

PIRACY AND PLYMOUTH: PRIVATEERING, PROFITING AND POLICING

**Plymouth Law School's Contribution to the
ESRC Festival of Social Science 2016**

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Introduction

The Economic and Social Research Council (ESRC) is the 'largest organisation for funding research on economic and social issues'.² Every year the ESRC holds the Festival of Social Science to provide an 'insight into some of the country's leading social research',³ and enable the public to engage in the social sciences. The festival theme this year was Pirates, Entrepreneurs and Visionaries. Following on from Plymouth Law School's contribution last year,⁴ and the success of the museum event entitled Plymouth Past: Sustainable Future,⁵ the Law School intended to continue where it left off, and this year engage the public upon the theme of Piracy and Plymouth: Privateering, Profiting and Policing.

1 ESRC Festival of Social Science 2016 Celebration Event



A number of Plymouth's contributors to the ESRC Festival of Social Science, @PlymUniEvents

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² Economic and Social Research Council, 2015, *What we do* (online) available at www.esrc.ac.uk/about-us/what-we-do/

³ Economic and Social Research Council, 2015, *About the Festival* (online) available at www.esrc.ac.uk/public-engagement/festival-of-social-science/about-the-festival/

⁴ Cox, D., 'Plymouth Past: Sustainable Future, Report on Plymouth Law School's ESRC Festival 2015 Exhibition', (2016) *Plymouth Law and Criminal Justice Review* Volume 8 Issue 1, pp68-72

⁵ Stevenson, K., Giles, R., 2015, *Plymouth Past: Sustainable Future* (online) available at www.youtube.com/watch?v=LuNavblu8xc

Plymouth University kicked off the ESRC Festival of Social Science by holding a celebration event, providing those participating as part of Plymouth's contribution to the festival to discuss and present their work to each other, and gain an appreciation of different disciplines. While a relaxed event, the Vice-Chancellor of Plymouth University, Professor Judith Petts, and the Executive Dean of the Faculty of Business, Professor Nikolaos Tzokas, were both present, and gave speeches, detailing the importance of the festival itself, their own thoughts and experiences as to their own areas of expertise, and upon the topic of the social sciences. The Law School's own contribution to this event entailed showcasing the work undertaken last year as part of the ESRC Festival, as well as the work carried out this year, including a virtual reality experience upon a pirate ship, which Professor Judith Petts experienced herself. Further work from the Law School was also on show, including the witness seminars held at Plymouth as part of the festival, in association with Dr Michael Kandiah, Co-director of the Institute of Contemporary British History Witness Seminar Programme, Kings College London.

2 Policing Piracy 1 Witness Seminar



For the past two years Plymouth University has held witness seminars in order to engage the public and contribute in shaping the presence of an official record for historical importance. Witness seminars are not about providing sensationalism, but rather to expand and amplify

the historical record in an increasingly digitised age. In the past during times of hardship or moments of great political strife for example, opinions and comments of those involved might have been written down, providing an insight into the immediate reactions and opinions of those involved. Nowadays immediate responses no longer, or at least to a large percentage in comparison to the past, take the shape of the written word, but rather typed and electronically rather than in a permanent format. A tweet, a text, or an email rapidly put together and a jab of the send button is received by the intended recipient, consumed, and then replied to in a similar fashion. The modern modes of communication are increasingly resulting in the loss of the written text placed to the side, only to be stumbled upon decades later and the appreciation of its significance brought to light. Witness seminars are intended to contribute to the formation of the official record by establishing the experiences of those involved in a particular event or theme, and their words written down for future generations to examine.

As the Law School's contribution to the ESRC Festival of Social Science, two witness seminars were held, in association with Dr Michael Kandiah, on the subject of Policing Piracy; the first upon the theme of the 'International Picture, Politics and Strategies Post 1989⁶' and the second upon the theme of 'Modern Smuggling and Piracy in the South West⁷'. The first witness seminar was composed of a panel of four individuals and chaired by Dr Judith Rowbotham, social historian and Co-Director of SOLON. The first contributor was Patrick Dowsett who has recently retired from the Royal Navy, having sailed upon HMS Raleigh in the 1980s, being a Junior Officer in the 1990s, and having been the commanding officer of HMS Northumberland 2011 – 2013. He served in three distinct geographical locations with the potential for piratical activities to take place; the Caribbean, with the threat of South American drug cartels during a time of contemporary political instability across the continent; the South China Sea and the threat of 'smash and grab' piracy whilst serving as a Navigation Officer in Hong Kong 1995-97, and finally whilst serving as the Commanding Officer of HMS Northumberland off the Coast of Somalia and the threat of the notorious Somalian Pirates. Jason Lowther, the second contributor, is an Associate Professor and researcher of environmental law at the Plymouth University Law School,. He has also worked with DEFRA and the Metropolitan Police relating to wildlife crime; and the WWF and the International Fund for Animal Welfare regarding the ivory trade and trade in endangered species. He is

