

Maritime Terrorism and Piracy: Existing and Potential Threats

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Abstract

The vast and largely ungoverned maritime domain is an area that terrorists and pirates actively seek to exploit in pursuit of achieving their land-based goals and objectives. There is also growing concern within the international community that these actors are colluding with one another to achieve their separate aims. In order to formulate and implement effective countermeasures, policymakers must be able to distinguish maritime terrorism from piracy. Additionally, policymakers must determine whether or not a nexus is forming between these two distinct groups. However, the overlapping characteristics and marked similarities between pirates and terrorists operating at sea make it difficult to tell them apart. Such ambiguity has significant implications and serves as an impediment to effectively countering these threats. The aim of this paper is to identify the factors that assist us in differentiating maritime terrorism from piracy and determine whether or not the perpetrators of these acts are partnering with each other.

Keywords: Maritime Terrorism, Piracy, Maritime Domain, Nexus, Countermeasures, and Implications

Introduction

Maritime terrorism and piracy are terms used to describe violent acts carried out by malevolent actors operating at sea. We typically correlate the former with acts of war committed by rogue ideologues while the latter connotes criminal activities committed by brigands for profit. Such characterizations are shortsighted and fail to demonstrate the true meaning of the terms. Moreover, they invite conjectures about the nature of these threats and the factors that give rise to them. Recent suggestions that a nexus may be forming between pirates and terrorists add further obfuscation to understanding the differences between them. Although there are similarities between the perpetrators of these acts, there are also defining characteristics that allow us to distinguish one from the other.

Policymakers must be able to clearly distinguish these two phenomena in order to develop effective countermeasures. The intent of this paper is to determine the differences between maritime terrorism and modern piracy and identify whether or not a nexus exists between them. This analysis will also recognize the implications of these threats and how they may be mitigated. Once the review has been conducted, the reader will have a better understanding of piracy and terrorism within the maritime domain and the dangers they pose to international peace and stability.

Distinguishing Maritime Terrorism from Piracy

As is the case with many other threats facing the international community, what defines piracy and terrorism often lies in the eye of the beholder. How one state perceives these threats may be vastly different from how another state perceives them. This lack of definitional consensus has significant implications and impedes sound policy development. Although maritime terrorism and piracy are two distinct phenomena that exist for different reasons, many of their characteristics tend to overlap (Brookes 2009, 31). This overlap has led to misperceptions about these concepts and the dangers they pose to the expansive and largely ungoverned maritime domain. Thus, it is important for us to gain a better understanding and appreciation for these maritime threats and the challenges they pose to the policymakers and seafarers who must contend with them.

Definitions Abound

Despite serving as the representative body for international peace and stability, the United Nations (UN) does not offer a satisfactory definition for terrorism or piracy. For instance, piracy is defined by the UN in Article 101 of its Convention on the Law of the Sea (UNCLOS) as an act of violence or robbery carried out for private ends against another ship or person while in the high seas (Division for Ocean Affairs and the Law of the Sea, 1982). This definition is ambiguous and restricts how states may pursue piratical instances vis-à-vis international law. Similarly, the UN has not been able to provide the international community with an acceptable definition for terrorism. Not having a universal definition for terrorism is problematic in itself, but it becomes more difficult when states must distinguish between piracy, terrorism, and other acts of maritime depredation.

There are two organizations however, the International Maritime Bureau (IMB) and the Council for Security Cooperation in the Asia Pacific (CSCAP), that offer noteworthy definitions for piracy and maritime terrorism. The IMB defines piracy as “an act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in furtherance of that act (Chalk 2008, 3)” While CSCAP defines maritime terrorism as

the undertaking of terrorist acts and activities (1) within the maritime environment, (2) using or against vessels or fixed platforms at sea or in port, or against any one of their passengers or personnel, (3) against coastal facilities or settlements, including tourist resorts, port areas and port towns or cities (Chalk 2008, 3).

By combining these definitions with the motivations, methods, and targets of terrorists and pirates operating at sea it will allow us to discern maritime terrorism from piracy.

Economic Gain or Political Aim?

