lehr and Lehmann, 2007).8 While such infringement by third parties may increase fish catch for these foreign actors, the IUU fishing reduces the fish stock available for local communities and also terrorists on land (Murphy 2008, 31; Chalk 2009). Hansen (2009) reports that interviewed pirates from the Puntland region of Somalia indicated that local police helped facilitate piracy by not arresting known pirates in the area. Murphy (2009) insists that corruption within police forces affects not only Somalia, but all piracy prone areas. In Indonesia, Frécon (2005) found police acting as both partners and security guards for suspected pirates.

8 Menkhaus (2009) additionally targets illegal foreign fishing as driving individuals to piracy in the greater Gulf of Aden.
threatens the long-term health of fisheries through overexploitation.

Some research points out that piracy requires skills enjoyed by only a small subset of a country’s population (Murphy 2009; Daxecker and Prins 2012; Weir 2009). Raiding a local business on land requires only a weapon and will, but at sea, boat handling and navigational skills are critical to success. Frécon (2005), Burnett (2002), and Murphy (2009) all maintain that unemployed fishermen, sailors, and taxi-boat captains provide a pool of available talent to recruit into piracy. These are individuals that can most easily transition to maritime brigand.

In countries where the average worker receives only a dollar a day in wages, the payoff from even one successful hijacking is worth sizable risks.

The absence of employment opportunities in the legal economy also drives individuals into piracy. This is not to say that poverty or unemployment turns otherwise honest people into pirates, but structural changes in an economy can produce, as Vagg (1995), writes “the dislocation of segments of the working population.” As individuals seek to provide for themselves and their families, the possibility of a large reward in a relatively short amount of time can push some fence sitters into piracy. In countries where per capita income can be less than $1,000 or $2,000 a year, a single day’s payoff of several hundred U.S. dollars is obviously quite valuable and worth sizeable risks (Murphy 2008). Indeed, Eklöf (2005) concludes that individual attacks in Southeast Asia on average result in between $500 and $700 for each pirate. Cross-national evidence appears to support the relationship between economic weakness and piracy. Iyigun and Ratisukpinol (2010) find GDP per capita to correlate with variation in pirate attacks and Jablonski and Oliver (2012) observe increases in the price of labor-intensive goods to drive pirate attacks higher. Daxecker and Prins (2012) directly address changes in a country’s fishing sector and find that decreases in annual fish catches correlate with increasing numbers of pirate incidents.

- Describing Piracy

Piracy affects nearly every region of the world. As seen in Figure 2, Southeast Asia and Africa account for a sizable majority of incidents. In fact, approximately 65% of all piracy occurs off the coasts of sub-Saharan Africa and Southeast Asia. Nigeria and Somalia tend to dominate the African incidents while Malaysia, Thailand, the Philippines, and Indonesia account for most of the incidents in S.E. Asia. Still, nearly every littoral state in sub-Saharan Africa, S.E. Asia, and the Far East has experienced some piracy according to the IMB data. While rarer, the Americas also experience piracy. More than 70 incidents were reported in the Americas in 2003, with Colombia and Venezuela witnessing the highest numbers of attacks. By 2011 and 2012, incidents had dropped considerably in the Americas, but the waters off Colombia

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9 Valencia and Johnson (2005) find the payoff to be around $5,000 to $15,000 for each successful attack, which is then split among group members.
and Venezuela remained prone to piracy. The littoral states of Europe and North America remain the safest with only a handful of attacks occurring over the twenty year time period.

**Figure 2: Piracy Incidents by Region, 1992-2012**

While nearly 60% of non-landlocked countries have experienced piracy in their territorial waters, a handful of states account for the vast majority of incidents that occur in any given year. Figure 3 shows the five most piracy prone countries from 2003 to 2012. All five countries suffer from significant piracy, but Indonesia and Somalia consistently witness the most pirate attacks in their territorial waters. In part this is a function of geography, but it also results from extensive illegal fishing and government corruption. Indonesia’s military is funded at least in part through non-government revenue sources and this only facilitates extortion and protection rackets (Murphy 2008, Human Rights Watch 2006). In Somalia, the collapse of the Barre regime in the early 1990s and its replacement with warlordism and political chaos allowed criminality to flourish. Somalia’s political fragility also enabled widespread illegal fishing in its territorial waters likely pushing many former fishers into piracy and other criminal activities. In fact, when the USS *Gonzalez* apprehended Somali pirates in 2006 they claimed to be challenging foreign fishing vessels in Somali waters (Lim 2006).

**Figure 3: The Five Most Piracy Prone Countries, 2003-2012**

Data from the Food and Agricultural Organization (FAO) of the United Nations shows a significant decline in the value of fish production in Somalia starting in 2004. The value drops by 50% from 2004 to 2005, and while the value of fish caught in Somali waters increases in 2006, by 2007 the value was only 32% of its 2004 price. The variance in the value of fish produced also
increases over this time period. For fishers, this is a perfect storm: the value fluctuates widely, but also the general trend is for fewer fish caught.

