13 Piracy and the Exploitation of Sanctuary

Martin N. Murphy

Piracy is a land-based crime that takes place at sea. Intensive maritime patrolling can deter piracy in narrow waters, providing that is its sole purpose. When piracy suppression is incidental, the effect of patrolling can be limited. Patrolling against piracy on the open ocean is often a hit-or-miss affair given the huge spaces involved. Consequently, it is fair to say that piracy is only effectively controlled when maritime patrols act in concert with land-based policing, and is only suppressed when piracy becomes politically and economically unattractive. What this demonstrates is that maritime crime and violence can only be perpetrated, and certainly can only be sustained, from the sanctuary of secure bases on land.

THE FAVORABLE FACTORS

There are seven factors that enable piracy to occur. As it pertains to armed groups operating at sea, there are eight similar and largely common factors. In both cases, these factors interact one with another and, although circumstances determine which predominate, all are usually present to some degree. Differences between the two, where they exist, are often ones of nuance.[1]

All of these factors, with the exception of charismatic and effective leadership, are elements in the notion of sanctuary.[2] This chapter discusses these factors and how they apply to maritime armed groups.

Geography
Pirates used to be called "rovers," but they never roved aimlessly. Piracy has only ever been sustainable in places that offer a combination of rewarding hunting grounds, acceptable levels of risk, and proximate safe havens, and this combination remains the case today.[3] Ships that are anchored in ports or awaiting berths are more at risk than ships under way, but if ships are attacked when moving then this generally occurs in narrow waters such as straits and around archipelagoes.[4] The Straits of Malacca and Singapore, and the waters around Indonesia, famously offer these conditions.

Dr. Martin N. Murphy is a research fellow at the Corbett Centre for Maritime Policy Studies, King's College London. He is the author of *Contemporary Piracy and Maritime Terrorism* (Routledge, 2007) and a longer study, *Small Boats, Weak States, Dirty Money* (Columbia University Press, Fall 2008). In addition, he has published widely on irregular warfare, naval special forces, littoral warfare, maritime security, and marine insurance.

Piracy	Maritime Armed Groups
Favorable geography	Geographic necessity
Cultural acceptability	Maritime tradition
Conflict and disorder	
Reward	Reward
	Secure base areas
	Charismatic and effective leadership
Underfunded law enforcement	Inadequate security
Permissive political environment	State support
Legal and jurisdictional opportunities	Legal and jurisdictional opportunities

Factors favoring piracy and maritime armed groups

In most cases, but not always, geography determines whether armed groups need to go to sea or not. It shapes the why and the how of what they do on the water. The Nicaraguan "contras" did not have to use the sea, nor did al Qaeda, whereas the LTTE insurgency on the island of Sri Lanka could not survive without access to sanctuaries overseas, and secure communications between these bases and its operational areas on Sri Lanka itself. The secure base areas were located originally in the Indian state of Tamil Nadu; when the Indian government no longer welcomed their presence, the bases were moved to islands off the southern coast of Burma, where they operated with the permission of the ruling junta between 1987 and 1995, before moving again to the area around Phuket in Thailand, where they existed more covertly, and now, apparently, to Indonesia. The Tamil Tigers invested in a fleet of ocean-going freighters to bring supplies from these secure areas to Sri Lanka, and a protonaval capability to guard their vital cargoes during the final stage of their journey to the Sri Lankan coast, where they were, until Sri Lanka gained access to long-range maritime surveillance information, most vulnerable to interdiction by the Sri Lanka Navy.

Cultural Acceptability/Maritime Tradition
Piracy can only take root in areas with a maritime tradition and the skills that go with it. Trading patterns are one factor that helps to determine this acceptability: it is possible that piracy has deeper roots in Southeast Asia than in west Africa because important trading routes have bisected Southeast Asian archipelagoes for centuries, making piracy there a way of life often on a clan or family basis.[5] This tradition can provide armed groups with a platform upon which to build. For example, the Tauseg communities of the Sulu Archipelago, which stretches between the southern Philippines and Borneo, have sustained the Abu Sayyaf Group (ASG), while the Tamil maritime trading tradition based on the port of Velvettiturai is the foundation for the LTTE's maritime expertise.