⁶ Plymouth University, 2016, *Policing Piracy 1: The International Picture, Politics and Strategies Post 1989 Witness Seminar* (online) available at www.plymouth.ac.uk/whats-on/policing-piracy-1-the-international-picture-politics-and-strategies-post-1989-witness-seminar

⁷ Plymouth University, 2016, *Policing Piracy 2: Modern Smuggling and Piracy in the South West Witness Seminar* (online) available at www.plymouth.ac.uk/whats-on/policing-piracy-2-modern-smuggling-and-piracy-in-the-south-west-witness-seminar

interested in the change of the *modus operandi* of those involved in the illicit trades mentioned above, including the debate of morals in the fight between the protection of wildlife species *versus* the actions of the people involved and the potential motives behind it. The third contributor was Martin Morgan who is experienced in managing ship hijacks, he is part of a team that gives advice and make recommendations to shipping companies and carriers and offers services debriefing and counselling those involved in the hijack. Throughout his career he has had experience of some 30 Somali Pirate cases. Martin made note of the growing threat of piracy on the Southern and Western Coasts of Africa, most notably those that stem from Nigeria. Originally starting as smash and grab piracy they now have begun to move to other methods such as hijacking, although as noted the average Nigerian case ranges from two to five months, whereas the Somali cases are on average about ten months. The fourth and final contributor for the first witness seminar was David Thomas, a retired merchant shipmaster with some 40 years' experience. While not specifically trained to deal with pirates he had experienced elements of piracy in the 1970s and 1980s along the coast of West Africa, although he described them more as thieves who quickly would run away. In 2007 he was invited to join a Qatari company where he became involved in building ships specifically with the threat of piracy in mind. These ships would have an inbuilt safe room, which would have to fit all 27 crew in total, with features such as its own A/C, toilets and reinforced doors. This room would become the point of retreat which the crew would have been trained in to deal with a complete lockdown and blackout of the ship. This new system was eventually adopted for all 52 ships. David retired in 2014, stating that he was glad it was over as the most frightening part of his career was sailing through the pirate areas.

Moving on from introductions, the panel were asked by the chair how much as a problem, did piracy loom over them. David responded that it certainly affected the way they worked, with the guys on board being concerned about the possibility of being taken. Patrick meanwhile explained the differences between the experiences of a civilian ship to that of a military one. In a military capacity a ship will have two roles, a war time role or a constabulary role, with the latter coming to mind in the theme of piracy. Jason enquired whether Patrick had any experience in the intervention of wildlife crime, Patrick answered that unfortunately no, due to the fact that as part of the constabulary role of the navy, and the theme of deterrence, they purposely made themselves noticeable. Martin, in response to the question from the chair,

explained that from 2008-2013, 70% of their time was spent on Somali cases, and that it was hard to tell why Somali cases eventually declined in recent years, with a few possibilities such as naval activity in the area, or the introduction of armed guards on merchant ships being raised. An interesting correlation between the drop in piracy as the United Nations became involved in the area for economic and welfare reasons, and the consequent drop as they left, with the pirates potentially aware that UN aid would not be as effectively delivered to the area while crime was highly active was brought to the attention of the seminar. As the conversation gradually began to move towards the subject of deterrence, Patrick highlighted that the essence of preventing your ship from being boarded, was to appear better protected than the ship next to you. David stated that he would be happy for armed guards to fire in earnest, but that he had only ever seen them used in training. Asked whether he had ever seen anything that was potentially piratical, David detailed the events of a large tanker deciding to alter course in front of his ship, whilst trying to avoid smaller vessels circling her, which appeared to be fishermen. In terms of visibility armed guards would have been upon the ship and if another vessel had been within half a mile of them, and they felt threatened, the guards would have waved their guns to show that they were armed. Martin stated that he was surprised how long it took for companies to take up armed guards, where as recently as 2008/9, companies had been saying that they did not want to arm their sailors to avoid shootouts at sea. This could be due to the fact that there is more likely to be difficulties getting into legal ports with weapons, than without them.