One way to separate maritime terrorists from pirates is through their motivation. Martin Murphy (2008) contends that piracy involves a group of criminals that seek financial gain by stealing anything of value from a ship, to include cash, personal possessions, cargo, the ship and its crew (23). The gains however do not have to be substantial and the group does not have to be

robust. According to Peter Chalk (2008), piracy may be placed into three different categories: (1) Low-level attacks often committed near the shoreline where the pirates take cash and personal possessions that are valued anywhere from \$5,000 - \$15,000; (2) medium-level attacks that are committed by more organized and better armed pirates operating in territorial waters or on the high seas where violent robbery often occurs; (3) high-level assaults that involve the taking of ships, their crew members, and all onboard cargo (5-6). What is common in each form of piracy is that they all involve violence for the purpose of economic gain.

According to the previously mentioned CSCAP definition of maritime terrorism, these acts may be seen as an extension of land-based terrorism. Renowned terrorism expert, Bruce Hoffman (2006), states that one of the defining characteristics of terrorism is that it is “ineluctably political in aims and motives” (40). However, terrorists may conduct maritime attacks to fund their onshore operations; thus, leading some to infer that piracy and maritime terrorism are one in the same (Mitchell 2009, 156-8). Despite such overlap, one is conducted solely for monetary purposes while the other is seen as a means to a political end (Mitchell 2009, 156-8).

Targets and Methods

The targets and methods that are chosen by pirates and terrorists are factors that must also be taken into consideration when attempting to delineate these two groups. Perpetrators from both groups must be proficient in their seafaring skills in order to be successful at conducting maritime operations. Moreover, they must be prudent in deciding which targets to attack and which methods to employ.

There are disagreements over the preferred targets of piracy. Martin Murphy (2008) states that pirates often choose to attack small vessels rather than large ones (46). Others, however, contend that piratical incidences occur more often against larger vessels, such as bulk carriers (Shane and Lieberman 2009, 275). Nonetheless, what is indisputable is that pirates target ships that are most vulnerable. And ships that are more susceptible to piracy are those with a lack of surveillance technologies, small crews, and are easy to board (United Nations, “Maritime Piracy” 198).

The method of attack typically used by pirates involves seven steps: “stalk; site; stop; shock; smother; secure, search and snatch; and scam” (Mitchell 2009, 165). The first two steps are conducted prior to the actual ambush; which involves the intelligence gathering and planning of attack, then positioning for the pending attack (Mitchell 2009, 165). During the ambush phase of the operation, pirates stop the ship then shock and smother its crew (Mitchell 2009, 165-6). Pirates use a variety of methods to cause the vessel to halt, and once on board they quickly overwhelm the crew to prevent resistance (Mitchell 2009, 166). The last three steps of the operation – secure, search, and snatch – is where the pirates take the goods then depart, either with or without the boat and crew (Mitchell 2009, 166).

None of these activities would be possible if it were not for a land-based contingency to support them. Indeed, “pirate cells, especially more organized groups, require a network of support on land” (Patch 2009, 71). From logistics to weapons, for a piratical assault to transpire

it requires some form of support ashore (Patch 2009, 71). Thus, piracy committed off shore has a corollary effect on criminal activities that occur on land.

The targets and methods used by pirates will vary from those chosen by terrorists. Unlike pirates, maritime terrorists target vessels that will have some effect on the political objective they are trying to achieve. Thus, targets that are chosen by terrorists fall into four categories: “(1) Ships as iconic targets; (2) ships as economic targets; (3) ships as mass casualty targets; (4) ships as weapons” (Murphy 2008, 199).

As iconic targets, terrorists attack ships that are symbolic to the target-state the attack is directed toward (e.g. naval warships) (Murphy 2008, 200). Ships that serve as economic targets are those that when attacked may disrupt the economic activity of the adversarial state, such as oil tankers and oil platforms (Murphy 2008, 201-7). Any ship that is carrying a large amount of passengers (e.g. cruise ships and ferries) is a potential mass casualty target of terrorism (Murphy 2008, 207-12). As a potential weapon, terrorists may place explosives onboard a ship and detonate it on or offshore (Murphy 2008, 212-13). Additionally, terrorists can use ships as weapons by driving them into another ship, potentially one that has volatile cargo (Murphy 2008, 230). An attack on either of these targets has the potential to cause chaos and spread fear among the population.

