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Are Treaties the Solution to the World's Piracy Problem? Using International Institutions to Defeat Blackbeard

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Are Treaties the Solution to the World's Piracy Problem?
Using International Institutions to Defeat Blackbeard

by
Gabrielle Elizabeth Brown

A thesis submitted to the faculty of The University of Mississippi in partial fulfillment of
the requirements of the Sally McDonnell Barksdale Honors College.

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My parents,

I thank you for the gift of my education. Without your continuous support over the years, I would not be the woman I am today. Y'all inspire me each and every day to reach for the stars and put my best foot forward. Every time that I have wanted to give it all up and quit, you never stopped pushing me to succeed. I love you with my whole heart.

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ABSTRACT

GABRIELLE ELIZABETH BROWN: Are Treaties the Solution to the World's Piracy Problem? Using International Institutions to Defeat Blackbeard
(Under the direction of Timothy Nordstrom)

For thousands of years, pirates have been a menace on the seas, yet somehow, they have also inspired generations of authors and directors to romanticize and trivialize their plundering in literature and film. Although piracy has generally decreased around the world, especially in the Western Hemisphere and European waters, it remains a global peril that continues to jeopardize maritime security and the commercial shipping industry. The economic impact of piracy may be on the decline; however, in 2017 alone, the economic toll of piracy in East Africa was \$1.4 billion, which excludes West Africa, Southeastern Asia, and the Caribbean, all locations where piracy remains a critical hazard (*Oceans Beyond Piracy*, 2017). States are faced with two options when it comes to combating piracy: enact domestic legislation and join international institutions that address piracy. By examining these two paths in greater detail, this thesis will attempt to answer my hypothesis: the empirical question of whether or not states with increasing numbers of piracy incidents and attacks will join more piracy-oriented treaties. To do so, I will explore what contemporary piracy looks like, as well as provide a brief overview of how international institutions work and what piracy-oriented treaties look like in practice. In order to test my hypothesis, I have modified a data set from Brandon Prins' Mapping Maritime Piracy Project by adding additional variables and collapsing the data. I ran several bivariate correlations and regressions between piracy and treaty participation

variables. Nevertheless, no support was determined for my hypothesis, so I decided to analyze two case studies to further explore the relationship between piracy and treaty participation. This thesis concludes that international institutions may still be an effective tool to combat maritime piracy, but in the future, this problem may be best solved by a supranational body dedicated to alone to the elimination of piracy.

TABLE OF CONTENTS

LIST OF TABLES.....	vii
LIST OF ABBREVIATIONS.....	viii
CHAPTER I: INTRODUCTION.....	1
CHAPTER II: OVERVIEW OF CONTEMPORARY PIRACY.....	4
A. Where and why does piracy flourish?	
CHAPTER III: WHAT CAN STATES DO?.....	8
A. States' internal responses to piracy	
B. What are institutions and treaties and how do they work?	
C. Why do states join institutions?	
D. Overview of piracy-related treaties	
E. So what can states do in response to piracy?	
CHAPTER IV: ANALYSIS?.....	28
A. Research Design	
B. Data Analysis	
C. Case Studies	
CHAPTER V: CONCLUSION.....	43
APPENDIX.....	45
LIST OF REFERENCES.....	47

LIST OF TABLES

Table 1	Descriptive Statistics of Treaty Variables.....	32
Table 2	Descriptive Statistics of Piracy Variables.....	32
Table 3	Descriptive Statistics of Control Variables.....	32
Table 4	Correlation between Piracy Attacks and Treaties Total.....	33
Table 5	Correlation between Piracy Attacks and Regional Treaties Total.....	33
Table 6	Correlation between Piracy Incidents and Treaties Total.....	33
Table 7	Correlation between Piracy Incidents and Regional Treaties Total.....	33
Table A-1	Regression of Piracy Attacks on Treaties Total.....	45
Table A-2	Regression of Piracy Attacks on Regional Treaties Total.....	45
Table A-3	Regression of Piracy Incidents on Treaties Total.....	45
Table A-4	Regression of Piracy Incidents on Regional Treaties Total.....	46

LIST OF ABBREVIATIONS

Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden or the Djibouti Code of Conduct.....	DCoC
International Convention Against the Taking of the Hostages.....	UN Hostage Convention
International Maritime Organization.....	IMO
Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia.....	ReCAAP
United Nations.....	UN
United Nations Convention on the Law of the Sea.....	UNCLOS

CHAPTER I: INTRODUCTION

Before I get into the details of maritime piracy and the political implications of international treaties, it is important to establish a few baseline assumptions regarding modern-day pirates. First off, yes, pirates are real. Though this information should not be ground-breaking or earth-shattering, piracy remains – even in today’s era of technological advantage and increased international interdependence – a legitimate threat to commercial vessels and thus national interests. In 2016 alone, there were one hundred and sixty-one reported piracy incidents around the world (Commercial Crime Services, 2017). Next, it should be noted that from *The Princess Bride*’s Dread Pirate Roberts to *The Pirates of the Caribbean*’s Captain Jack Sparrow and Will Turner, pirates are often over-romanticized in film and literature. Though Captain Hook, Sinbad, One-Eyed Willie, and many others have amused people for decades, this description of pirates as swashbuckling tragic heroes or dastard enemies to the entertainment industry’s Peter Pans is misleading and fictitious. Modern-day pirates are not the fictional characters Hollywood would like moviegoers to believe they are. Rather, they are sophisticated gangs who seek survival by any means necessary. They are, indeed, a real threat to maritime safety around the world.

Historically, pirates have been a menace on the seas for thousands of years with the earliest documented case of piracy as early as eight-hundred BC in the Mediterranean Sea. Thus, the longevity of piracy on the global stage begs the question: if pirates have been a threat to maritime safety for most of recorded history, why have they not been

eradicated? Though one cannot pinpoint a particular reason for the continued presence of pirates, it is not unreasonable to cite piracy as a failure of the international system. Because pirates are non-state actors who parade themselves beyond the traditional borders of statehood – international waters – cooperation on an international scale is required if pirates are to be ended for good.

Contemporary pirates are sea-bound terrorists who use fear and violence to achieve a promising economic end. Due to increased globalization in all spheres, but particularly in the shipping industry, pirates are able to sustain themselves on the everflowing cargo making its way around the globe on commercial vessels. In addition, because most ships are forced to pass through specific choke points, they are more prone to ambush. These two major factors when combined with decreased maritime surveillance, little to no port security, political instability and corruption, and the ready availability of weapons, make the seas – particularly around the Horn of Africa and the Gulf of Aden – a breeding ground for pirates (Chalk, 2009).

Traditionally, before the customary adoption of international law that emerged in the twentieth-century, pirates and slave traders were both classified as *hostis humani generis*. When translated to English, this phrase means the “enemy of mankind,” and quite literally, pirates were deemed to be “not only at war with the whole world but [were] enemies or strangers to humankind, a monster collectively lurking in the interstices of the global map, threatening and preying on their more properly human counterparts” (Greene, 2008). Similar to modern-day terrorists, pirates have no loyalty to one state or another, nor were they bound to borders or territories; rather, they were and are the enemy of all the world’s nations. Yet, due to their status as *hostis humani generis*,

any state could accuse a pirate of a crime, detain, try, and imprison said pirate, even though they had no true loyalty to any country. Though international law has transformed significantly from the days of *hostis humani generis*, this classification serves as the basis for the current treatment of not only pirates but also terrorists and hijackers.