The issue of whether the national and international authorities were doing what was needed to be done to combat piracy was raised. Patrick explained the legal difficulties of trying to combat piracy upon the high seas, so as not to become pirates themselves. On one occasion, whilst being involved in a drug chase of £8 million worth of cannabis, they were unable to use force in stopping a suspected vessel, and nor were they able to take the SIM cards of those involved to hinder their illicit communication. Upon seeking legal advice, he had to wait two hours before he could confiscate the drugs, and then had to let the assailants go. He suggested a UN mandate would be helpful. The chair asked where to go from here in combatting piracy and the panel all agreed that it was about removing the economic benefit of the crime itself. The discussion was then opened to the audience and further questions were posed.

3 Policing Piracy 2 Witness Seminar



Policing Piracy 2, @iainchanning

The second witness seminar was once again composed of four individuals and chaired by Dr Judith Rowbotham. The first contributor was Nick West, Detective Inspector of Devon and Cornwall Police, with 28 years' service, explaining the strong working relationship between Devon and Cornwall Police, the Regional Organised Crime Unit, and the National Crime Agency in combating serious organised crime. He detailed the major cities such as Liverpool and London where the drugs in Devon and Cornwall largely originate from and the Police's intentions to stop the Dangerous Drugs Network, and human trafficking within the counties, highlighting a recent case within Plymouth involving Czech nationals.⁸ The second contributor, Paul Richards, is a lecturer in police studies at Plymouth University, and retired in 2009 after 38 years of service within the force. Having had experience on the beat upon the Isles of Scilly, he has had direct experience with the problem of smuggling and trying to combat the crime. He also detailed the increasing problems the police are facing which will hinder their actions in combating the crimes of smuggling and trafficking, including post-Brexit pressures, and the increase of illegal immigration routes as legal ones close. The potential lack of access to EuroPol and the 20% cut in funding since 2010, will also hinder the amount of information gathered, and the resources to act upon it. Paul explained the difference between smuggling and trafficking, where the former involves consenting participants which ends upon the successful arrival in their chosen country, whilst the latter involves deception and force, and how the recent case in Plymouth blurs the lines of this deception, as the victims were not so

⁸ BBC News, 2016, *Czech gang guilty of Plymouth 'slaves' trafficking* (online) available at <http://www.bbc.co.uk/news/uk-england-devon-37517348>

much deceived, but rather had a lack of knowledge. Mike Williams, a visiting research fellow with Plymouth Law School, works on heritage crime particularly in respect of seabed law and historic wrecks, and explained the new partnership between Historic England and Plymouth Law School working on the prevention of heritage crime. The final contributor was Jim Gale, a serving police officer for just over 20 years. He explained how Devon and Cornwall Police were engaged closely with maritime crime, and that the area is quite unique having no area landlocked and the presence of coastal communities. Whilst a response officer in Teignmouth, he experienced first hand the effect the grounding of the container ship the Napoli had upon the local community in 2006, describing it as a seminal event for the police. The issues the police faced were further exacerbated by the lack of modern digital communication, and the lack of knowledge of certain areas of the law such as the Merchant Shipping Act.

The chair asked how much impact the geographical location of Devon and Cornwall, and its large sea border has upon day-to-day policing within the area. Nick explained that while stuff does come ashore, such as drugs, and there is the threat of members of the public coming across it, the type of border Devon and Cornwall has, rather than having a wide impact, instead affects isolated incidences. Paul said that as the border is porous, we might not yet have seen the full impact of trafficking which could increase as a result of Brexit. Mike stated that we were only just scratching the surface of the un-enforcement of heritage crime and that the sea border can be policed using a number of different methods, such as the recent development of drone technology, and it was about pooling resources. Jim said the police rely upon intelligence and the engagement of communities, some such as the fishing one, can be incredibly self-policed. He highlighted the need to involve local communities stating that while in the past there may have been an element of smuggling in order to survive financially, that was no longer the case, with the change of culture in the area potentially being an aspect to that, with the growth of second homes and wealthy areas across the region. Mike explained how the smuggling heritage of the region might result in locally inspired heritage crime, with the problem that some do not see it as a crime, but rather a cultural practice. This makes it harder to combat as it is not as simple as removing the economic value of the crime, but the cultural one. Paul stated it was a challenge for the police to spread what is right and wrong, and it was about raising the profile of the impact of crime, notably trafficking, but there were limited resources to spread that information. Finally, before the topic and questions were opened to the audience, Nick stated how important it was for the police to engage and draw upon local information, which the police will always act upon.