Conflict and Disorder

Piracy—and criminality at sea generally—can thrive when coastal regions are troubled by war or civil disturbance, or their aftermath. The piracy that plagued the Gulf of Thailand between 1975 and the early 1990s fed on the refugees fleeing Vietnam. Lebanon during the civil war from 1975 to 1990 became a haven for criminal activity; "unofficial" ports sprang up along the coast to handle stolen cargo and refit stolen ships.[6] Similarly the sundering of Somalia into warring fiefdoms following the collapse of General Mohamed Siad Barre's dictatorial regime in January 1991 appears to have triggered the country's piracy problem.

Reward

Maritime sanctuaries, however, are only of use if they offer ready access to targets. No opportunity, however great, would be exploited without the promise of reward, and piracy can be "a highly lucrative venture," as the Organisation for Economic Co-operation and Development (OECD) points out.[7] Real rewards, however, are only earned when entire ships are hijacked and the cargo sold or the crew is kidnapped and held to ransom. Both types of crime have been a feature of Southeast Asian piracy. Ships hijacked in the region have usually been boarded in international waters by pirate crews drawn from many states, all of whom move internationally using false or stolen documents, and are able to melt back into the sanctuary of their local communities, whose members generally know what they do but have little incentive to report them. Somali pirates have largely eschewed cargo theft in preference for crew kidnap and ransom because, despite the bleak and unfavorable geography of Somalia's Indian Ocean coast, they are able to keep their hostages captive on their own ships (which are often readily observable on satellite photographs) due to the lawlessness that prevails on land and the reluctance of the foreign navies patrolling offshore to enter Somali territorial waters.

Armed groups, like pirates, would also not put to sea without the promise of reward. Terrorists are most successful when their actions attract publicity. It is the "information" side of their operations that has primacy, while physical destruction and death are merely the means to achieve a propaganda result.[8] Attracting publicity can be difficult away from land. Consequently, the armed groups that have used the sea most successfully have generally been those with long-term goals at the insurgent end of the spectrum, which have recognized that the contribution (or "reward") that the maritime component can make to their efforts overall will come from its support for the campaigns on land, either by moving cadres and supplies, or by linking various campaigns in different theaters.[9]

Underfunded Law Enforcement/Inadequate Security

Many states find it impossible to sustain adequate levels of security in their coastal waters.[10] Inadequate state funding and training for enforcement organizations, whether these are the judiciary, police, coast guard, or navy, allow pirates the freedom to operate. Many states simply cannot afford the personnel, equipment, and degree of organization that is required or, like Indonesia, believe what resources they do have should be expended on other priorities. There are, moreover, huge sea areas to be covered, and if search and interdiction is to be carried out effectively, surface ships need air support for surveillance and reconnaissance.

Inadequate security is a given for any insurgency to succeed. The Sea Tigers have fought the Sri Lanka Navy to a virtual stalemate for long periods. Neither has been able to overcome the other. In Southeast Asia, the ASG and the Moro Islamic Liberation Front (MILF) in the Philippines, Gerakan Aceh Merdeka (GAM) in Aceh, and groups such as Jemaah Islamiyah (JI) that needed to move personnel and supplies by sea bene-fited from underinvestment in maritime security by Indonesia and the Philippines and poor international security cooperation between all the states in the region.

Permissive Political Environment/State Support

To flourish, piracy requires not only weak law but also lax law enforcement. This laxity is almost always the consequence of state weakness. In the absence of a maritime hege-monic power this has been the normal condition on the high seas throughout most of human history. When and where permissive environments exist within states and their territorial waters, they generally come about either because the political environment is corrupt locally or nationally and allows illegal activity to take place for its benefit, or be-cause law enforcement is underfunded and therefore lacks the resources to deal with it. Often, of course, both conditions apply simultaneously. Whatever the reason, a support-ive, criminal infrastructure can develop. The likelihood is that corrupt law enforcement officials are a feature of all areas affected by piracy.

State support for armed groups with a significant maritime operational arm has taken several forms. The state government of Sabah in Malaysia reportedly gave the Moro National Liberation Front (MNLF) logistical support and turned a blind eye to its operations on its territory. The LTTE was supported first by the Indian government and the Tamil Nadu state government and then by the Burmese junta. Anti-Israel groups such as Fatah and PFLP-GC, which were unlikely to have been able to operate at sea without the practical and financial support they received from the former Soviet Union and Arab states, depended on a string of bases and workshops in Lebanon from which to mount their maritime penetration and supply operations against the Israeli coast. When these bases were moved to Libya and even as far away as Algeria in 1982 following the Is-raeli invasion of Lebanon, their operations were hampered severely. It is evident that since then Hizbollah has established bases in the southern suburbs of Beirut to support its maritime operations, one of which had (or played host to) an antiship-missile launch capability.