Terrorists often use small boats to carry out attacks against unsuspecting ships. Similar to pirates, terrorists prefer small boats because of their speed and acceleration, maneuverability, and ability to evade radar detection (Murphy 2008, 232). In addition, they are less expensive and less conspicuous (Murphy 2008, 234). Unlike pirates however, terrorists are less likely to board the ship. Considering that terrorists are politically rather than economically driven, they are more likely to destroy the ship to send a political message to their adversaries (Mitchell 2009, 166).

As demonstrated, the targets and methods of attack for pirates and terrorists are different. They are different because the motivations of pirates and terrorists are different. Nevertheless, some contend that these maritime threats have become increasingly intertwined and less discernable (Patch 2009, 68). Thus, it is important to identify the similarities and dissimilarities in order to determine whether or not maritime terrorism and piracy are analogous to each other.

Defining Characteristics

Based upon the aforementioned characteristics and the previously applied definitions of these sea-based threats, there are factors associated with both that demonstrates a similarity between them. These factors include, but are not limited to: violence or the threat of violence in pursuance of their acts; a need for funding to sustain their operations; and a land-based component to support these activities. This does not indicate an inseparability of maritime terrorism from piracy; rather, it merely suggests that there exist commonalities among them. For operational and policy purposes, these threats must be discernable despite notable similarities between them. The factor that allows us to delineate maritime terrorism and piracy is motivation: the former’s sea-based operations are for political purposes while the latter’s for economic gain.

Dangers of Maritime Terrorism and Piracy

The international community is well aware of the fact that terrorism and piracy at sea pose a threat to any potential target. In order for policymakers to develop and implement the most effective counterstrategy, they must first understand their nature and the conditions that give rise to them. Additionally, the international community needs to recognize whether these are local, regional, or global threats. Once this determination has been made, governments are in a better position to mitigate the threats.

Nature of These Threats

By assessing the favorable conditions for piracy and maritime terrorism we can gain a better understanding of the nature and implications of these threats. Martin Murphy (2008) recognizes seven factors that contribute to piracy: “(1) legal and jurisdictional weakness; (2) favorable geography; (3) conflict and disorder; (4) under-funded law enforcement/inadequate security; (5) permissive political environments; (6) cultural acceptability/maritime tradition; and (7) promise of reward” (28). The theme surrounding each of these factors is that piracy thrives when states are unwilling or unable to extirpate the threat. Pirates capitalize on the weaknesses of a state and reap financial rewards in the process. The nature of the threat has not changed; throughout its history, piracy has been committed by brigands who target unsuspecting seafarers for the purposes of financial gain (Murphy 2008, 21). Piratical incidents will continue to occur so long as these conditions remain favorable toward them.

Like piracy, there are factors that provide an opportunity for terrorists to conduct attacks at sea. There are eight factors that Martin Murphy (2008) recognizes as favorable conditions for maritime terrorism: “(1) legal and jurisdictional opportunities; (2) geographical necessity; (3) inadequate security; (4) secure base areas; (5) maritime tradition; (6) charismatic and effective leadership; (7) state support; and (8) promise of reward” (358). Many of these conditions are similar to those that give rise to piracy; however, the reasons they exploit these conditions are different. Terrorism always has, and will remain, a form of violence that is committed to cause political change, and the maritime realm is simply an area that terrorists exploit to achieve their political objectives on land.

Local, Regional, or Global Threats?

Realizing that the nature of these threats has not changed, it is logical to assume that they will continue to pose challenges to policymakers in the future. So long as favorable conditions exist, and sea-based targets remain vulnerable to attacks, piracy and maritime terrorism will thrive. However, there is debate over whether or not these threats are global concerns or regional and local concerns. While it is understood that both involve violence, it is less clear if the severity of these acts warrant international or local initiatives.

While speaking before the U.S. House Committee on Foreign Affairs, Andrew Shapiro (2011) of the U.S. State Department noted: “Piracy affects the international community as a whole and can only be effectively addressed through broad, coordinated, and comprehensive international efforts” (2). Shapiro (2011) further contends that the international community has grown increasingly concerned over piracy and that affected nations are seeking out anti-piracy assistance (2). The burden of responsibility for confronting piracy should not rest solely upon the

shoulders of those nations that are directly impacted by it; rather, it should also be placed upon the states and commercial shipping owners who rely upon unfettered movement at sea.

