

A WAR ON TERROR: IS IT POSSIBLE?

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The title that I chose for my comments today was: “A War on Terror: is it possible?” But it is certainly not my intention to talk about Mr. Bush’s war on terror, except perhaps tangentially, and I’d also prefer to sidestep a host of technical issues. I am indeed aware that the lawyers tell us that technically you cannot have a war against a technique or activity, but only against a definable human opponent, and the use of the term “War” in this regard is a sort of hyperbolic rhetorical flourish, where the proper terminology would probably be “campaign to reduce or eliminate”. In the United States and elsewhere, it’s a common way of making something vivid, like Nixon’s “War on Cancer” or the perpetually unsuccessful “War on Drugs”.

Furthermore, I don’t propose to fret overly about the fact that there is not a generally agreed upon definition of terrorism. For the time being, I’m prepared to live with a fairly broad-brush definition which does not restrict the perpetrators to non-state actors, and in which it is directed against non-combatants, and has a political purpose. For convenience, I’ll accept the one used by Kofi Annan in his address to the Madrid Summit on 10 March 2005, which is:

“Any action constitutes terrorism if it is intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a government or an international organization to do or abstain from doing any act.”

It’s my view that there is at least one good historical analogy to a “War on Terror”, and that analogy is probably worth studying for lessons learned which could be applied to the design of a potentially successful war on terror. I am referring to the long war against piracy, which by the early 1850’s was essentially fully successful.

Piracy and terrorism have certain common features. Piracy was directed at civilians or non-combatants, with the intent to do harm. It was for a long time sanctioned by certain governments and used as a form of irregular warfare. Consequently, many nation states acted as safe havens for pirates. A handful of such states became, at various points, pretty much pirate states, in that piracy was the defining activity of the state. Many of its practitioners engaged in both government sanctioned and unsanctioned forms in the course of their careers. Even the unsanctioned forms had their political uses for some states. In the early days of opposing it, some of those nominally opposed were two-faced about it.

Pirates operated very much like modern terrorists, in that their weapons were the low-end, somewhat improvised version of the current weapons systems of the states and peoples upon whom they were preying. They were not creators of new technology, but merely daring, unorthodox, and (by the standards of the day) unprincipled employers of the readily available low-end tech of their day. They acquired their capabilities by purchase, or often by theft from their opponents, trading up like the “red paper clip” guy on the Internet. They rarely sought to acquire the heavier ships of their day, as those were too slow for the tactics they had developed, which usually involved speed, surprise and a disinclination to stand and fight against conventional naval or land forces unless it could not be avoided. Today’s terrorist organizations and cells arm themselves and function similarly.

But a point was finally reached when, for the developed world, a confluence of four factors made piracy an entirely unacceptable activity and provoked a final, intense campaign to expunge it.

1. By the end of the eighteenth century, privateers operating under letters of marque or letters of reprisal had ceased to be a useful device for increasing the military capability of developed states. After 1790, few such letters were issued, and the very last ones in 1827.
2. Piracy interfered with international trade, and international trade had become vastly more central to the economic health of the entire population of the countries of the developed world than it had previously been.
3. More people from a wider range of classes were travelling by sea, so the perception of the risk of harm by pirates was more widespread and hence there was more pressure to remove the risk.
4. Perhaps most importantly (strangely), were human rights issues. Piracy was intimately connected to the slave trade. Often, or even usually, victims of piracy became slaves. Ultimately, laws declared the movement of slaves by sea to be a form of piracy. So the growing anti-slavery ideology also became an anti-piracy ideology, and added a huge moral fervour to the campaign to expunge piracy.

Within three generations, piracy went from being a semi-accepted form of irregular warfare and an activity viewed as unsavoury but likely always to exist at the margins of society, to being gone. Of course not completely gone, but so entirely marginalized that it's always a shock when it occurs. Other than in the Straits of Malacca and the coasts of failed states, it's almost unheard of. There is no longer an established international pirate culture, a sort of diffuse criminal enterprise practiced by misfits and thugs, some with political objectives but others just outlaws. It's gone. So far gone that flying the Jolly Roger is merely a tasteless joke, and dressing up in mock pirate gear a suitable activity for children on Halloween.

