

Irregular Warfare at Sea: Using Privateers To Seize Chinese Commerce

Description

Editor's Note I: This article is part of IWI's [Project Maritime](#), a series exploring the intersection of irregular warfare and the modern maritime dimension. Focusing on current events and their underlying geographical and historical patterns, we aim to contextualize the drivers of conflict in the maritime domain and inspire dialogue on integrated statecraft approaches. We warmly invite your participation and engagement. Please send submissions to [Submit An Article](#) with the subject line "Project Maritime Submission." • Follow us [@proj_maritime](#) and check out our [Project Maritime Look Book](#).

Editor's Note II: IWI is pleased to announce [Christopher Booth](#) and [Walker Mills](#) as the new directors of Project Maritime. Their extensive expertise in irregular warfare, national security, and the maritime domain will significantly enhance our ability to provide unique insights into contemporary maritime challenges. Both Chris and Walker have been non-resident fellows and have written extensively for IWI in the past. We're thrilled to have them join IWI and Project Maritime in leadership roles.

<https://irregularwarfareinsider.podbean.com/e/irregular-warfare-at-sea-using-privateers-to-seize-chinese-commerce>

The ongoing war in Ukraine demonstrates that [defense](#) is [ascendant](#) in modern warfare. This observation challenges the conventional wisdom that twenty-first century warfare would be sharp, short, decisive, and favor the offense. Instead, it appears increasingly clear that conflict will likely devolve into a [long-running](#) war of attrition across multiple fronts — including the maritime domain. In studying the last 200 years of conflict, retired US Marine Corps colonel and strategist T.X. Hammes [concluded](#) that most great power conflicts lasted years rather than months. Considering this analysis, he proposed the strategy of [maritime trade warfare](#) in the context of a conflict with China — interdicting Chinese imports to starve it into economic exhaustion.

To address its military deficiencies in a potential conflict with China, the United States should consider asymmetric approaches, particularly the revival of privateering — commercial actors deputized by a *Letter of Marque* (as authorized by the U.S. Constitution) to raid enemy commerce on behalf of the United States government.

United States Military Vulnerabilities

Despite China being similarly vulnerable based on its reliance on imports, the US is poorly postured to take advantage of this fact in long-burn attritional conflict, which lends itself to approaches like maritime trade warfare. One major factor is how [single-threaded](#) (reliant on only one supplier or method) the US military's supply chain is. The ongoing war in Ukraine demonstrates how [dangerous](#) the just in time method of uncontested logistics support has become. Large forward-deployed stockpiles and significant repair facilities staffed by contractors with the skills to fix sophisticated weapon systems have become emblematic of the American way of war in the twenty-first century. However, this increasingly vulnerable model will not survive in high-intensity conflict against a competitor like China.

Furthermore, America's defense industrial base has atrophied. This is particularly evident in [shipbuilding](#), ship repair, and ship maintenance capability and capacity. If the US cannot build new ships nor return ships to the fight vigorously, it will need new approaches to generate naval power. After the US and the People's Republic of China have traded and absorbed blows in the initial rounds of conflict, the war will likely devolve into a melee more like a bar fight with parties desperately seeking any tools to pick up and use against the enemy. Therefore, to hedge against this vulnerability, the US should explore irregular and asymmetric approaches to achieve maritime superiority from privateering to mining to inventive uses of emerging technology.

Lessons from Recent Conflicts

Ukrainian activity in the Black Sea and the Houthis' irregular maritime campaign exemplify how asymmetric approaches can yield outsized effects. Advances in technology have democratized the battlefield. In Ukraine, tech-savvy and resourceful forces are overwhelming multi-billion-dollar Russian systems. On April 14, 2022 – less than two months after Putin's full-scale invasion, Ukraine sank the Russian flagship [Moskva](#) in an ambush with an indigenously-produced missile. Now, more than two years later, in addition to uncrewed aerial systems (UAS), Ukraine boasts an [adaptable fleet](#) of uncrewed surface vessels (USVs), which have been able to rock the Russian Black Sea Fleet back on its heels, and it has largely [retreated](#) to Russian shores from its ports in Crimea.