Now that a baseline for understanding piracy is established, for the rest of this thesis, I will look at state responses to the global threat of contemporary piracy. When attempting to combat piracy, states have two options: enact domestic legislation and join international institutions that address piracy. Domestic responses can range from outlining what piracy looks like within one's territorial waters, the sentencing that pirates would face in court, or even the amount of money allocated to port security and policing. Meanwhile, international institutions come in many shapes and forms, but at their core, they are transnational bodies created to promote cooperation between states with similar objectives in order to overcome the ramifications of anarchy. The current belief is that domestic solutions are preferred to international ones, but whether or not states with high levels of pirate activity join international institutions that deal with piracy is an empirical question. I will look to see if these two factors are related in the data.

CHAPTER II: OVERVIEW OF CONTEMPORARY PIRACY

“The existence of the sea means the existence of pirates” – Malaysian Proverb

Following the decline of the Soviet Union and the end of the Cold War, liberalism and democracy – under the wing of the United States and its NATO allies – rose to fill the vacuum that communism and authoritarianism left. World leaders and academics alike predicted that these powers would bring about a new world order governed by liberal principles, international institutions, and free market capitalism that left no room for tyrants and global violence. However, as anyone who has watched the news in the past twenty years can attest to, the presence of international and national security threats are certainly alive and well. In addition, the issues that face the global community have become, in many ways, less black and white and in turn more complex in that terrorism and other activities involve non-state actors.

Even though the end of the Cold War may seem irrelevant when it comes to the issue of piracy, especially since the seas are inherently anarchic, the absence of more traditional security threats has allowed for the international system and the states within to place a new focus on eradicating non-state actors, like pirates. Particularly due to the unregulated nature of the open ocean, the maritime industry has been hit particularly hard by the general opaqueness that prevails in international politics and the escalation of new transnational security threats. According to the IMO, between the years 2008 and 2013,

the number of piracy attacks worldwide increased by more than fifty percent (Jaklonski & Oliver, 2013). International waters are inherently anarchic as most of it lies beyond the jurisdiction of any one state, which prevents ample surveillance and the application of any domestic laws created and, in turn, promotes these violent piracy attacks on commercial vessels.

Contemporary piracy threatens mariners on three fronts: ransacking of ships in harbor, robbery of ships in territorial water or on the seas, and the “phantom ship” phenomenon, when ships are outright stolen and used for illegal trade (Chalk, 2008). At the low end of the spectrum, attacks against ships in harbors can be explained by unsubstantial security procedures at ports in countries, such as Bangladesh or Nigeria, that simply do not spend enough money to ensure any one ship’s safety. Typically, pirates of this nature are the equivalent of low-level petty thieves who seek cash and/or high-value items with a significant cash value that are aboard the attacked vessel. For the most part, these pirates use guns and knives as their main source of weaponry and are not seeking to kill the captain and crew, only steal their cargo. Essentially, this level of piracy is the equivalent of a thief breaking into a middle-class family’s house in the suburbs during the dead of night and stealing their flat screen TV. Meanwhile, everyone is asleep and Dad forgot to turn the alarm on.

The next and most well-known form of piracy is the ransacking of vessels on the high seas or in a country's territorial waters. Made popularized by movies like *Captain Phillips*, which details the *Maersk Alabama* hijacking by Somalian pirates, this form of piracy involves either serious injury or the murder of a ship’s crew by a well-organized gang-like group of pirates who have access to modern weaponry, such as machine guns

or even rocket-powered grenade launchers. Typically, this mid-level form of piracy is carried out from a “mother ship” and can seriously affect navigation if it transpires in narrow, well-traveled sea-lanes, like the Strait of Malacca. Going along with the same robbery metaphor, this would be roughly the same as a group of well-armed thieves who break into someone’s home during a backyard barbeque in the middle of the day, completely ransack the house, and are not afraid to kill any bystander who steps in their way.

The third and final category of piracy, known as the “phantom ship” phenomenon, can only be carried out by an extremely competent and meticulous organization as it involves multiple moving parts from the seizing of the vessel itself to its renaming and the eventual illegal selling of its materials. Pirates of this caliber want to make a profit off whatever materials are aboard the ship they hijack by selling the items to a third party buyer completely outside of where the original crew was heading toward. To equate this type of piracy, I have to throw the home robbery metaphor out of the window as an attack of this gravity would be more similar to if a truck driver was killed en route and his truck was not only stolen but renamed and the cargo distributed to another buyer. In this situation, the crime is only discovered when the cargo never reaches its original destination. Though this level of piracy is much rarer than the previous two, it serves as a prime example of how pirates have the potential to become more well-planned and complex in their attacks if not checked soon by either a governmental or international body.

Where and why does piracy flourish?

Since the 1990s, most pirate attacks have been concentrated in the waters of Southeast Asia, particularly around Indonesia and the Malacca Straits; this region alone accounted for twenty-one percent of all global incidents in 2006 (Chalk, 2008). For the most part, the remainder of the attacks occurs around the coasts of Nigeria, Somalia, Tanzania, Peru, Bangladesh, and Malaysia, especially in the Gulf of Aden and the Red Sea, which as part of the Suez Canal connects the Mediterranean Sea to the Indian Ocean. According to Chalk, there are seven main factors that have contributed to the continued prevalence of piracy: an increase in commercial maritime traffic, heavy use of narrow maritime chokepoints, lingering effects of the Asian financial crisis, more investment in domestic security following the events of September 11th, 2001, relaxed coastal and port security, corruption in a state's criminal justice system, and the global proliferation of small arms. Although all of these elements combined have given rise to piracy, a lack of sufficient port security and the relative level of a state's corruption are the two that have most significantly resulted in increased incidents and attacks in recent years as there is a direct correlation between them and more piracy incidents. According to Chalk (2008), if states see it in their best interest to put an end to piracy in their ports and territorial waters, they must first understand the resolve and objectives of the perpetrators, but potentially even more important, they should also look inward and see exactly what their policies are doing to allow piracy to continue to flourish.

CHAPTER III: WHAT CAN STATES DO?

States' Internal Responses to Piracy

Chalk (2008) analyzes the effects of piracy as a form of terrorism on the United States' trade and foreign policy. Because the US sees commercial and political benefits from a stable and safe global maritime industry, diplomats and politicians should promote the ratification of multilateral treaties by other countries by signing UNCLOS themselves, conduct threat assessments at various levels of risk, update their own treaties and play a more active role in countering attacks, and encourage more transparency and communication throughout the industry. Although signing UNCLOS would be a huge step in the right direction for the US and the world, the US has also been instrumental in establishing several international and regional initiatives to improve global security in the realm of piracy, such as the Container Security Initiative (CSI) and the Combined Task Force-Horn of Africa. The CSI is a series of bilateral agreements that allow for US Coast Guard and Border Protection officers and their foreign counterparts to prescreen container ships bound for and departing from US ports. Meanwhile, the Combined Task Force-Horn of Africa was an effort to secure the total land, air, and sea space of Yemen, Sudan, Ethiopia, Djibouti, Eritrea, Kenya, and Somalia; a crucial component of the Task Force was an anti-terrorism and anti-piracy maritime patrol unit in the Red Sea, Gulf of Aden, and the northwestern Indian Ocean. Because US ships face the danger of piracy abroad, rather than in their own territorial waters, Chalk presents an institutionalist proposition that promotes a global effort, rather than of one country.

Prins, Daxecker, and Sanford (2014) focus on three factors that increase the likelihood of piracy in a country's waters: relative stability of one's government, economic and political opportunity for one's citizens, and level of government corruption. They argue that safer countries in regards to piracy have more stable and less corrupt governments, as well as better economic and political opportunities. Institutional fragility in corrupt governments, such as Somalia and Indonesia, do not have the systematic ability to properly handle piracy incidents from capturing and punishing the perpetrators to deterring future occurrences. In addition, poverty and joblessness force citizens to turn to criminality as a source of income, especially if corrupt government officials or police officers turn a blind eye in exchange for payment. Furthermore, weak or underdeveloped governments have little money to spend on efforts to reduce poverty or increase education standards, so anti-piracy endeavors are more likely to go unfunded in comparison to more immediate threats. Even though increased maritime security for shipping vessels may reduce incidents, Prins, Daxecker, and Sanford (2014) insist that internal action on the domestic front, such as increased possibilities for foreign direct investment and policies that promote economic growth, will be more substantial in reducing the demand for piracy in the long term.