Legal and Jurisdictional Opportunities

Sanctuary, however, is not always a quality of place. It can also be found in the more "vir-tual" world of international law.

Ships on the high seas do not sail in a legal vacuum.[11] Each one comes under the ju-risdiction of its flag state, which is responsible for ensuring that it observes national and international law. However, if a flag state fails to exercise its jurisdiction effectively, other states have few grounds upon which to take action while the ship remains on the high seas. States have traditionally been reluctant to conduct search and seizure operations that could undermine the principle of free navigation. Even though piracy is regarded as a "universal" crime, and pirate ships can theoretically be boarded by the government ves-sels of any state, in practice, state action has always been circumscribed by operational

and political considerations, customary international law, and, latterly, by the relevant codified forms of international law of which the most important is the UN Convention on the Law of the Sea (UNCLOS, which is sometimes referred to in the United States as the Law of the Sea Treaty or LOST). This has several weaknesses when it comes to piracy. These date from the first attempts to codify the law in the 1920s, which were based upon the long-established distinction between piracy and privateering.[12] As the codification process proceeded it was influenced at every stage by the prevailing view that piracy was a problem of the past—a view that was still held when the convention was initialed in 1982.[13] Although territorial waters were recognized long before UNCLOS, the convention contributed to the growth of sanctuaries by enlarging them fourfold. Therefore, in the waters of those states that are unable to discharge their security responsibilities (such as Somalia) or do so only with reluctance (such as Indonesia)—and where opportunities for piracy exist—refuges have effectively been created that have been used by pirates and are also open for exploitation by armed groups.[14]

However, armed groups are more likely to use ships and boats to transport weapons and operatives. Most legal attention has, understandably, been given to the proliferation of nuclear arms and components, and while the legal basis of the U.S.-inspired Proliferation Security Initiative has not been clarified fully, it has possibly "protected most of the world's shipping from [involvement in] proliferation."[15] But it is conventional arms that will be transported most frequently. Libya shipped arms to the IRA by sea and Iran has sent supplies to the Palestinians the same way. Al Qaeda reputedly delivered the explosives in the 1998 east African embassy bombings by sea. The LTTE depends on sea transport. JI and the Philippine "Moro" armed groups such as Abu Sayyaf have generally been free to move without hindrance throughout what is now described as the "tri-border region" between the Malaysian state of Sabah and the Philippine island of Mindanao. Criminal groups, some of them, such as the Arakanese smugglers in the Bay of Bengal, with known connections to armed groups, and others, such as the human smugglers who transport migrants across the Mediterranean or the Gulf of Aden, that might transport fighters and terrorists wittingly or unwittingly, exploit free movement at sea.[16] Reaching general agreement on restricting the movement of conventional arms and other supplies for armed groups, or even for particular action, will, unlike restrictions on nuclear proliferation, continue to present significant practical and legal difficulties. These will arise despite the fact that freedom of navigation is not an absolute right and even though the Security Council has issued an unconditional condemnation of terrorism (but not armed-group activity more generally) under Chapter VII of the UN Charter, which places all states under a duty to suppress terrorism, including those states that lack the resources to do so, because they are under an implied obligation to give their consents to such suppression by others.[17]

Because piracy is a "universal" crime it has been suggested that the international law against it could be extended to terrorists.[18] The omens for such a move are not good. Every attempt to extend piracy law to cover other forms of violence at sea has failed.[19] International agreements designed to suppress specific forms of maritime violence have been signed instead. One example is the Suppression of Unlawful Acts (SUA) Convention.[20] However, many states are not signatories and its powers are extremely limited (it

does not, for example, authorize preventative or precautionary action), which has meant that, apart from one minor case in U.S. waters, it has never been invoked.[21]

In 2005, protocols were added to SUA that were intended to prevent armed groups using ships to transport WMD materials or as "floating bombs." However, the effectiveness of these changes was limited: the authority to board ships to search for these materials was more restricted than the powers granted to board fishing vessels suspected of contravening the "Straddling Fish Stocks Agreement."[22] Sanctuary at sea, therefore, is under some pressure, but in most cases and most places it is not under immediate threat.