However, there are others who view piracy as an overstated threat that should not merit international response; instead, they believe it should be handled by local law enforcement (Patch 2009, 65). Martin Murphy (2008) for instance recognizes that piracy may occur sporadically throughout the world but it remains a local problem (177). He also notes that “while piracy attacks do occur in many places around the globe, contemporary piracy is concentrated in only a few areas that to some extent shift over time” (177). In addition, attacks that take place in these areas have an insignificant impact on international trade and commerce (Murphy 2008, 377). If this is the case indeed, then there would appear to be no incentive for the international community to dedicate money and other resources to deterring these threats.

Nevertheless, piracy does have human costs. The countermeasures that seafarers and their respective government take when confronted by pirates, either in territorial waters or on the high seas, has international implications. For example, the Chinese government committed naval warships to combat piracy off the coast of Somalia after one of its merchant ships, the *Zhen Hua 4*, was confronted by pirates in the Gulf of Aden in 2008 (Payne 2010, 177-8). Another notable example is the United States’ decision to allow Navy Seals to shoot and kill three Somali pirates when they hijacked the *Maersk Alabama* and took its captain hostage (Payne 2010, 135-40). Such instances demonstrate that states are increasingly concerned about piracy and that they are willing to use force as a means of deterrence. For this reason, it is rational to conclude that piracy is an international threat that merits international countermeasures.

The September 11, 2001 terrorist attacks against the United States proved that terrorism is not confined to one specific region of the world and that all members of the international community are susceptible to being attacked. When al-Qaeda used commercial airliners to commit these atrocities it became apparent that terrorists are capable of using unconventional means to exploit any potential weakness in a state’s security. The maritime domain is one area that poses a security concern and is particularly vulnerable to terrorist attacks since it is largely ungoverned and its ports are inherently difficult to secure (Murphy 2008, 198). Indeed, al-Qaeda successfully attacked the United States when two men using a small boat placed a shape charge against the hull of the USS *Cole* while refueling at a Yemeni port, killing seventeen U.S. service members and injuring 39 more (Murphy 2008, 196). Had the United States took heed to intelligence warnings and reports about pending terrorist attacks against Navy ships, perhaps this event could have been prevented (Murphy 2008, 197).

Only a limited number of terrorist groups conduct seaborne attacks and there only a limited number of states that are directly affected by them (Murphy 2008, 373). Maritime terrorism requires a particular set of skills and equipment that many terrorist groups either do not possess or have no reason to acquire (Murphy 2008, 379). The Liberation Tigers of Tamil Eelam (LTTE) however is an exception to the norm. During its struggle with the Sri Lankan government for Tamil independence, the LTTE has developed a robust naval force known as the Sea Tigers (Murphy 2008, 311). Comprised of approximately 4,000 seamen, the Sea Tigers have proven to be a formidable threat to the Sri Lanka Navy (SLN), destroying nearly one-third of its

naval fleet (Cheloukhine and Lieberman 2009, 186). Even though many terrorist groups have aspirations to emulate the Sea Tigers naval prowess and capabilities, maritime terrorism has not received the same attention and appreciation as other forms of terrorism (Murphy 2008, 321; Greenberg, Michael D., et al. 2009, 243). There are many implications that arise when attacks at sea are not treated as international threats. If states feel that maritime terrorism does not threaten their particular interests then they are less likely to dedicate resources to countering it.

Despite the perceivably benign threat however, there has been a marked rise in maritime terrorism incidents and plots in recent years (Greenberg, Michael D., et al. 2009, 243). This spike has elicited international concern and attention since states have become increasingly interconnected and interdependent (Greenberg, Michael D., et al. 2009, 243-5). What occurs in one region of the world has the potential to spill over into other areas. Even though there are only a small amount of states that are directly affected by this threat, the international community as a whole is indirectly impacted by it. Indeed, Martin Murphy (2008) recognizes that “the continuing and in many cases unavoidable vulnerabilities of the global maritime transport system could magnify the consequences of any attacks, with effects throughout the system as a whole” (408). Thus, maritime terrorism must be treated as an international threat that requires international resolve.