Another potential variable that increases piracy is electoral competition in emerging democracies. According to Daxecker and Prins (2016), narrow elections, particularly in areas near the coasts, have the potential to alter the pre-established corrupt relationships between criminals and local political elites, whose position of authority is threatened as their party has the potential to be removed from power. In this environment, piracy – and other forms of criminal violence – increase as electoral competition also

increases. Because pirates fear that they will be unable to continue their monopolization of the state's waters under an alternative regime, piracy attacks will reach a climax prior to a competitive election. Once again, Daxecker and Prins (2016) propose that a domestic solution is best to combat piracy in a state that finds itself in this predicament: as a state becomes more democratic, piracy will decrease. They maintain that as democratic norms are routinized, political figures are held accountable for their actions, and corruption is reduced, non-political violence, such as piracy, will decrease.

Bento offers a counter-argument to both Chalk and Prins, Daxecker, and Sanford's solutions. Instead of a purely international or domestic approach, Bento (2011) insists that the plethora of international and domestic approaches to combat piracy has allowed piracy to thrive on a global scale because there is no presence of a unilateral, harmonious body of law. Because international and domestic piracy laws are often at odds with each other, it is increasingly difficult to capture and condemn pirates allowing for the practice to flourish, rather than flounder. Bento's literature critiques various planes of anti-piracy efforts from the international stage (UNCLOS) and the regional level (ReCAPP) to the United Kingdom's domestic framework. Bento argues that if uniformity and unanimity were promoted and put into place, commercial partners and law enforcement agencies could better synchronize their actions in order to punish the perpetrators and deter further attempts.

Bento's solutions include universal jurisdiction, the adoption of customary international law by all states, or the development of a comprehensive body of international piracy laws by way of a treaty. Ultimately, Bento declares that a body independent from the participation of states in "formulation, observation, and even

enforcement” is the only way that piracy can be monitored and eventually eradicated (Bento, 2011, pg. 454). Bento is arguing for a supranational institutional body that goes far beyond the reaches of the intergovernmental bodies that I will be detailing here, such as ReCAAP and UNCLOS. Although an international institution that is innately dedicated to piracy may be the future, sovereignty costs are a serious issue in today’s international environment that would inhibit a body of this gravitas from emerging. Whether this universal body is the solution or not, the reality is that it would seriously constrain state sovereignty and would not be a popular response today.

What are institutions and treaties and how do they work?

Before returning to piracy directly, I need to discuss international institutions generally and how they work to accomplish their goals. One of the main assumptions of both Political Realism and Liberalism is the idea that the international system is inherently anarchic because of the lack of institutions that monitor and influence a sovereign state’s behavior. Realists see anarchy as the reason for conflict between states because it fosters an environment of mistrust, which leads to the security dilemma and a failure of bargaining that results in conflict. However, Liberals argue that the negative effects of anarchy can be limited by the creation and implementation of institutions. Therefore, at their core, institutions are international bodies designed to attempt to overcome the international system’s anarchy by promoting mutual cooperation between states.

Formally, international institutions are “relatively stable sets of related constitutive, regulative, and procedural norms and rules that pertain to the international

system, the actors in the system, and their activities” (Duffield, 2007, p. 2). Though this definition may seem vague, institutions are purposely hard to define because they often combine multiple elements and goals into one all-encompassing organism. Even though institutions can be created to address a wide array of issues, all institutions are durable, resilient to change, and are codified, either formally or functionally (Duffield, 2007). Codification is a crucial component of institutions because in order to accomplish some desired outcome their rules need to constrain activity, shape expectations, and prescribe roles for the actors involved (Keohane, 1988). In addition, institutions act in response to states’ interests and are created because of their ability to constrain members’ behavior to bring about some desired goal. In order to do so, institutions can provide information, reduce transaction costs, make commitments more credible, and establish focal points for coordination (Keohane and Martin, 1995). As a result of information sharing between states, reciprocity and iteration among members are fostered, which harbors further mutual cooperation and overcomes the free riders problem. Therefore, institutions are international bodies created to overcome the anarchic international system that use rules and norms to alter an actor’s behavior.

Meanwhile, treaties or international agreements are a type of public international law that are used to build and solidify relationships with other states and to influence the behavior of those states (Kavanagh, 2014). Treaties can either be bilateral (an agreement between two states, e.g. the Camp David Accords signed between Egypt and Israel in 1978) or multilateral (an agreement between three or more states, e.g. UNCLOS). The most important part of a treaty is that it formalizes the relationship between states through its signature, so if a state does not ratify and eventually sign a treaty, it is not expected to

adhere to its principles. However, once a treaty is signed, it becomes a part of international law and is expected to be upheld by the signatories. International institutions are bodies created to reign in anarchy by promoting cooperation between states, but treaties are actual binding agreements made between one state's government and another that defines expected behavior and interactions between the two. Furthermore, it is important to note that treaties and intergovernmental organizations are subsets of international institutions, so all treaties and intergovernmental organizations are international institutions but not vice-versa.

If eradicating piracy on the high seas is a public good that benefits the commercial interests of the entire world and only seeks to harm the pirates themselves, why do states need international and regional treaties to stipulate exactly guidelines on how to stop the problem? Why would a state, like Somalia, that is constantly ravished by pirate attacks not institute their own domestic agenda to combat aggressors? Because the absence of pirates is a good that is non-excludable and non-rival, the collective action and free rider problems prevail. To overcome these issues, states with a common interest can either align themselves formally with treaties or look to institutions to promote cooperation and compliance through mutual accountability.

For example, when a state realizes that war is imminent, they look to their trade or cultural allies to join them in formal military alliances that go beyond the scope of mere partnerships. An alliance requires a credible commitment from the states involved and formalizes obligations between the parties by tying them to each other in some written document. Because commitment allows for allied states to be potentially more successful in war than if they were to fight alone, as well as invokes audience costs if a state were to

not adhere to said alliance, the value of intervention and coordination outweighs the value of staying out of it (Morrow, 2000). By formalizing a piracy treaty, whether that be on the international stage or on a regional level, states are committing themselves to whatever is agreed upon within the treaty. Treaties allow for interests and resources to be combined to more efficiently combat piracy than if individual states were to make the same attempts alone. In addition, the audience costs of not adhering to the agreed upon policies outweigh backing out of an agreement of this caliber as a state's credibility on the international stage would plummet and other states would not pursue future treaties with that nation.

When circumstances arise that require allies to act on their prior commitments, states usually come to the aid of their allies and fulfill their promises because alliances are more than scraps of paper that can simply be ignored (Morrow, 2000). Rather, when alliances are formed, states ensure on the front end that the responsibilities they make are reasonable and can actually be filled. Alliances are not blanket agreements but are specific to each relationship and denote certain actions that should take place under particular circumstances (Leeds et al, 2009). The specificity of alliances, institutions, and treaties allows for high levels of compliance among member states and, in turn, furthers cooperation between the signatories. However, the positive rates of compliance are overshadowed by the reality that most agreements and treaties require states to make only modest adjustments from what they would have done in the absence of the institutions (Downs et al, 1996). Therefore, from the outside looking in, a state may appear to be doing everything in their power to condemn the actions of pirates, but in all actuality, they are maintaining the bare minimum to avoid condemnation by their allies.