PIRACY IS A LAND-BASED CRIME THAT IS IMPLEMENTED AT SEA

Men, however, live upon the land and, however useful sanctuary at sea might be, sanctuary on land, as piracy demonstrates, is more important. In Southeast Asia, pirates appear to be known regardless of whether they live on islands such as Batam in Indonesia, where all forms of crime are rife, or in coastal villages. They are sheltered by a combination of official indifference, intimidation, and cultural acceptability. The French researcher Eric Frécon noted that on Batam the police were "not only tolerant of the criminal activities of pirates but [they were] also accomplices and act as bodyguards."[23] In the Malaysian town of Semporna, on the other hand, residents who were subject to regular attacks talked about recognizing some of their attackers and that they came from a poor village with a violent reputation.[24]

In Bangladesh, piracy is concentrated either in the port of Chittagong in the southeast, where much of the activity appears to take place with the connivance of the corrupt port authorities; or along the coast between Chittagong and Cox's Bazaar, where coastal villagers welcome smugglers and "provide the perpetrators with shelter and no social sanctions are in place for the traditional maritime bandits";[25] or in the southwestern delta region, where the pirates can find shelter in the Sunderbans mangrove forest, which is cut through with an intricate network of interconnected water channels.[26] Similarly in Nigeria, piracy during the 1970s and 1980s was concentrated around the port of Lagos in the west but in the first decade of the twenty-first century became as prevalent in the Niger Delta in the southeast. There the Movement for the Emancipation of the Niger Delta (MEND) and others, whose political or criminal provenances can be hard to discern but which all appear to enjoy widespread local support, are able to exploit the cover of mangroves and the myriad water channels to escape detection.[27]

The situation in Somalia is similarly complex: in much of the southern part of the country piracy emerged out of, and has sometimes been confused with, local fishermen protecting their livelihoods from the depredations of foreign fleets.[28] In the north, piracy appears to be an opportunistic sideline for the gangs that smuggle migrants north to Yemen and guns south to Somalia with the knowledge and support of at least some senior figures in the breakaway state of Puntland.[29] The pirates who operate from the main piracy center of Xarardheere, located near the Horn of Africa, have been shielded from international intervention by the reluctance of the foreign navies patrolling offshore to enter Somali territorial waters, and from internal suppression by the continuing interclan rivalry that is making the country virtually ungovernable.

MARITIME ARMED GROUPS AND THE IMPERATIVE OF SECURE BASES

Sanctuary can exist informally. Terrestrial armed groups have shown they can hide in anonymous urban environments. Pirates have demonstrated that it is possible to hide in coastal communities using boats and equipment that are common to fishermen and other seafarers. Maritime armed groups, however, can rarely share such craft, except perhaps on a contract basis, and need to undertake more elaborate activities, including boat modification and attack training, that generally require discretion. Sanctuary and secure bases are not therefore synonymous, but armed groups that want or need to mount sustained campaigns in the maritime domain require both. While all insurgent groups need secure base areas for planning, rest, logistical support, and training, the fact that people cannot live permanently at sea and depend upon reliable boats in order to survive when they venture upon it makes those groups that operate at sea arguably more dependent on bases than their land-based counterparts.

This does not mean that groups lacking such facilities, such as al Qaeda, have not mounted successful maritime operations. On the contrary, they most obviously have. Rohan Gunaratna has pointed out the lengths to which the al Qaeda cell in Aden went to mount its attacks, first (unsuccessfully) against the USS *The Sullivans* and then on the USS *Cole,* and the elaborate (and in hindsight rather obvious) precautions it took to disguise what it was doing. However, as Gunaratna also observes, perhaps the principal reason why al Qaeda, in contrast to the LTTE, GAM, and others, failed to sustain its initial success was because it was unable to establish secure base areas close to its desired targets.[30]

WHAT OF THE FUTURE?

The ocean space is shrinking. The demand for resources and for living space on land is spurring a "migration to the sea," or what one astute observer describes more graphically as a "scramble for the sea"—a scramble that might be exacerbated by the effects of climate change.[31]

Coastal states may, in addition, seek to assert and protect proprietary rights, driven in many cases by concern for the "environment," farther and farther from their own shores. In the case of failed or even weak states this phenomenon, which has already been labeled "creeping jurisdiction," could have the possible effect of extending the sanctuary that is available to pirates and armed groups. As pressure for the sea's resources mounts, a shifting mix of asserted regulation and, in too many cases, unasserted sovereignty will be tested possibly to the point of conflict.