It is possible that terrorism is today at the point of its history where piracy was in about 1800. Terrorism is not new. In its most horrible form it is genocide and ethnic cleansing, and has existed for thousands of years. Politically motivated terrorist acts by individuals and small groups are also not new, with a rash of it in the late 19th and early 20th century being noteworthy, including the act which touched off the First World War. Developed states have supported it. Even some actions by partisans supported by the Allies in the Second World War fall into the Annan definition, and, as C.P. Snow set out so clearly in the Godkin Lectures at Harvard in 1960 (later published as "Science and Government"), the advice that F.A. Lindemann (Lord Cherwell) gave Churchill and the War Cabinet which led to the Allied bombing campaign was an express targeting of working class housing, not military targets. Nor was countervailing advice by Sir Henry Tizard and P.M.S. Blackett based upon moral considerations, but merely on what we now know were more accurate estimates of effectiveness and a concern about diverting effort from certain other important activities. Arguably, some American tactics in Vietnam were terrorism, and a reliance during a good part of the Cold War on city-killer nuclear and thermonuclear weapons could also be held to be a planned use of state-sanctioned terrorism.

But that may now have changed. The end of the Cold War in 1989 marks to some extent the end of the bargain with the devil, in which we accepted these methods in the huddling together of Westphalian states in the two great alliances by which the world had squared off into two technologically advanced but implacably opposed camps. The bargain had not only implied the acceptance of “terrorism” but also, to create a system of international security, had accepted an extreme version of the sacrosanct nature of the Nation State, so that almost nothing, not even genocide, could justify intervening in one. But since then, a rise in emphasis on human rights has begun to harden attitudes towards states or non-state actors who intentionally harm non-combatants.

At the same time, technology has reinforced the possibility of avoiding or reducing gratuitous harm to non-combatants, even in serious conflict. It is fashionable to be sceptical of the efficacy of PGM’s, but the absence of perfection does not mean that they don’t work. PGM’s can and do dramatically reduce the harm to non-combatants in theatres of conflict.

So a case could be made that 1989 represents the same watershed date for an end of state endorsement of terrorism that 1790 would represent for state endorsement of piracy. A few less powerful states still support terrorism. And until the late 1820’s a few less powerful states still licensed privateers. If the analogy holds, and a war on terror is now feasible, that “long war” ought to take until 2050.

How was the anti-piracy “long war” of sixty years won? And what lessons can be learned from it and applied to the design of a “War on Terror” which has at least some chance of success?

There were sporadic attempts to beat down piracy long before the sixty years that I have characterized as the “War Against Piracy”. There are good reasons why these earlier efforts did not have long lasting effects, even though they sometimes contained elements which later were quite effective when used in a coordinated fashion during the early nineteenth century.

The first major effort to defeat the Barbary pirates was in 1390, when the Genoese enlisted the help of England and France. The English commander was Henry of Lancaster, later Henry IV. The two month siege was not fully effective and resulted in a negotiated peace of short effect. The situation worsened after 1492 when many of the Moors who had become refugees when forced out of Spain became pirates. But there was also an internationalization of the pirates of North Africa, with many European renegades having major roles. The two Barbarossas were Greek, but Sardinians, Corsicans, Calabrians and even the odd Venetian, Hungarian and Albanian, as well as Englishmen, Danes and others figured prominently. Until 1570, the Barbarossas and their successors were nominally local sovereigns under the Ottoman sultan in Constantinople. Between 1533 and 1544, the first Barbarossa, Khair al-Din, was admiral of the Turkish fleet of Sultan Sulieman I, and twice defeated Admiral Andrea Doria.

The 16th century saw only minimal developments which presaged future policy changes. Henry VIII of England and Louis XII of France concluded an anti-piracy treaty, agreeing to suppress piracy by their own subjects and to keep their own coasts clear of it. In 1536, Henry VIII passed the first Piracy Act which created a Vice-Admiral of the Coast.

The 17th century saw little progress in the Med. It has been estimated that in 1634 there were in Algiers alone 25,000 Christian slaves, largely being victims of piracy, and another 8,000 who had converted to Islam following capture. The expeditions against the North African pirates during this period were half-hearted, except for the great raid led by Robert Blake, ordered by Cromwell. It suited various states to have the pirates of Algiers, Tunis and Tripoli prey upon the shipping of other states.