When it comes to piracy treaties, the same principle of specificity rings true as states that were included in the negotiation process will more likely adhere to and honor the commitments made in the agreements. However, this can be a double-edged sword as states that were not included in the initial creation of the treaties may find it harder to fully cooperate because their interests were not included in the original conversation. For example, Japan and the Republic of Korea are two of the Asian nations that formulated and founded ReCAAP, so they should have few grievances when it comes to following through with the organization's agenda. However, Western countries, such as the United Kingdom or the United States, joined ReCAAP in the years after it was instituted and potentially could deviate from the guidelines the agreement specifies because they see their interests as not being represented.

Ultimately, states come together to create these treaties and write their alliances down because they deter actions deemed harmful from occurring, such as piracy incidents. Diplomatic means in themselves without physically putting pen to paper is worthless as there is no mechanism to hold those states accountable for their actions. By signing some agreement, the states involved are sending a credible signal to their allies that they are willing to take on the costs of whatever is agreed upon, such as more port security or more funding for search and rescue operations.

Why do states join institutions?

Though political scientists disagree on a single, specific theory that explains why states join institutions, they all maintain that domestic institutions by themselves cannot

solve all of the problems that the world faces, therefore, states join institutions to help address some of these issues, such as piracy.

Functionalism

Since their creation, international institutions have been centralized and organized around David Mitrany's theory of Functionalism, which claims that the world is and will be plagued by a series of technical issues that can only be solved through cooperation across state boundaries and by highly trained, apolitical specialists or technicians (Dougherty and Pfalzgraff, 1996). Functionalism is rooted in the assumption that state governments are either too busy with their own domestic issues or too self-absorbed with power and politics to be concerned with grand-scheme welfare issues that affect the entire world. Therefore, international organizations must exist to handle these problems, but a state must be willing to give up some of their nation's sovereign to international penetration for these function-based institutions to function properly (Miller, 1971). Once a state permits an institution to take on some of their responsibility, issues are resolved in regards to a specific need or function, i.e. piracy prevention, and eventually, with repeated interaction and the building of trust, the incentive for mutual cooperation within some other unrelated subsection is increased. This process of institutions creation based on function, issue resolution, frequent interaction, and mutual trust has repeated over time across a wide spectrum of issues and has resulted in the institutional web of the modern-day international system.

Rational Design

Though the international system has a wide variety of institutions organized in drastically different ways and created to address countless unique problems, one thing all

institutions have in common is that are initiated and designed by states to achieve some goal (Koremenos, Lispon, and Snidal, 2001). The commonality of state fabrication is the main assumption behind the rational design institutionalist theory. According to this model, states use diplomacy and conferences to select new institutional features to further their collective and individual goals. Therefore, even though institutions may vary in membership selection, their scope, or flexibility, their claim to the title institutions is based in their direct relationship to a state (or states') interest. Because the wants and the needs of the international community are always evolving, the rational design approach gives flexibility to the world's institutional web as institutions are forced to adhere to one rigid configuration. A prime example of rational design in practice is how most international trade agreements include some type of escape clause that allows for the countries involved to back out of the agreement down the road. Though this clause may reduce a state's credibility, Rosendorff and Milner (2001) would argue that it highlights the flexibility of institutions to reflect domestic demands. The bottom line is that institutions are formed and codified in direct response to states' preferences.

Efficiency Maximization

The unique designs of institutions make them both centralized and independent at the same time. Centralization can be defined as a concrete, stable organizational structure with an administrative apparatus that manages collective activities, while independence means that they can act with a degree of autonomy to a certain extent (Abbott and Snidal, 1998). These two factors allow for institutions to be the ideal efficiency maximizers for cooperation at the international scale because although they are ultimately rooted in states' interests, they are able to act coherently and on their own terms. Institutions are

inherently in tune with the desires of states but are not bogged down by constraints that come with domestic politics. In addition, similar to the functionalist approach, institutions are able to act as neutral parties once established, so although they can act as short-cuts for state's interactions, they are also specialized and facilitate reciprocity and iteration between states. Therefore, institutions allow for states to achieve goals impossible in a decentralized structure and, at the same time, have independently redefined international norms and practices.

Domestic Political Institutions

Similar to the argument behind the Democratic Peace, states' with democratic domestic political institutions are more likely to establish, join, and remain in international institutions because democracies are centralized around the norm that conflict is resolved through peaceful cooperation between disagreeing parties, rather than through physical confrontation. Even though leadership turnover rates are far higher in democracies than in other forms of government, domestic institutional constraints, such as checks and balances in the US's three branches of government, prevent new leaders from altering foreign policy preferences drastically (Leeds, Mattes, & Vogel, 2009). Meanwhile, non-democracies are much more likely to change their stance on the international front because their leadership changes usually come with different societal bases of support. Once a democracy comes out in support of and joins an institution, their institutional constraints make it essentially impossible to completely retract their support. Furthermore, Mansfield and Pevehouse (2008) argue that when countries are going through the process of democratization they are more likely to join international institutions as it allows for leaders to send a credible signal to the international

community that he or she is serious about making liberal domestic reforms. Evidently, there is some inherently unique relationship between democratic governments and international institutions that compels democracies to continue to support the efforts these bodies attempt to reign in.

An Overview of Piracy-Related Treaties

International Maritime Agreements

The goal of this component is to highlight the importance of particular international agreements and organizations that have molded the modern attempt to define and eradicate piracy: UNCLOS, UN Hostages Convention, and the IMO.

United Nations Convention on the Law of the Sea

Though there are other historical attempts to address piracy at the international level, such as the League of Nations and the 1958 Geneva Conventions, UNCLOS serves as the primary international level source related to piracy. With one hundred and sixty-one state signatories and the support of the European Union, UNCLOS is the legitimate cornerstone of modern-day international maritime law. By codifying and combining previous endeavors in one document, UNCLOS continues to be the only all-inclusive document on marine affairs. Because UNCLOS is a codification of customary international law, it is binding to every state even non-parties to the convention, such as the US. Though UNCLOS encompasses a wide array of maritime issues, piracy is specifically addressed in Articles 100 – 107. According to UNCLOS Article 101, piracy consists of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b). (UNCLOS, 1982, pp. 60 – 61.)

Through this expansive definition, UNCLOS promotes new norms relating to the ways in which states address piracy. Traditionally, because piracy happens outside the confines of a state's boundaries, pirates, for the most part, have escaped prosecution by individual nations. However, UNCLOS redefines the role states should play when piracy comes into the picture because it establishes and insists that states have the responsibility and the authority to take actions against piracy. UNCLOS specifically stipulates that signees have universal jurisdiction on the high seas to seize any and all vessels that are potentially in the possession of pirates and arrest those who are committing the crimes. However, this authority does not extend to a state's territorial waters, which is defined as twelve-nautical miles from the coast, so in a state overrun by piracy, such as Somalia, UNCLOS does not allow another state to interfere within Somalia's own territorial waters, a condition which seriously weakens the document.

UNCLOS has had a significant impact on both other international maritime institutions and individual nation's domestic policies. For example, rather than create an entirely new definition, several institutions, like the IMO, use the same definition of piracy that UNCLOS codified years prior to the IMO's creation and simply expanded upon the previously agreed upon stipulations. The same goes for domestic piracy

legislation: states are encouraged to use UNCLOS as a baseline for outlining piracy and then elaborate upon it in any way they deem appropriate.