Both piracy and maritime terrorism are challenges that policymakers face when it comes to ensuring vessels are able to transit the world’s oceans without fear of attacks being mounted against them. The U.S. Maritime Security Strategy points out that every nation has a vested interest in securing the maritime domain and that it will take a coordinated effort from all nations in order to protect the sea from these threats (14). Categorizing maritime terrorism and piracy as international imperatives is not hyperbole that is based upon anecdotal evidence; rather, it is based upon the fact that all nations that partake in maritime trade are susceptible to attacks. Although piracy and maritime terrorism are considered by many to be local problems, they constitute a global threat.

Counter-Terrorism or Counter-Piracy Strategy?

Despite the fact that both piracy and terrorism pose significant threats to the maritime domain, they are different threats that require different approaches. Intertwining piracy and terrorism by applying a “one size fits all” counterstrategy against them has many implications. For instance, applying use of force against either of these threats would elicit many questions about the legality of such acts, especially if it is conducted within the territorial waters of another state. The international community must be able to separate these activities to ensure the most efficient and effective countermeasures are being employed against them.

In relation to the importance of distinguishing piracy from terrorism for countermeasure purposes, John Patch (2009) states: “The distinction between piracy and terrorism is neither semantic nor academic. If piracy, the responsibility lies with local law enforcement officials, not the military. But maritime terrorism means scrambling the Navy.” (65). If only it were that easy. Piracy has become increasingly violent over the years and has elicited the call for use of force protocols to be applied against it. In 2008, the United Nations Security Council enacted Resolution 1851 which allows states to use “all necessary means to repress acts of piracy and

armed robbery” off the coast of Somalia (3). This would imply that scrambling the Navy and using deadly force, if deemed necessary and within the scope of international law, is an acceptable anti-piracy measure. U.S. Navy Seals for instance shot and killed three of the four pirates who hijacked the *Maersk Alabama* off the coast of Somalia in 2008 (Payne 2010, 140). Thus, use of force is not limited to acts of terrorism alone; rather, it can be used as a countermeasure against piracy as well.

Nevertheless, these threats cannot be defeated simply by any single approach alone, militarily or non-militarily. Moreover, they cannot be defeated by the efforts of a single nation. As the U.S. Department of Homeland Security (2005) points out in its National Strategy for Maritime Security, “the security of the maritime domain requires comprehensive and cohesive efforts among the United States and many cooperating nations to protect the common interest in global maritime security” (7). It is incumbent upon all nations who have a vested interest in maritime security to work together and find common ground on how to defeat these threats. International and regional institutions should be utilized to the maximum extent possible to help overcome the operational, policy, and legal hurdles of combating terrorism and piracy at sea. As the first line of defense against these threats, the commercial shipping industry must have a say in how maritime security initiatives are created. How the crew members of these ships respond to the threat off shore can have a significant impact on the relations between nations on shore.

Determining the right course of action to pursue against piracy and maritime terrorism is a formidable challenge. The chosen countermeasure will likely raise questions over the legality of its use should it ever be used against either of these threats. For instance, who distinguishes pirate from terrorist? Is it the target’s state, the nearest coastal state, or an international body? When is it legal to use force against the perpetrators of these acts? Questions such as these underscore the need for a multilateral approach against piracy and maritime terrorism.

The international community would be prudent to continue treating piracy and maritime terrorism as threats to international peace and stability. For this reason, naval forces should continue to play a role in counter-piracy and counter-terrorism by deploying to known threat areas and assisting seafarers when needed (Cheloukhine and Lieberman 2009, 203). In the long-term however, neither piracy nor maritime terrorism can be defeated by a strong international effort with a weak local effort. Thus, any viable solution to eliminating these threats must include international assistance to local governments where piracy and terrorism thrive.

Maritime Terrorism-Piracy Nexus

Recent suggestions that a nexus may be forming between pirates and terrorists add further complexity to understanding the differences between them. Some within the international community postulate that terrorists will collude with pirates in order to learn the “tricks of the trade” of operating at sea (Murphy 2008, 380). In addition, there are some who contend that piracy offers terrorists a means to finance their ongoing land-based operations (Brookes 2009, 31). While there are others who suggest that many of the pirates operating at sea today maintain a relationship with regional terrorist groups (Tomberlin 2009, 53). Contrariwise, there are many who disagree with such postulation, noting that these are spurious claims that lack supportable evidence. Indeed, Martin Murphy (2008) notes that there is no supportable evidence of such a

relationship (159). The implications of a terrorism-piracy nexus have a profound impact on international stability, and it is important to determine whether or not this is an existing threat or has the potential of becoming one.