And while the 17th century was also part of the golden age for buccaneers in the New World, as it drew to a close there were interesting hints of things to come. The first was the concept of co-opting the saner amongst the pirates. The story of the famous Welsh pirate leader Henry Morgan is an example. By 1671 his outrageous exploits, condoned by the Governor of Jamaica, Thomas Modyford, provoked an English reaction. A new governor was sent to arrest Modyford and Morgan. But while Modyford went to the Tower of London on his return, Morgan agreed to change sides, was knighted and sent back as Lieutenant-Governor of Jamaica in 1675 with a brief to suppress piracy. From then until his death in 1688 he was moderately effective in that role, resulting in a substantial decline in piracy in the region. The second development was another Piracy Act that created Admiralty courts in North America and the West Indies, so that long lags would not exist between arrest and trial. Until then, the costs of sending prisoners and witnesses back to England had frequently caused the charges to be dropped.

But by the last years of the 18th century, the world was primed to stamp out piracy. Letters of Marque or Letters of Reprisal were no longer being issued. Privateering was dead. Admittedly, it had a modest rebirth during the war between Brazil and Argentina which lasted from 1825 to 1827, when both sides issued many such letters. In doing so they did indeed create a new pirate class that went rogue for a couple of years after that war ended, but who by 1829 were beaten down. The end of privateering meant no more ships and bases functioning as officially sanctioned schools for those who would later go rogue and strike out on their own.

It had also long been recognized that the slave trade and piracy were intertwined. There were many reasons. First, slaves were amongst the most valuable cargoes to steal. Secondly, captured crews or passengers could be sold as slaves anyhow. Thirdly, early in the 19th century the slave trade became illegal in stages. Outlaw seafarers engaged in one criminal activity were naturally the ones to gravitate to another illegal maritime activity. In 1807 Britain made its slave trade illegal. In 1808 the importation of slaves to the US became illegal and trade in slaves was deemed piracy. This law was not enforced for many decades thereafter, but was on the books. At the Congress of Vienna, Lord Castlereagh persuaded the four major slave trading nations, France, Holland, Spain and Portugal, to accept abolition of the trade in principle. In 1824, Britain passed an Act which declared that a British subject “ who upon the high seas carries away any person as a slave...” is guilty of piracy. Long before, in 1721 an Act had extended rules related to piracy to those who trade with a pirate.

The stage was set for a major effort on piracy. Even the young republic in North America became involved. After 1785 the newly independent United States also found itself paying tribute to the pirates in the Med, but by 1798 the American consul in Tunis, Mr. Eaton wrote advising resistance. The Dey of Algiers offered America “protection” in exchange for a frigate. The Bey of Tunis wanted something too, as did Morocco. After a symbolic act by the Yusuf of Tripoli (cutting down the flagstaff at the US Consulate on May 14, 1801), the US lashed out, generating their heroic stories about Preble and Decatur, but with no real effect on the pirates.

In August 1816 a huge British operation led by Lord Exmouth against the great pirate lair at Algiers had a bit more impact. It was provoked by failed negotiations with the Dey of Algiers over the release of Christian slaves. The fleet took 818 casualties, 128 of them fatal, but released 1642 slaves.

Then in 1824 a British blockade and threat of long-range bombardment again brought the Dey onside (26 July) and on Oct 24 he accepted a British offer to mediate with Sardinia as well. Shortly thereafter the British squadron got the Bey of Tunis to agree not to allow the sale of Christian slaves. By 1828 Tangiers was blockaded, and in 1830 the French, in frustration, occupied Algiers and thence much of North Africa.

But the end of the pirate states of North Africa was not the end of piracy. From 1808 to 1848 the Royal Navy was able, with huge effort, to liberate only about one eighth of the slaves being shipped from Africa to Brazil. In 1848 some 60,000 slaves were landed in Brazil, despite an 1845 British decision to allow the Royal Navy to capture Brazilian slavers even when they were empty. In 1849 Palmerston extended this to Brazilian waters, and in 1850 to entering Brazilian ports for this purpose. The key, however, was the revival of parties in Brazil opposed to the slave trade, and hence the decision in July 1850 of a new Brazilian government to enforce its own 1826 treaty against the slave trade. In 1852 only 800 slaves were imported. Force projection without effective diplomacy and politics had failed. Force projection with effective diplomacy and politics had succeeded.

The same lessons were learned over Cuba. There were no successes of any permanent nature over the Cuban pirates by the US or the British, despite many raids, till the mid 1820’s when the Spanish authorities began to cooperate. Interestingly, this was the first occasion of really strong British-US cooperation, two generations after the Revolutionary war.

By the late 1820’s, even Greek pirate activity was exceedingly low, and in North America the 1835 saga of “Panda”, captured eventually in Africa by the British brig Curlew, was the last gasp, except for the slavers. They persisted, and in 1859 15,000 slaves were still landed in the US. In 1861, “Erie” was captured by “Mohican” and 937 slaves found aboard. The captain, Nathaniel Gordon was tried for piracy and hanged in Portland, Maine on 8 March 1862. He was the last.