International Convention against Taking of the Hostages

After a series of hostage deaths in Europe and Africa in the late 1970s, the UN decided that it was necessary to address a gap in international law: hostage-taking outside of armed-conflict and war. By reaffirming the importance of human life and associating hostage-taking with a breach of international law, the document sought invoke widespread international responses for crimes of this gravity. In Article I, the convention defines “hostage-taking” as:

Any person who seizes or detains and threatens to kill, to injure or to continue to detain another person (hereinafter referred to as the “hostage”) in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostages (“hostage-taking”) within the meaning of this Convention. (UN Hostages Convention, 1979).

By signing the UN Hostages Convention, each state is required to make the offense of hostage-taking one that is punishable, take all measures necessary to deescalate the situation, secure the release of the hostages, and return them safely to their home country, and ultimately cooperate with other countries when it comes to situations of hostage-taking. Though the UN Hostages Convention never specifically address piracy, it is reasonable to apply this definition of hostage-taking to acts of piracy, especially as it is not uncommon for pirates to capture ships and their entire crews. As the modern-day Somalian pirates off the coasts of Africa highlight, when pirates seize maritime vessels and those aboard, they often threaten to end their lives if a ransom is not upheld from the

home-country of the hostages. Therefore, by placing piracy under this broad umbrella of hostage-taking, more international intervention can take place. Though a country may not want to interfere in general acts of piracy, when their own people become hostages in addition to victims of piracy, they are further motivated to intercede. Essentially, the UN Hostages Convention serves as another mechanism for states to detain and condemn piracy as a crime like kidnapping or hostage-taking, which could be more easily proven in court and is still a legitimate path to punishing pirates in countries that do not have laws that specifically condemn piracy.

International Maritime Organization

Established in 1948 as the Inter-Governmental Marine Consultative Organization (IMCO) and later renamed, the IMO is a UN specialized agency with the goal “to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation” (IMO, 2018, pp. 3). Rather than rely on individual states to set their own benchmarks relating to maritime security or ocean pollution, the IMO sets out to improve sea safety by implementing international regulations that all member states are required to meet. The IMO targets pirates from two different approaches: (1) piracy as defined by UNCLOS, which can only occur on the high seas, and (2) armed robbery at sea, which can only occur within a country’s territorial waters. By designing initiatives specifically to address these two distinct areas, piracy can be more efficiently contained and condemned.

Under the broad umbrella of the IMO, numerous conventions have been called to address certain grievances, such as the International Convention for the Safety of Life at Sea (SOLAS), which outlines basic requirements for states when it comes to the

construction of ships and the types of safety equipment they should carry. For piracy specifically, the International Ship and Port Facility Security Code (ISPS) is an amendment to SOLAS that details the mandatory specifications that each state must follow when it comes to the safety of port facilities following 9/11. For example, under ISPS, each vessel must have a designated Company Security Officer and Ship Security Officer whose jobs are solely to ensure of the safety of the ship and keep the captain and crew informed of any potential security threats.

Since 1982, the IMO has issued collective piracy and armed robbery incident reports each year that investigate all the submitted incidents that are relevant to its member states. Beginning in 2002, the IMO's reports began to distinguish between attempts of piracy (international waters) and armed robbery (territorial waters) to better inform the maritime community as a whole. In addition, the IMO has been a crucial component in instituting and providing resources to various regional agreements regarding piracy, such as ReCAAP and the Djibouti Code of Conduct. Out of the three international-level treaties and organizations that this thesis highlights and collected data on, the IMO has the highest level of membership with one hundred and seventy-four member states actively adhering to its policies.

Regional Maritime Agreements

This section highlights the regional maritime agreements that have attempted to stifle piracy in the world's most dangerous areas for sea travel: the South Pacific and Eastern Coast of Asia (ReCAAP) and the Gulf of Aden, the Western Indian Ocean, and the Eastern Coast of Africa (DCoC).

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

As the first regional government-to-government agreement that promotes cooperation and coordination in response to piracy and armed robbery against ships in Asia, ReCAAP is a crucial component of piracy prevention in this region. Founded in 2006 with fourteenth South, North, and Southeast Asian contracting parties, ReCAAP has expanded its reach to six more nations beyond Asia, including the United States, the United Kingdom, and Norway. ReCAAP's main focus is to provide information and educational resources for its member states in hopes that piracy can be averted. In order to accomplish this task, ReCAAP is centered around three main pillars: information sharing, capacity building, and cooperative arrangements. Due to its presence around much of the world, ReCAAP is able to use its resources to extend the knowledge of piracy occurrences to stakeholders and other organizations, such as the IMO, through weekly updates, special reports, and guides. Next, each contracting party has the opportunity to participate in meetings and workshops with the aim to promote cooperation and foster trust within the maritime community. Finally, ReCAAP has signed various cooperative arrangements with particular international organizations, governmental agencies, and other members of the maritime world from the IMO and INTERPOL to the Asian Shipholder's Association and the Djibouti Code of Conduct.

Since ReCAAP's founding, piracy incidents and attacks in Southeast Asian have steadily declined, so much so that there were only seventy-six total incidents in the region in 2018, which is a ten-year low (ReCAAP ISC Annual Report 2018). If the states already involved could somehow convince Indonesia and Malaysia – the Southeast Asian

countries most affected by piracy – to ratify the agreement, I would argue that piracy would be nearly eradicated in the region because all states would be cooperating fully, no information would be lacking, and all of the states would benefit from the additional funding, supplies, and surveillance.

The Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (Djibouti Code of Conduct)

Written with the intention to address the threat of piracy and to provide a framework for capacity building in the Gulf of Aden and Western Indian Ocean, the DCoC was first signed in 2009. Since its installation, twenty of the twenty-one eligible states have signed the DCoC, such as Kenya, Madagascar, Egypt, and Comoros. Similar to ReCAAP, DCoC focuses on transnational communication, coordination, and cooperation by maintaining four pillars: national and regional training, enhancing national legislation, information sharing, and building up counter-piracy methods and capacity. In addition, as a regional subject to the IMO, the DCoC states work hand-in-hand with the institution to foster a more effective and safe relationship between states and intergovernmental institutions. By specifically targeting states that are more prone to piracy, such as Somalia, and encouraging a build-up of their maritime sector, piracy has been significantly reduced in the region. In addition, as part of the agreement, all signatories had to reevaluate their domestic legislation on piracy to ensure that piracy and armed robbery against ships are criminalized to some extent and adequate provisions are in place to detain and punish the offenders.

In 2017, the DCoC states came together to analyze their progression over the previous eight years and decided to revamp and extend their efforts to more general

maritime security issues. Known as the Jeddah Amendment, the new and improved DCoC implores states to cooperate to a greater extent in preventing transnational organized crime in the maritime sector beyond the scope of piracy and armed robbery of ships alone: trafficking narcotics, maritime terrorism, unregulated fishing, etc.

So what can states do in response to piracy?

States can combat piracy on two fronts: by enacting domestic policies or by joining international institutions. Ultimately, I am not claiming that either hypothesis is the perfect answer for how to combat piracy, but rather, we should look to the data to answer the empirical question of what states should do to eliminate pirates.

1. Domestic Responses

H_n: States with an increasing number of piracy events will enact domestic policies to combat issues in their own territorial waters, rather than join institutions and cooperate at the international level.

2. Join Institutions that Address Piracy

H₁: As a state experiences an increasing number of piracy attacks, it will be prompted to join more international institutions and sign additional treaties and agreements in order to stifle the effects of piracy.