Shared Interests

Despite their differences, terrorists and pirates have shared interests when it comes to conducting sea-based attacks. These interests are derived from the factors that give rise to both threats. As an extension of land-based operations, maritime terrorism and piracy thrive only when conditions on shore permit. In order to remain viable, the perpetrators have a common interest in ensuring that corrupt and weak states remain as such. This commonality could lead to terrorists and pirates cooperating with one another in an effort to ensure permissive conditions for maritime violence are not ameliorated.

With this being the case, both groups could brush aside their differences and work together to prevent host states from counteracting their operations. Their survivability is dependent upon corrupt officials, weak institutions, and a welcoming environment for criminal activity. Whenever these conditions are improved it poses a risk to terrorists and pirates. Thus, they have every reason to establish a relationship to prevent improvements in security measures. Nonetheless, there are advantages and disadvantages for both sides when it comes to forming any type of alliance. These factors must be taken into account when determining whether or not a piracy-terrorism nexus exists.

Advantages and Disadvantages of Unifying

Neither terrorists nor pirates are entirely self-sufficient, they both require some form of support in order to achieve their goals and objectives. This support could range from money to arms and supplies. It is plausible to suggest that pirates and terrorists could collaborate and provide some assistance to each other. However, terrorists would stand to gain a lot more from the relationship than pirates. By underscoring the obstacles facing maritime terrorists, and what pirates stand to gain by providing assistance to them, it is possible to see where collusion between them could prove beneficial.

As previously mentioned, terrorists often lack the skills and experience that are needed to conduct maritime attacks (Murphy 2008, 379). Unlike land-based operations where the targets are stationary, the maritime domain is dynamic and the tides are ever changing. Even if the target is stationary, the sea is not (Murphy 2008, 370). Targeting ships that are moving adds to the complexity of successfully launching a seaborne attack. Variables such as tidal movements and wind must be factored into the planning and execution phases of the operation (Murphy 2008, 370). In addition, maritime terrorism requires experience and training in areas such as navigation and ship handling (Murphy 2008, 370). Factors such as these pose a significant challenge to terrorists who are desirous of committing terrorism at sea.

However, terrorists could overcome the abovementioned obstacles by receiving training from adept seafaring pirates. Moreover, pirates could assist terrorists by navigating to the target

site for them (Murphy 2008, 161). The benefit for pirates would be the monetary rewards that would be paid to them for services rendered; after all, it is inconceivable to suggest that pirates would assist terrorists without some form of payment. Terrorists could also provide pirates with the arms and supplies needed to conduct their attacks as well. In addition, terrorists could help pirates secure a safe passage once on shore. Thus, there are some reciprocal benefits for these groups to partner with one another.

Nevertheless, there are many disadvantages that come with collusion as well. Terrorism and piracy are high-risk activities and any relationship formed between their perpetrators will exponentially increase this risk (Murphy 2008, 394). Pirates and terrorists do not engage in violence with the intent of getting caught; however, it is much easier to track and capture the former than it is the latter (Murphy 2008, 396). Thus, the security risks associated with collaboration may outweigh any potential gains. Nevertheless, piracy is a lucrative business, and terrorists who are seeking new means of financing their operations could be drawn to piracy despite the inherent risks that come with doing so.

Does a Nexus Exist?

Any suggestion of a maritime terrorism-piracy nexus should be viewed with caution. Although it is possible for terrorists and pirates to collude with one another, there is no evidence that they have or that they will (Murphy 2008, 387). There are two reasons that underscore why this is an unlikely alliance: motivation and publicity (Murphy 2008, 387-88). As has been demonstrated throughout this paper, pirates commit violence for financial gain while terrorists do so for political purposes. Terrorists however may conduct operations at sea for the promise of financial reward. For example, the Abu Sayyaf Group (ASG) is a Philippine terrorist organization that has used its skilled maritime capabilities to attack ships primarily for the financial purposes (Murphy 2008, 344). Nevertheless, it is still unlikely that terrorists would partner with pirates for financial reward. Moreover, it is less likely that pirates would even want to partner with terrorists. By assisting terrorists with hijacking ships, pirates would be cutting into their potential profits.