States with long coastlines, archipelagic makeup, numerous islands, or that are located proximate to strategic shipping lanes offer opportunities for piracy (Ong-Webb, 2007: 46). The concentration of piracy events along the Straits of Malacca and around the waters of Indonesia seemingly supports such arguments. Indeed, Indonesia has more than 54,000 kilometers of coastline and approximately 17,508 islands make up the country. The Philippines has only a slightly smaller coastline at 36,000 kilometers and more than 7,000 islands.

**Figure 4**: Locations of Piracy Incidents, 2012 (Yellow = Attempted Attack) (Red = Actual Attack)

Both of these countries present difficult challenges in controlling piracy as nearly endless coves, inlets, and swamps exist to conceal activity and allow for evasion. Emphasis on favorable geography also suggests that piracy, while a global phenomenon, tends to be regionally concentrated, particularly in areas close to major shipping lanes such as East Africa and Southeast Asia. Figure 4 maps the 2012 incidents geographically. Again, one can easily see that the Gulfs of Guinea and Aden, plus the Malacca Straits witness substantial piracy. Given that trade in the greater Gulf of Aden is valued at nearly $1 trillion a year, it is clear why would-be pirates gravitate toward these waters. The value of trade in Asia is even greater, estimated at close to $10 trillion a year. Much, if not most, of the trade in both regions passes through the Red Sea and the Malacca Straits. Somalia, despite having only five deep sea ports, is only five kilometers from where the Red Sea empties into the Gulf of Aden. Both Indonesia and Malaysia directly border the Malacca Straits and possess seven times more ports than Somalia. The thousands of container ships that travel these strategic waterways present lucrative targets for modern-day corsairs.

**Figure 5**: The Arabian Sea

Piracy also flourishes where political and economic conditions facilitate corruption and criminality. Countries that suffer from piracy experience much higher levels of political fragility. The Center for Systemic Peace measures political weakness using an ordinal scale ranging from 1 to 25, with higher values signifying increasingly fragile states. Countries experiencing piracy
have fragility scores that are on average 65% higher than countries not suffering from piracy. The average fragility score for countries without piracy is 7.6. For countries with piracy, the average fragility score is 12.73. Indonesia scored a 15 in the late 1990s when piracy incidents in its waters numbered more than 50 a year on average. For the last 20 years, Somalia has been coded as near a failed state as there is in the international system. Its fragility score was 25 in 2010, and Somalia experienced 139 incidents that same year.

**Figure 6: State Fragility Scores for Countries with and without Piracy**

Similarly, opportunities (or lack thereof) in the legal economy affect the prevalence of piracy. Unemployed youth (especially males) provide the foot-soldiers both for insurgencies and pirate gangs. The per capita gross domestic product (current U.S. dollars) for countries experiencing piracy is only $5,172. The value for countries without piracy is more than three times higher at $17,753. Some of the most piracy-prone countries remain some of the poorest places on earth. Somalia had a per capita GDP in 2009 of only $512. Nigeria was slightly higher at $2,373, while Indonesia seems comparatively wealthy at $4,381.

**Figure 7: Per Capita GPS (Current US Dollars) for Countries with and without Piracy**

- **Conclusion**

Since the International Maritime Bureau first started recording information on piracy in 1991, the number of incidents has increased dramatically. With fast boats and light but powerful weapons, pirates are difficult to stop. They also can impose significant costs on shipping companies, leading to higher prices for consumers worldwide. The international community has recently taken notice of this increasingly pressing problem, but counter-piracy efforts have thus far not succeeded in eliminating piracy, despite some recent successes in the
Gulf of Aden. This reflects the difficulties inherent in addressing a violent criminal enterprise that predominantly occurs in the territorial waters of individual states. The U.S. and other naval powers also confront logistical headaches in policing the seemingly endless coastlines of Africa, Indonesia, and South America, from where pirates can hide and launch their attacks.

While anti-piracy efforts, including an increased naval presence in strategic waterways and more effective prosecution of alleged pirates, must be part of any plan to combat the Barbary Pirates of the 21st century, patrolling and enforcement at sea will only go so far. Indeed, the countries suffering from piracy generally remain poor and politically fragile. It thus appears that improving governance mechanisms and economic opportunities carry the most promise in reducing the incidence of piracy and likely will be more effective than focusing on improvements in military capacity or the policing of coastlines.

Interested readers can find up to date information on piracy at the Oceans Beyond Piracy Project (oceansbeyondpiracy.org), which is funded by the One Earth Future Foundation. PiraT (maritimesecurity.eu) also reports on piracy worldwide and publishes a newsletter that documents both attacks and research on the drivers of modern day piracy. PiraT is funded by German Ministry of Education and Research as well as the Institute for Peace Research and Security Policy at the University of Hamburg.
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