CHAPTER IV: ANALYSIS

Research Design

To test my hypothesis regarding the relationship between piracy attacks and the number of piracy-oriented treaties a country signs, I manipulated the piracy data from Brandon Prins' Mapping Maritime Piracy Project. The Mapping Maritime Piracy Project is a collection of piracy research spearheaded by Prins and his team of scholars with the common goal to provide a holistic approach to understand the efforts of states in dealing with pirates. In the aforementioned data set, Prins' uses the country-year format as the unit of his analysis and measures years 1995 to 2013. Because each country (one hundred and twenty-two countries total) was included over a nineteen-year period, the data set has a total of two thousand four hundred and one observations, which look at a series of variables in one country in any given year. For example, the Netherlands is country-code two hundred and ten and has nineteen rows of data of all variables from the years 1995 to 2013. In order to more efficiently and generally analyze the data, I took the approach of collapsing the set from two thousand four hundred and one observations to one hundred and twenty-two observations. Now, each country has one row of data opposed to the original nineteen. To collapse the data, variables were reduced by two different methods: (1) the variable with the highest value and (2) the variable's mean.

The piracy data, however, did not include any data on treaty membership, so I added variables for participation, the five piracy-oriented treaties previously discussed at length (UNCLOS, the UN Hostages Treaty, the IMO, ReCAAP, and the DCoC) to the

data set for each year. In Prins' variables, each country either receives a zero or one, which represents if the country was a signatory or not. From the data, I created two additional variables: one that looks at the total number of treaties in a given year and the other that looks at the total number of regional treaties in a given year. In this new data set, I limited the variables to the number of treaties, major power, democracy, GDP per capita, government effectiveness, government corruption, piracy incidents, piracy attacks, and piracy attempts. The variables are as follows:

- IMO: a variable measured zero or one; if a country was a member of the IMO at any point during the data coverage, the maximum would be one
- ToH: a variable measured zero or one; if a country was a member of the ToH at any point during the data coverage, the maximum would be one
- UNCLOS: a variable measured zero or one; if a country was a member of UNCLOS at any point during the data coverage, the maximum would be one
- DCoC: a variable measured zero or one; if a country was a member of the DCoC at any point during the data coverage, the maximum would be one
- ReCAAP: a variable measured zero or one; if a country was a member of ReCAAP at any point during the data coverage, the maximum would be one
- Total number of treaties signed: a variable measured between zero and five; if a country was a member of all five treaties at any point during the data coverage, the maximum would be five
- Total number of regional treaties signed: a variable measured between zero and two; if a country was a member of both treaties at any point during the data coverage, the maximum would be two

- Major power: a variable measured zero or one; if a country was deemed a major power at any point during the data coverage, the maximum would be one
- Democracy: a variable measured zero or one; if a country was democracy at any point during the data coverage, the maximum would be one
- Government effectiveness: a variable that measures the average government effectiveness of a country from 1995 – 2013
- Government corruption: a variable that measures the average government corruption of a country from 1995 – 2013
- GDP per capita: a variable that measures the average GDP per capita in a country from 1995 – 2013
- Piracy incidents: a variable that measures the average number of piracy incidents a country experienced from 1995 – 2013. Piracy incidents are the total number of piracy attacks combined with the total number of piracy attempts.
- Piracy attacks: a variable that measures the average number of piracy attacks a country was involved in from 1995 – 2013. A piracy attack is defined specifically as when violence is used against a ship or its personnel to board or rob the vessel and/or kidnap the personnel.
- Piracy attempts: a variable that measures the average number of piracy attempts a country was involved in from 1995 – 2013

I use the data collected to generate descriptive statistics about the variables and bivariate correlations between my key variables: piracy and participation in the treaties.

In addition, I decided to supplement these with two types of regressions. Finally, I

examine two case studies to shed additional light on the ideas about piracy and treaties that I have assessed throughout this thesis.

Data Analysis

Tables 1 – 3 are descriptive statistics with the main goal to summarize the data collected. Table 1 looks specifically at the treaty variables from the individual treaties themselves to the total number of treaties signed and regional treaties signed. As the table highlights, membership is highest in the IMO; both of the regional treaties, the DCoC and ReCAAP, have extremely low levels of participation, which can be explained by the fact that many of the one hundred and twenty-one countries are outside these specific regions. Table 2 describes all of the variables dealing with the piracy. Although Table 2 illustrates that the maximum number of piracy incidents or attacks is relatively high – 69.89474 and 56.36842 respectfully – these numbers may be skewed and over representing one country or a small group of countries, as the average for both of these variables for all countries is low in comparison – 2.196607 and 1.687255. Table 3 sheds light on the data set’s control variables, such as the variation that exists between countries when it comes to government corruption and effectiveness. As the tables expand upon, there is some minor variation among the number of observations for each variable, but considering the largest variation is only three observations, it was determined to be small enough to be trivial. Rather than use these tables to draw major conclusions about my hypothesis, the descriptive statistics tables merely display the information gathered in a concise manner, which is why the next set of tables is necessary to determine the extent of any correlation between piracy and the number of piracy-oriented treaties a country signs.

Table 1					
Variable	Observations	Mean	Standard Deviation	Minimum	Maximum
IMO	121	0.9752066	0.1561415	0	1
ToH	121	0.8842975	0.3211978	0	1
UNCLOS	121	0.9173554	0.2764892	0	1
DCoC	122	0.1639344	0.3717427	0	1
ReCAAP	122	0.1639344	0.3717427	0	1
tot2	121	3.090909	0.7637626	0	5
tot3	122	0.3278689	0.5213242	0	2

Table 2					
Variable	Observations	Mean	Standard Deviation	Minimum	Maximum
Pirincidents	121	2.196607	7.54431	0	69.89474
Pirattacks	121	1.687255	5.785933	0	56.36842
Pirattempts	121	0.508047	2.315996	0	21.10526

Table 3					
Variable	Observations	Mean	Standard Deviation	Minimum	Maximum
majpow	121	0.0578512	0.2344327	0	1
demdum	120	0.6583333	0.476257	0	1
newgoveffect	120	49.17252	29.17643	0.4077724	99.07109
corruption	120	48.06794	28.73103	0.8401085	99.729
lngdpcap	118	8.128382	1.581626	4.956551	11.03636

Tables 4 – 7 offer a different approach to looking at the data collected: bivariate correlations. In a bivariate analysis, a correlation is conducted to determine whether or not there is a significant relationship between two variables. These results vary from 0 (no relationship) to 1 (perfect linear relationship) or -1 (perfect negative linear relationship). Thus, if the result of the correlation is a positive coefficient, there is a direct relationship between the variables, but if the result is a negative coefficient, there is an indirect relationship. The four tables in this section look to see if there is any correlation between two of the piracy variables (piracy incidents and piracy attacks) and the two total treaties variables. Table 4 is piracy attacks and the total number of treaties signed. Table 5 is piracy incidents and the total number of treaties signed. Table 6 is piracy attacks and the total number of regional treaties signed. Table 7 is piracy incidents and the total number of regional treaties signed. In each of these bivariate correlations, the results were a weak negative relationship between the two variables. In regards to my hypothesis, the correlations yield no support.

Table 4		
	pirattacks	tot2
pirattacks	1.0000	
tot2	-0.1311	1.0000

Table 5		
	pirincidents	tot2
pirincidents	1.0000	
tot2	-0.1544	1.0000

Table 6		
	pirattacks	tot3
pirattacks	1.0000	
tot3	-0.0580	1.0000

Table 7		
	pirincidents	tot3
pirincidents	1.0000	
tot3	-0.0717	1.0000

Furthermore, I also performed some more advanced statistical analysis in hopes that results would be positive. The tables for these results (Table A-1, Table A-2, Table A-3, and Table A-4) are in the appendix. In a final attempt to test my hypothesis, I ran a multivariate regression. In a multivariate regression, the goal is to extend the bivariate linear regression by incorporating additional variables to control for things that might also be correlated with the outcome variable. To accomplish this, I manipulated the same independent and dependent variables from the earlier correlation – piracy incidents, piracy attacks, total number of treaties signed, and total number of regional treaties signed, but also added the control variables from the descriptive statistics tables – GDP, government effectiveness, and democracy. Yet again, the regressions yielded no support. Although most of the data analysis proved futile, a positive relationship could still exist between the number of piracy occurrences a country experiences and the number of piracy-oriented treaties they sign, which is why my step is to look at case studies of two countries that are currently dealing with the threat of piracy.