Terrorists also want to gain media attention with their attacks. They want everyone to know their capabilities and reasons for resorting to terrorism. In addition, publicity helps terrorists generate fear in the population. Indeed, Bruce Hoffman (2006) states that “through the publicity generated by their violence, terrorists seek to obtain the leverage, influence, and power they otherwise lack to effect political change on either a local or an international scale” (41). Pirates on the other hand are criminal organizations, and as such they do not seek publicity. Publicity brings unwanted attention from law enforcement officials, and the more public their attacks become the more likely they are to being apprehended (Murphy 2008, 388). For reasons such as these, the risks outweigh any foreseeable gains from a terrorist-pirate relationship.

Conclusion

The preceding review demonstrates that maritime terrorism and piracy are two distinct phenomena that are capable of being separated from one another. It is clear that the perpetrators of these acts have different motivations and choose targets based upon separate objectives. In

general, pirates are criminals who commit violence in the pursuit of financial gain while terrorists are persons who use violence as a means to achieve a political objective. They exploit the maritime domain because it provides them with an opportunity to achieve these aims. How we counteract these threats is based upon how we perceive them. Both are local problems that pose global dangers; yet, not all members of the international community treat them as such. Moreover, recent suggestions that a piracy-terrorism nexus is emerging obfuscates the meaning of these concepts. Such misperception has profound implications and complicates policy development and implementation. Policymakers need a clear understanding of maritime terrorism and piracy in order to overcome the inherent challenges of mitigating them.

Implications and Recommendations

The operational, legal, and policy implications of maritime terrorism and piracy are profound and greatly affect how these threats are addressed. Operationally, the international community must use the most effective and efficient tools to counteract these threats. This requires a pragmatic and sensible approach that takes both military and non-military options into account. Combined Task Forces (CTF) 150, 151, and 152 for example are multinational naval coalitions that are responsible for conducting counter-piracy and counter-terrorism operations in known areas where these threats exist (United States. Department of the Navy). The commercial shipping and passenger industries also have a responsibility to ensure they are protected from pirates and terrorists. John Patch (2009) contends that ship owners are not taking the necessary steps to limit their vulnerability to attack and that they should begin investing in security and surveillance systems, and they should consider private security firms for protection (73). Nonetheless, a lack of resolve from the commercial industry does not negate the international community's responsibility of ensuring freedom of movement at sea. Thus, multinational forces such as CTF 150, 151, and 152 are a step in the right direction for securing the maritime domain.

The legal implications of maritime terrorism and piracy are inextricably tied to how we respond to them. Any response taken must be in accordance with local and international laws; violation of either one will generate backlash and condemnation from members of the international community and the coastal state where the act took place. Legal challenges are compounded by the fact that the legal institutions where these groups thrive are weak and ill-suited to prosecute the perpetrators. To overcome these legal impediments it will require clarification from the international community over what constitutes maritime terrorism and piracy and what actions may be taken against the perpetrators of these acts. In addition, states must cooperate with the International Maritime Organization (IMO) and enforce all measures of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), to include the 2005 Protocols. Nevertheless, any viable long-term solution will focus on strengthening the legal institutions of the coastal states where terrorism and piracy flourish.

M.R. Haberfeld and Agostino von Hassell (2009) recognize that the policies of states are the greatest impediments to operational effectiveness against these threats (9). Despite the fact that maritime terrorism and piracy are violent acts that pose a danger to international stability, each state perceives and responds to these acts differently. Such inconsistency obstructs effective countermeasures and allows the actors to commit further acts of violence. In order to defeat these threats our policies towards them must be consistent, on and off shore. It also requires a common

Maritime Terrorism and Piracy: Existing and Potential Threats

understanding and a multinational effort to be taken against them. More importantly, extirpating terrorism and piracy at sea will only be possible when the factors that give rise to them are properly addressed. This necessitates a long-term strategy aimed at ending corruption and strengthening the institutions of nations where terrorism and piracy flourish. It is a global endeavor that requires global cooperation and resolve.

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Maritime Terrorism and Piracy: Existing and Potential Threats

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