Other challenges will come from criminals and armed groups that are able to take advantage of the complex physical, human, and informational environment of coastal waters and the contiguous littorals.[32] Some armed groups will be able to fight with statelike intensity in what U.S. Marine Corps lieutenant general James Mattis has called "hybrid war."[33] Other conflicts will involve hybrid opponents where state and nonstate actors combine together or states work through nonstate proxies.

Areas with the potential to become sanctuaries are usually identifiable some years in advance. Whether they will develop into sanctuaries or not obviously depends on a number of topical factors, some of which are amenable to external influence. Reacting to an already-established sanctuary using expeditionary forces could affect a temporary

solution but this is unlikely to become permanent unless the intervention is succeeded by effective state-building. Anticipating the formation of sanctuaries and preventing armed groups from gaining access to them demands, if possible, the establishment of a persistent presence wherever they are likely to occur.

Four regions are noticeable for the combination of geography, maritime expertise, jurisdictional disputes and uncertainty, inadequate security and law enforcement, and either existing conflict or the potential for conflict in the future that suggests that sanctuaries for maritime armed groups might develop:

Southeast Asia
The most significant activity has taken place in the maritime "tri-border region" between the Philippines, Indonesia, and Malaysia, which borders the Sulu and Celebes seas. It is bisected by the Sulu Archipelago, which is the home of the ASG. Although it has been the subject of intense counterinsurgency activity by the Philippine armed forces, with U.S. and Australian support, the region's ethnic and religious makeup, lack of economic development, and the fact that it has been the haunt of pirates and smugglers for centuries suggest that the potential for sanctuary continues to exist.

West Africa
The instability that has affected the Niger Delta is particular to that region, and while the stimulus of oil has not so far afflicted other parts of the Gulf of Guinea, it is fringed by weak states that are, like Sierra Leone and Liberia, vulnerable to corruption and internal conflict and others, such as Guinea-Bissau and Ivory Coast, where these weaknesses are compounded by intricate maritime geography so well suited to smuggling that they have already become targets for drug cartels.

Yemen and the Horn of Africa
Somalia and Yemen border the Bab el Mandeb Strait, through which shipping has to pass to reach the Suez Canal. The primary allegiance of the peoples that inhabit both areas is to their clans, and while the political situation in Yemen is currently more stable than that in Somalia, which has been torn apart by clan conflict, this is not guaranteed to continue. Islamism is an element in both, although its influence can be exaggerated as was demonstrated in 2006 when its ability to unite the clans of southern Somalia proved short lived. Nonetheless, the lack of recognized and effective authority that has allowed pirate and smuggling groups to operate largely without constraint (and possibly with official connivance) in what, because of the paucity of roads, is an essentially maritime theater, coupled with the continuing potential for conflict among Ethiopia, Eritrea, and Somalia, means that the opportunity for the creation of sanctuaries remains a real threat.

Lebanon and Gaza
Parts of Lebanon and much of Gaza are effectively sanctuaries for armed groups.[34] Hizbollah and Hamas predominate but other armed groups and criminal gangs have their territories. Although ship hijacking occurred off Lebanon during the 1970s, piracy is no longer practiced. It is, however, a maritime theater where smuggling is a way of life and one that remains of interest to armed groups keen to exploit Israel's seaward flank.

Denying armed groups and criminals the opportunity to exploit areas of weak governance cannot be a strictly naval task or even one for a more broadly based armed force. It is one where such forces need to support the political, economic, and informational elements of national power. Countering the influence of armed groups at sea, and preventing the formation of sanctuaries they need, will demand that the U.S. and other navies develop a counter-irregular-warfare element that takes account of the lessons learned from the past 50 years of counterinsurgency on land:

- The need to understand and respect the adversary
- The need for sustained presence to build the necessary understanding, demonstrate commitment, and foster host-nation capacity
- The need to work with local people and understand their interests
- The need to recognize that the use of force has political consequences
- The need to deliver a unified response by integrating naval action with other military and civilian agencies, the host nation, and allies under clearly defined, political leadership.

The patient accumulation of intelligence coupled with experience of the likely theaters will be the key to success. Insurgent and criminal activity is multifaceted. More than one insurgent player, and usually more than one organized crime group, is usually active at any one time within any one theater. Some armed groups will have state sponsors; others will not. Some will certainly have criminal connections, while others will confront criminal activity. Whatever stance an individual group might take, the wider problem of poorly regulated maritime space can give license to larger threats.