Case Studies

Given that the quantitative data analysis showed little support for my hypothesis, I looked at two countries more closely to see if they could shed light on why the relationship I posited is not supported. To do so, I examined two Southeast Asian democracies that have seen a staggering number of piracy incidents and attacks since the mid-1990s: India and Indonesia.

India

As the world's second most populous country (the most populous democracy) and a nuclear-armed, economic powerhouse, India plays a crucial role in promoting liberal values in the region. As one of the founding members of the UN, the Asian Development Bank, and the G-20 and the sole founding member of the Non-Aligned Movement, India is a major player in both the Asian and international communities. In addition, alongside Germany, Brazil, and Japan, India is one of the G4 nations currently advocating for a permanent seat on the UN security council. As far as maritime security goes, India is a signatory of UNCLOS and UN Hostage Treaty and is a member state of the IMO and ReCAAP. Even though India is a globalized economy and has made credible steps on the international stage to reduce piracy, pirates are still a threat to the safety of Indian and foreign merchant vessels as two Indian ports – Sikka and Kandla – are currently on the Commercial Crime Services piracy warning areas (ICC: CCS, 2017).

Between the years of 1998 and 2005, there was a peak in the number of piracy incidents and attacks near Indian waters. In 2006, following India's signature of ReCAAP alongside other Asian and Oceania nations, such as Japan and Australia, the number of piracy incidents in the entire region decreased by twenty-five percent since the previous year (ReCAAP: Report for Dec. 2006). Over the next few years, the specific numbers fluctuated, but for the most part, general trends showed that piracy in the region was decreasing rapidly and the presence of ReCAAP could potentially be the explanation for why. However, beginning in 2008, Somalian pirates began inching their way closer to

Indian waters, increasing the occurrence of piracy once again. Though it is often forgotten how close the Indian sub-continent and Southeast Asia is to the Middle East and Africa, it is important to note that the Arabian Sea and the Indian Ocean are the only bodies of water that separate India from the Somalian piracy hotbed that is rooted in the Gulf of Aden. Therefore, when Somalian piracy began to seriously threaten the maritime transport industry, India increased its naval presence in the region to promote stability; however, this decision created a security dilemma for the area's pirates, which caused some of them to turn their efforts further to the south and east, right in India's backyard (Murthy, 2012). As a result of the pirates' transition to the Western Indian Ocean and the Indian Exclusive Economic Zone (EEZ), piracy attacks and hijackings have inherently increased in the region, threatening the safety of India's booming maritime sector.

Ninety-five percent of India's trading by volume is accomplished through maritime transport, so the Indian government has turned its focus to developing six more ports and opening up the country to one hundred percent Foreign Direct Investment when it comes to port construction and maintenance (India Brand Equity Foundation, 2019). Therefore, the government of India has it in its best interests to continue to support this growing industry, while also protecting it from the dangers of maritime piracy. Under UNCLOS and the UN Hostage Treaty, the Indian Navy has the authority to arrest and detain individuals that fit the defined criteria of pirates; however, neither outlines exactly how a state should try and penalize foreign pirates. Up until 2012, the Indian Penal Code had no law on the books regarding piracy whatsoever, so even though Indian ports were increasing their security in line with the IMO's stipulations and if and when incidents occurred, they were being reported by the proper officials to organizations like ReCAAP,

the Indian government had no basis on how to try pirates. In several cases, pirates were tried for armed robbery or attempted murder, but since piracy itself was not litigated as a crime, it was nearly impossible to imprison pirates for piracy. The Piracy Bill 2012 was India's domestic solution to this international crisis. According to the Piracy Bill 2012, pirates are defined according to UNCLOS's definition, can be imprisoned for life or punished with the death penalty if their actions resulted in death, and do not need to be Indian citizens to be charged and condemned (Kumar, 2012). Furthermore, for the first time in Indian legal history, the provisions of this legalization go beyond India's territorial waters and extend as far as India's EEZ.

According to ReCAAP, 2018 saw India's lowest number of actual incidents (three) since the organization began collecting piracy reports in 2006, which is a sharp decrease since the twelve reported incidents of 2016. In addition, there were only seventy-six total piracy incidents in Asia last year, which is a twenty-five percent decrease since 2017 (ReCAAP ISC Annual Report 2018). Although 2018 may be an outlier in recent years for India and other ReCAAP members, clearly someone somewhere is doing something right to deter further piracy attempts in this area. India's solution to piracy offers a hybrid model that combines both international and domestic approaches to combating piracy. Due to India's prominent economic and political presence, one would expect a country of this caliber to be fully engaged in the international community, as it is. However, international institutions cannot change one's geographical location or population size, so the Indian government has to also offer domestic solutions like Piracy Bill 2012, increased funding for port security, and a more dynamic naval presence in order to further stifle the efforts of pirates. An important

distinction should be made here: although India has enacted several domestic policies in hopes to decrease piracy in their ports and waters, many of these alterations are a result of treaty requirements, rather than purely domestic approaches. For example, even though the Piracy Bill 2012 is the law of the land in India, its text is based on UNCLOS, thus it is not altogether a unique document or policy, but one rooted in international legislation first and foremost. Larger and more prosperous nations, like India, should look to increase their membership in international institutions and enact domestic legislation for a holistic approach to ending piracy.

Indonesia

As the world's third most populous democracy, the largest archipelagic nation, and the largest-Muslim majority nation, Indonesia plays a crucial role on the international stage as these factors allow it to have a unique perspective on global affairs. A member state of several multilateral organizations, such as the UN and the WTO, as well as founding member of the Non-Aligned Movement, the East Asia Summit, and the Organizations of Islamic Cooperation, Indonesia has the potential to be a global economic powerhouse, like its neighbors India and China. Nevertheless, as far as piracy treaties go, Indonesia is a signatory of only UNCLOS and a member of IMO, not the UN Hostage Convention or ReCAAP. Even though they do not receive nearly as significant media coverage as their Somalian counterparts, between the years of 2001 and 2010, Indonesia and Somalia had roughly the same number of pirate attacks with nine-hundred and ninety and nine-hundred and sixty-eight respectively (Hodgkinson, 2014). In 2017, Indonesia alone accounted for twenty-percent of all piracy incidents worldwide.

Piracy in Indonesia is a systemic problem for the domestic government for several reasons. First off, because Indonesia has the second longest coastline in the world, policing logistics are a major hurdle. Even when a piracy threat is legitimately detected, there are often not enough policemen or security boats to pursue and detain the aggressors that terrorize the Indonesian coastline. Next, another major component of the Indonesian piracy complex is that Indonesia is not a member state of ReCAAP, so the government is failing to receive not only vital information from its regional counterparts, but it is also not sharing the information its agencies have gathered. Indonesia maintains that they are not a member state of ReCAAP because Jakarta – Indonesia’s capital – lost out to Singapore as the organization’s headquarters, thus citing politics as their argument. Nevertheless, information asymmetries lead to varying kinds of bargaining problems and have often been the source of regional and global conflicts, which is why multilateral and international institutions place information sharing and cooperation as one of their foremost goals when establishing institutions of any kind. Finally, probably the most difficult dilemma for Indonesia to overcome in regards to piracy is government corruption. Out of one hundred and seventy-seven countries, Indonesia is ranked one hundred and fourteenth in government corruption (McCauley, 2014). Due to the country’s island-based geographical layout, the Indonesian government is inherently decentralized, which leaves room for corruption and regional oligarchies to spring up among the territories. Across the board, with corruption, comes an uptick of violence and criminality, but in Indonesia particularly, some of this criminality takes shape in the form of pirates backed by the regional oligarchies, who can provide safe havens and cover expenses for the offenders.