In the Far East the chronology was only slightly later. In the 1840's, Chinese pirate admirals had 500 ton junks with up to 18 guns, some 18 pounders, and crews of nearly 100. Between 1843 and 1851 British warships captured or destroyed almost 150 junks and earned head money for 7500 pirates. In September and October of 1849 the great raids of the pirate Shap-ng-tsai brought him up against Captain Sir John Dalrymple Hay. 58 of Shap-ng-tsai's 64 junks were destroyed and he lost 1700 men. No British were lost. Shap-ng-tsai's deputy was captured, but the pirate admiral himself retired into a Chinese civil service post. While piracy in that region took a further quarter century to fully suppress, with careful British, Dutch and other allied cooperation, 1849 was the watershed point.

Some observers have mused that technology killed piracy. It did not. It would have eventually, with the coming of iron ships and rapid communications. But Cobden declared piracy dead in 1849, eleven years before *Warrior* was launched. Piracy grew up during the age of fighting sail and died before its technological context did.

The Long War on Piracy took three generations. It worked where earlier efforts had failed because:

1. The developed nations stopped using piracy as a convenience themselves.
2. It was a multilateral effort grounded in a shared ideological conclusion that piracy had to be rooted out, and citizens as well as their rulers shared this vision.
3. Force projection alone was not effective, but force projection accompanied by intensive diplomacy, co-option and even bribery did work.
4. Laws were important, but laws that governments chose not to enforce were unhelpful.

These lessons may be applicable to the design of a war on terror. It should not surprise us that American moves away from multilateralism have been counterproductive. Multilateralism is awkward. It involves constant negotiation and compromise. It is slow. But it is critical to closing off safe havens. Nor should it be a surprise that America's greatest success to date in its war on terror was its very effective bribing or co-opting of Libya to go out of the terror business. Libya renounced weapons of mass destruction on Dec 21, 2003 and has taken all reasonable steps not to be a safe haven for terrorists. While implied force was certainly a factor, it was not in the end the critical factor.

A war on terror is not a military exercise. It is a political, diplomatic, economic and social exercise in which military force must always be available and occasionally used.

There are those who argue that it's different this time, because the majority of terror incidents today are related to a revolutionary movement within Islam, a movement unlikely to respond to the subtleties of the proposed approach. This is a point worth considering. There is no doubt that there is a fierce struggle underway for the soul of Islam, and that struggle must be resolved within Islam. We on the outside, in Dar al Harb, are not mere bystanders, but we are also not central to the issues at stake. We will need to fight a holding action to prevent that struggle from ruining our lives, and will need to do so until the community of Islam has been able to resolve this internal conflict.

This revolutionary movement deeply believes in a return to an imagined short Golden Age, the 29 years after the death of the Prophet, which is the period of the reign of the Rashidun, the four righteous caliphs. It is a movement distinct from customary Islamic orthodoxy, which had learned to live with political structures, and it is a movement which is useful to certain unprincipled men within Dar al Islam. It espouses certain values that most of us on the outside see as anti-human, and it is these striking and extreme postures which in the end may cause it to fail and may cause other more adaptable theologies within Islam to prevail. There are differing views as to the origins of this movement. Some believe that it has been implicitly present all along. Most Americans seem to believe that it is a child of the austere Sunni branch of the followers of Muhammad ibn Abd al-Wahhab, and dates to his alliance with Muhammad ibn Saud in 1744. Others, including me, would tie it more closely to the Muslim Brotherhood founded by Hassan al-Banna in Ismailia in 1928. But in fact, it does not matter. No one in this room will see the end of that struggle.

But terrorism is not central to it. It is the tool of the moment. In the same way that the end of the Cold War and a rising tide of sentiment about rights of individuals has made the developed world very recently decide to put terrorism behind it, it is possible to persuade the remainder of the world, over time, that terror is the wrong tool. The techniques for persuading states and non-state actors that it is time to put such techniques behind us are similar to those multifaceted but muscular techniques that made piracy a minor activity at the margins. The struggle for the soul of Islam may be partly a violent struggle right up to the point that it is resolved, but the unethical and unappealing tactics of terror may be discarded by all protagonists long before the greater questions are resolved. It is to producing the pressures to discard such techniques that we must apply ourselves. And the Long War on Piracy points the way.

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