4 Piracy and Plymouth: Privateering, Profiting and Policing



Entrance to the event, @PlymLawSchool

Having successfully engaged the public during the 2015 Festival of Social Science, the challenge was on for the Law School to once again hold a successful event engaging the public with the social sciences. The University's theme this year was Pirates, Entrepreneurs and Visionaries. This year the intention was to hold an event more open to children, and upon the theme of piracy. Not only was this an opportunity for the Law School to showcase its research into piracy, including events such as the witness seminar, new research projects such as CLiHP, and the University's new working relationship with Bodmin Jail and the South West Police Heritage Trust, but was also a chance to utilise new technologies such as virtual reality in order to bring the social sciences to life.



The Pirate Crew! Dave Cox, Craig Newbery-Jones, Kim Stevenson, Judith Rowbotham, Dale Teobald, Jason Lowther, Rob Giles, Jonathan Ward

The chance to visit and explore a virtual pirate ship was the highlight of the event, children had the chance to win an opportunity to board the ship. On the 'port' and 'starboard' sides of the hall were a dozen posters each with the answer to a question showcasing the research by staff and students. Each correct answer would be awarded with a gold coin, 12 gold coins gained permission aboard and to find the ship's haul of treasure below deck.



The questions and gold coins for children's Find the Treasure Pirate Quest @daleteobald



Law School lecturers and organisers of the event, Jason Lowther and Professor Kim Stevenson, @daleteobald



Rob Giles supervising a child experiencing virtual reality, @daleteobald

Other opportunities to get involved included winning a pirate ship competition by colouring in piratical themed pictures, the best entrants were awarded boxes containing parts and instruction to build their own pirate ship, and working out where real pirates in history set up their pirate bases and moored their ships on the islands of the Bahamas, Madagascar, Jamaica and Monte Cristo (example below). Throughout the day pirate booty bags were also awarded for enthusiasm, participation and children who had made the effort to wear pirate dress for the day.



Colouring competition

Research Based Posters:⁹

Staff and students on the CLiHP Crime Law in History Project produced and displayed posters with embedded questions to engage readers on the following subjects (*student participants are italicized*)-

Modern Piracy: *Sarah Maxfield*

Pirates, Visionaries and Entrepreneurs: Kim Stevenson

Hotspots for Piracy through History: Judith Rowbotham

Maps of Smuggling Locations in the southwest: Kim Stevenson and Tim Absalom
(Geography)

Piracy in the southwest: *Zoe McGovern*

The Customs Officers and Smugglers: *Dale Teobald*

Sir Francis Drake: *Pirate, Privateer, and Entrepreneur* Craig Newbery-Jones

The Dark Side of Francis Drake: Hugo de Rijke

Henry Every: Pirate and Entrepreneur: Judith Rowbotham

Black Sam Bellamy: Prince of Pirates: Jonathan Ward and Iain Channing

What is an Entrepreneur? Judith Rowbotham

The Piratical Exploits of Women: Penelope Childs

Cinematic History of the Pirate: Rob Giles

Robert Louis Stevenson's Treasure Island: David Sergeant (Humanities)

⁹ For further information or copies of any of the above contact Kim.Stevenson@plymouth.ac.uk

The Bow Street Runners and Revenue Men: Dave Cox (Wolverhampton University)

The Bow Street Runners and the Plundering of Wrecks: Dave Cox (Wolverhampton University)

Bioprospecting: Jason Lowther

Deep-Sea Mining: Pirates or Visionaries? Kirsty McQuaid

In continuance of the success last year,¹⁰ the event once again had over a 100 people engage with the social sciences, with nearly 40% of those children. Members of the public were asked to fill in feedback forms at the end of the event, with the feedback being positive and informative about how they viewed the success of the event. The work begins in preparation for next year.....

¹⁰ 'Cox, D., 'Plymouth Past: Sustainable Future, Report on Plymouth Law School's ESRC Festival 2015 Exhibition', (2016) *Plymouth Law and Criminal Justice Review* Volume 8 Issue 1, pp68-72 at 69