NOTES

1. Martin N. Murphy, *Contemporary Piracy and Maritime Terrorism,* Adelphi Paper 388 (Abingdon and New York: Routledge, 2007), 9 and 47.

2. The section that follows is based on the discussion in Murphy, *Contemporary Piracy and Maritime Terrorism,* 13–18 and 47–50.

3. See Jack A. Gottschalk and Brian P. Flanagan, *Jolly Roger with an Uzi: The Rise and Threat of Modern Piracy* (Annapolis: Naval Institute Press, 2000), 3.

4. For a definition of "narrow seas," particularly in the naval sense, and the related terms of "coastal waters," "shallow waters," and "confined waters" see Milan N. Vego, *Naval Strategy and Operations on Narrow Seas* (London and Portland: Frank Cass, 1999), 5–7.

5. See Samuel Pyeatt Menefee, *Trends in Maritime Violence* (Coulsdon: Jane's Information Group, 1996)*,* 132, on the existence of "pirate societies" in Southeast Asia, the Red Sea, and—arguably—the Caribbean; the societal acceptability of piracy in Southeast Asia has been noted by several writers including Jon Vagg, "Rough Seas? Contemporary Piracy in South East Asia," *British Journal of Criminology* 35, no. 1 (1995): 67–68; I. R. Hyslop, "Contemporary Piracy," in *Piracy at Sea,* ed. Eric Ellen (Paris: ICC Publishing, 1989), 12 and 28. Stefan Eklöf, on the other hand, argues that the roots of Riau piracy lie in recent, rapid social and economic change driven by the expansion of global capitalism. Stefan Eklöf, *Pirates in Paradise* (Copenhagen: NIAS Press, 2006), 58.

6. Barbara Conway, *The Piracy Business* (London: Hamlyn Paperbacks, 1981), 15.

7. Maritime Transport Committee, "Security in Mar[i]time Transport: Risk Factors and Economic Impact," Organisation for Economic Co-operation and Development, 14, www.oecd.org/dataoecd/63/13/4375896.pdf.

8. David Kilcullen, "New Paradigms for 21st Century Conflict," *E-Journal USA,* May 2007, usinfo.state.gov/journals/itps/0507/ijpe/kilcullen.htm.

9. The relationship between maritime strategy and terrorist "strategy" is tenuous at best. Nonetheless, Julian Corbett's famous observation that, however profound the influence of the maritime dimension might be, all conflicts ("except in the rarest cases") have been decided on land loses none of its force even when one or both protagonists adopt "irregular" methods. Julian S. Corbett, *Some Principles of Maritime Strategy* (1911; repr. Annapolis, MD: Naval Institute Press, 1988), 16.

10. Thomas B. Hunter, "The Growing Threat of Modern Piracy," U.S. Naval Institute *Proceedings* 125, no. 7 (July 1999): 75.

11. Rüdiger Wolfrum, "Fighting Terrorism at Sea: Options and Limitations under International Law"(twenty-eighth Doherty Lecture, organized by the Center for Oceans Law and Policy of the University of Virginia School of Law, Washington, DC, 13 April 2006), 23, available at www.virginia.edu/colp/pdf/Wolfrum-Doherty-Lecture-Terrorism-at-Sea.pdf.

12. For a review of these weaknesses see ibid., 4–8; also Martin N. Murphy, "Piracy and UNCLOS: Does International Law Help Regional States Combat Piracy?" in *Violence at Sea: Piracy in the Age of Terrorism,* ed. Peter Lehr (New York: Routledge, 2007): 159–72.

13. For a brief history of this evolution see Murphy, "Piracy and UNCLOS," 155–59. For the definitive history refer to Alfred P. Rubin, *The Law of Piracy,* 2nd ed. (Irvington-on-Hudson, NY: Transnational Publishers, 1998).

14. Murphy, "Piracy and UNCLOS," 165; Wolfrum, "Fighting Terrorism at Sea," 6–8.

15. Wolfrum, "Fighting Terrorism at Sea," 16; J. Ashley Roach, "PSI and SUA: An Update" (paper, 31st University of Virginia Law of the Sea Conference, Max Planck Institute, Heidelberg, Germany, 24–26 May 2007).