For years, the Indonesian government focused on other more immediate domestic issues, like alleviating piracy and strengthening democracy. However, beginning in the mid-2000s, Indonesia began to ramp up its police-based anti-piracy efforts and looked to stop piracy at its source, corrupt military and political figures. In 2005, the Indonesian government launched Operation GURITA (octopus), which sent over twenty naval vessels and aircraft into waters where pirates frequent and resulted in the arrest of several piracy gangs. Meanwhile, in 2008, Indonesia opened ten new radar stations along the Straits of Malacca (Bradford, 2008). Both of these actions are steps in the right direction and prove Indonesia's resolve to end piracy; however, for the most part, when it comes to piracy trials in Indonesia, judges tend to give out more lenient sentences when compared to neighboring states. In addition, unlike Great Britain or India, Indonesia has no additional piracy law on the books to condemn pirates for the sake of their actions as pirates.

As previously stated, Indonesia is not a member of ReCAAP. However, in 2004 and 2005, Indonesia, Singapore, and Malaysia catalyzed a trilateral, joint effort to patrol the Strait of the Malacca, the "world's most dangerous waters," through coordinated maritime surface patrols and air surveillance (Bradford, 2008, pp. 482). This newfound regional cooperation between Indonesia, Singapore, and Malaysia is a step in the right direction to eradicate an issue that threatens all of their economies and citizens' safety. On a similar note, in 2017, India, Malaysia, and the Philippines formalized The Trilateral Maritime Patrol arrangement, an agreement which authorized naval personnel from each of these countries to patrol the region and run down any pirates or militants in the area (Guerra, 2017). This regional treaty overcomes a serious issue facing Indonesian police

forces: the inability to chase pirates into another country's territorial waters. Now that the agreement is in play, naval vessels and even aircraft from Indonesia can legally pursue assailants into both Malaysian and Philippine waters. Although this agreement is a step in the right direction, membership in ReCAAP would allow Indonesia to benefit from more regional patrols and better targeting capacity, two factors that have been key to ReCAAP's advantage in eradicating piracy in the Southeast Asian region.

Summary of Case Studies

India and Indonesia both offer unique perspectives into what states are actually doing in response to piracy. Rather than relying on only one or the other, India has looked to both international institutions and domestic legislation to offer a holistic approach to combating piracy in its area. In doing so, the Indian government officials are signaling that they view piracy as a serious threat and are willing to do everything they can within their state and on the international stage to terminate piracy. In addition, some domestic legislation, like the Piracy Bill 2012, finds its roots in international law, so India is not only adhering to international and domestic legislation but also allowing for the two to coexist. On the other hand, Indonesia makes little to no use of the international institutions that are in place and, instead, relies seriously on domestic efforts to rein in and apprehend pirates. Recently, Indonesia has collaborated with other regional actors to multilaterally approach the problem of piracy, but for the most part, the major driving force behind their anti-piracy endeavors are domestically based. As these two countries highlight, the issue of piracy and how to counter it is not black and white, but is very much so in the gray area between, which is why I would argue that my correlations and

regressions yielded no support to my hypothesis. In this thesis, I looked specifically at the relationship between piracy and treaty participation, which failed to recognize the significance of domestic legislation in conjunction with international involvement. Therefore, a more accurate approach may have been to offer a third hypothesis, a hybrid model between international and domestic responses, which would take into consideration both fronts of the piracy battle.

CHAPTER V: CONCLUSION

In writing this thesis, I had hopes that light would be shed on the threat of contemporary maritime piracy on the global shipping industry, but above all, I wanted to explore what options states had when attempting to terminate or at least decrease the presence of piracy in their territorial and regional waters. Due to the correlation between piracy and government corruption in a state such as Indonesia, domestic legislation that condemns the practice may exist or be possible to enact, but because the local authorities are typically the ones faced with charges of corruption, even if these policies existed, it would be difficult to enforce. Local leaders that benefit from the actions of pirates will continue their efforts so long as the option is there, which is why the solution cannot start at the local level but needs to be at the international or supranational one.

In the spirit of 21st century liberalism, I framed my argument around international institutions as the nail in the coffin of piracy, but after further research and analysis, international institutions alone may not be the solution I thought they would be. Although UNCLOS, the IMO, and the UN Hostages Convention have done plenty to codify international law in regards to maritime issues, the topics they cover are considerably wide-reaching and simply do not do enough to address piracy specifically. Even if a state adhered to the stipulations of these three international institutions, piracy could remain a problem as each of them generally outline piracy but do not condemn the actions of the pirates themselves or have the mechanisms to hold them accountable. On the other hand, because the regional agreements – ReCAAP and the DCoC – are closer “to the ground,”

their efforts can more directly address not only piracy, but also concerns that are specific to that region. Nevertheless, these agreements were both established less than fifteen years ago, so even though the policies they have put in place seem to be working to reduce piracy and promote cooperation, it will take more time for the effects to be widespread. In addition, if the states where piracy is significant, i.e. Indonesia and Somalia, do not ratify these treaties and agree to their stipulations, piracy will continue to be a problem as those states are not held accountable or to the same standards as their neighbors.

All of this is not to say that international institutions are not the solution simply because the data did not yield the results that I hoped they would. Rather, I wholeheartedly maintain that international institutions are the answer of the future, but in today's isolationist environment, I fear that answer is just not politically viable. Ignoring the politics of the international stage, I would argue in line with Bento (2011) that a supranational piracy institution or court is the best option for completely eliminating the threat of piracy. Because piracy is so intrinsically intertwined with local and regional politics, only a body that is completely cut off from these lower levels can effectively bring about change. For a body of this level to work, all states, even those that are only minutely affected by piracy, would need to join the institution. In addition, each state would be granted the opportunity to send a representative who would not only express the views of his or her home country but would also play a crucial role in establishing mechanisms for enforcement, such as a police force or agency, and some type of judicial branch that would decide sentences. Although issues of sovereignty will certainly arise, I

have hope that states will put their territorial concerns aside and engage fully in an institution that is dedicated solely to eradicating piracy.

APPENDIX

Table A-1			
Variable	Coefficient	Standard Deviation	P> t
piracyattacks	-0.0162933	0.0115782	0.162
lngdpcap	0.0601977	0.0769978	0.436
newgoveffect	-0.0014721	0.004458	0.742
demdum	0.1589614	0.1568045	0.313
_cons	2.617915	0.4853983	0.000

Table A-2			
Variable	Coefficient	Standard Deviation	P> t
piracyattacks	-0.0059751	0.0082757	0.472
lngdpcap	-0.0037454	0.0550349	0.946
newgoveffect	-0.0008724	0.0031864	0.785
demdum	0.040874	0.1120776	0.716
_cons	0.3736364	0.3469433	0.284

Table A-3			
Variable	Coefficient	Standard Deviation	P> t
piracyincidents	-0.0145592	0.0088434	0.102
lngdpcap	0.0594836	0.0765264	0.439
newgoveffect	-0.0016034	0.0044396	0.719
demdum	0.1562414	0.1561232	0.319
_cons	2.636679	0.4830037	0.000

Table A-4			
Variable	Coefficient	Standard Deviation	P> t
piracyincidents	-0.0055293	0.0063343	0.385
lngdpcap	-0.0042555	0.0548143	0.938
newgoveffect	-0.0009181	0.00318	0.773
demdum	0.0400357	0.1118279	0.721
_cons	0.3827405	0.3459659	0.271

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