

Michael Struett, Jon D. Carlson, and Mark Nance (Eds.), *Maritime Piracy and the Construction of Global Governance*. New York and London: Routledge 2013.

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Reviewed by Peter Lehr

Piracy long seemed to be yesteryear's problem – so far removed from reality that it was confined, in the views of many, to novels such as *Treasure Island* or silver screen adventures like those of Captain Blood (Errol Flynn) or Captain Jack Sparrow (Johnny Depp). Ironically, the adventures of the latter filled cinemas while 'real-life' piracy returned with a vengeance in the shape of high-seas piracy emanating from the shores of civil war-blighted Somalia. The activities of Somali pirate action groups that reached their zenith during 2009/2010, followed by those of pirates in the Gulf of Guinea should, however, not mislead us to think that piracy is a short-term, regional problem that can be fixed by ad-hoc naval patrols hurriedly organised to combat them, to then being equally hurriedly disbanded. Rather, what is needed is an improved system of maritime governance covering our oceans, or at least our most important sea lines of communication (SLOCs), based on an improved understanding of the concept of 'piracy.'

Improving our understanding of both 'governance' and 'piracy' is exactly what this excellent edited volume does, on the basis of a constructivist approach – quite appropriate in the context of the seemingly ever-changing discourses on piracy, with positions ranging from denouncing them as *hostes humani generis* (enemies of all mankind) to those glorifying modern-day Somali pirates as 'Robin Hoods at Sea.' The first part of this volume addresses these somewhat distorted discourses, with a focus on the legal construction of piracy in international law by different sets of actors, such as states, the maritime transport sector, and various international bodies. Harry Gould's insightful chapter titled "Cicero's Ghost: Rethinking the Social Construction of Piracy", kicks off by demonstrating that the notion that pirates have always been framed as enemies of all mankind is actually based on a misreading of Roman sources – the idea of pirates being "enemies of all mankind" appears to be a social construction of more modern origin. Eric A. Heinze's chapter on the 'Global War on Piracy' then examines the legal principles pertaining to piracy in the classic law of nations, in the modern international law (excellent sections deal with the Harvard Draft Convention on Piracy and the UNCLOS regime) and in more recent UN Security Council resolutions on Somali piracy. The red thread of this highly interesting chapter is the question whether the suppression of piracy should be framed as 'law enforcement' or as 'war.' Heinze concludes that neither should pirates be considered combatants under international law, nor would it be in the states' interest to respond to pirates in a way that would grant them rights under the laws of war. However, as some readers might recall, international law may not necessarily be the biggest legal problem we have to face: actually, only few Somali pirates captured by various

naval forces were prosecuted: most were simply disarmed and sent back to their coast. Yvonne M. Dutton's chapter on 'Maritime Piracy and the Impunity Gap' sheds some light on the background of this practice - also known as 'catch and release' - pointing out that for a variety of reasons, domestic laws facilitating the prosecution of pirates either are notably absent or not consistent with the international legal framework, hence creating an 'impunity gap' through which pirates can slip.

The second part of the volume focuses on the construction of piracy by institutions. In this regard, Christian Bueger and Jan Stockbruegger, point out that within a decade "piracy has been transformed from being perceived as a marginal economic problem into an international problem dealt with by many security actors". (p. 99). Their opening chapter 'Security Communities, Alliances, and Macrosecuritization' analyses international governance arrangements that have been developed so far through the lens of Buzan and Wæver's securitization approach. Mark T. Nance's and Michael Struett's following chapter on 'Conflicting Constructions' argues that inconsistencies between various international regimes stand in the way of an effective suppression of piracy as well, in addition to the legal inconsistencies flagged by Dutton. In their view, an effective suppression of piracy depends on whether the current regimes "will find a common language that allows them to overlook boundaries in the name of a more effective cooperation on common problems" (p. 144). The final chapter of this part, Kevin McGahan's and Terence Lee's 'Frames, Humanitarianism, and Legitimacy', offers a critical in-depth look at the anti-piracy regime in the Gulf of Aden against the backdrop of current debates revolving around humanitarianism and humanitarian intervention. A third part consisting of two chapters concludes this impressive volume: first, Brent Steele takes a look at the limits of international society through the lens of the English School of International Relations theory, before Bruce Cronin brings all the strands together, to then broaden the lessons learned to other new challenges "the institutions and norms of the modern nation-state system" (p. 199) such as transnational arms and drugs dealers or Al-Qaeda. Indeed, "[states] need to construct new frames to meet new challenges" (ibid.).

All taken together, the authors keep their promise: on the basis of well-researched and accessible chapters that build on one another (not always the case in edited volumes), they improve our understanding of the construction of piracy and of governance, thus offering a major contribution to the debate. Hence, this is an excellent, outstanding publication of particular interest for scholars and graduate students – the more general readership might find it a bit daunting, though.

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