16. Murphy, *Contemporary Piracy and Maritime Terrorism,* 63 and 77.

17. Wolfrum, "Fighting Terrorism at Sea," 24.

18. See, for example, Douglas R. Burgess, Jr., "The Dread Pirate Bin Laden: How Thinking about Terrorists as Pirates Can Help Win the War on Terror," *Legal Affairs,* July/August 2005, available at www.legalaffairs.org/issues/July-August-2005/feature_burgess_julaug05.msp.

19. Wolfrum, "Fighting Terrorism at Sea," 3.

20. "Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988" and the companion "Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988," available at www.imo.org/Conventions/mainframe.asp?topic_id=259&doc_id=686.

21. Murphy, "Piracy and UNCLOS," 165; Wolfrum, "Fighting Terrorism at Sea," 13.

22. "The United Nations Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks," available at www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm; Wolfrum, "Fighting Terrorism at Sea," 14.

23. Richel Langit-Dursin, "Indonesia Key to End Piracy in Malacca Straits," *Jakarta Post,* 6 August 2006.

24. Chong Chee Kin, "Attack Is No Surprise for Semporna Folk," e-mail message, 29 April 2000, available at www.malaysia.net/lists/sangkancil/2000-04/msg01132.html.

25. Commodore Md. Khurshed Alan [*sic*], Bangladesh Navy, "Curbing Maritime Piracy in Bangladesh," *Daily Star*, 20 January 2006, available at www.thedailystar.net/strategic/2006/01/02/strategic.htm.

26. It is perhaps worth also noting that the area from Chittagong south through Cox's Bazaar to the Burmese border is also the home of the country's most prominent fundamentalist Islamic party, Jamaat-e-Islami, and other extreme groups. Bertil Lintner, "A Cocoon of Terror," *Far Eastern Economic Review*, 4 April 2002.

27. "Rivers of Blood: Guns, Oil and Power in Nigeria's Rivers State; Human Rights Watch Briefing Paper, February 2005," Human Rights Watch, hrw.org/backgrounder/africa/nigeria0205/index.htm.

28. Scott Coffen-Smout, "Pirates, Warlords and Rogue Fishing Vessels in Somalia's Unruly Seas," Chebucto Community Net, www.chebucto.ns.ca/~ar120/somalia.html.

29. Mohamed Adow, "Somalia's Trafficking Boom Town," BBC News, 28 April 2004; "The Path to Ruin," *The Economist,* 10 August 2006.

30. Rohan Gunaratna, "The Threat to the Maritime Domain: How Real Is the Terrorist Threat?" in *Economics and Maritime Strategy: Implications for the 21st Century,* ed. Richmond M. Lloyd (Newport, RI: Naval War College, 2006) 86–87.

31. Rear Admiral Chris Parry, Royal Navy, "The Future Maritime Strategic Context" (lecture, RUSI Future Maritime Operations Conference, London, 22–23 November 2006).

32. "Complex Irregular Warfare: The Face of Contemporary Conflict," *The Military Balance, 2005–2006* (London: Routledge, 2005), 414; Frank G. Hoffman, "Complex Irregular Warfare: The Next Revolution in Military Affairs," *Orbis* 50, no. 3 (Summer 2006): 398–99 and 411, available at www.fpri.org/orbis/5003/hoffman .complexirregularwarfare.pdf.

33. James N. Mattis and Frank Hoffman, "Future Warfare: The Rise of Hybrid Wars," U.S. Naval Institute *Proceedings* 131, no. 11 (November 2005): 19; Frank Hoffman, "How the Marines Are Preparing for Hybrid Wars," *Armed Forces Journal,* March 2006, available at www.armedforcesjournal.com/2006/03/1813952/.

34. On Gaza, see Yaakov Amidror and David Keyes, "Will Gaza 'Hamas-stan' Become a Future Al-Qaeda Sanctuary?" Intelligence and Terrorism Information Center at the Center for Special Studies, www.intelligence.org .il/eng/sib/11_04/images/nov14_04.pdf; and Matthew Levitt, "PolicyWatch #1255: Gaza: The Next Terrorist Safe Haven?" The Washington Institute for Near East Policy, 29 June 2007, www.washingtoninstitute .org/templateC05.php?CID=2631. For an analysis of the clan groups that could oppose Hamas and Islamist influence see International Crisis Group, "Inside Gaza: The Challenge of Clans and Families," Middle East Report 71 (20 December 2007), available at www.crisisgroup.org/library/documents/middle_east___north _africa/arab_israeli_conflict/71_inside_gaza___the_challenge_of_clans_and_families.pdf.