The Houthis have had similar success recently in employing asymmetric approaches in and around the Red Sea. Their tactics – ranging from employing remote-controlled [suicide boats](#), [sea drones](#), and a heliborne assault against a merchant ship – have enabled them to influence marine traffic transiting the Bab al-Mandab strait. This strategic choke point links the Red Sea and the Gulf of Aden, where up to 20 percent of [global trade](#) passes – including goods from Asia to Europe. Since the Houthis began their campaign, trade through the Red Sea has [declined](#) by 80 percent or more.

By employing these tactics, the Houthis have compelled Western powers to dedicate significant resources to mitigate them. The Houthis have also gained access to relatively inexpensive Iranian-supplied ballistic missiles, further complicating the situation. In addition to the inherent operational risks to the fleet, these patrols have [cost](#) the US Navy approximately \$1 billion in expended munitions as of June 2024—ships like *USS Carney* engaged in the most [sustained naval combat](#) operations since the Second World War. Interestingly, recent reports suggest a merger of two major conflicts as Russia considers [arming](#) the Houthis with anti-ship missiles as an escalatory payback for Western aid to Ukraine.

The Case for Asymmetric Approaches

Borrowing from the effectiveness of these recent asymmetric approaches, disrupting Chinese merchant shipping represents a center of gravity that should be elevated among contingency planners and policymakers, given China's dependence on imports. While reliance on [imported](#) energy is a longstanding challenge and vulnerability for the PRC, China increasingly relies on other imports, such as [food](#).

While the Pentagon has embraced investing in asymmetric technologies and materiel approaches—as evidenced by the growing impact of efforts such as the [Defense Innovation Unit](#)—it should also prioritize asymmetric, non-materiel approaches. High-intensity attritional combat will quickly deplete existing assets. As the war in Ukraine has demonstrated, the US defense industrial base is [not well positioned](#) to churn out weapon systems quickly. Instead, the US will need quick, scalable, off-the-shelf solutions similar to Ukraine's development of commercial and racing drones as a strategic weapons [force](#).

One such method that deserves serious consideration is a modern spin on a historic tool—naval privateers.

The Case for Privateering

The idea may not be as radical as it seems. The US military already outsourced many of its wartime tasks to private contractors for the wars in Afghanistan and Iraq—from logistics to maintenance to security functions. Similarly, during the Revolutionary War and the War of 1812, the new American government relied upon privateers to attack enemy commerce. Privateers were private-sector actors operating on a profit motive, undertaking risky activities under government license for monetary gain. Given the lackluster state of shipbuilding and the potential need to regenerate naval power, privateering may be a sound approach to reconsider.

Maritime security firms with skilled sailors and operators—likely many former military personnel, as in Iraq and Afghanistan—could quickly be engaged as privateers. They already have vessels, weapons, drones, sensor technology, and other tools that put them on par with some state actors. There is a legacy of maritime law that establishes the bounds of privateering, including prize claims for seized ships. Resurrecting privateering from naval history may provide a means to mitigate US shipbuilding and readiness shortfalls to fight asymmetrically in a protracted modern conflict. While this idea might seem far-fetched, these creative and asymmetric dialogues are needed to moderate the defense industrial base's clear deficiencies. As demonstrated by Ukraine, the scrappy "pick-up" approach illustrates the advantages to nimble actors not reliant on exquisite legacy weapon systems, who can envision new asymmetric means of warfare and not resigned to the status quo.

China's Maritime Militia and US Warfighting Deficiencies

China has its [maritime militia](#), the People's Armed Forces Maritime Militias (PAFMM), which shares some characteristics with privateers but, given their state nexus, more closely resembles an auxiliary paramilitary force, like Iran's [Basij](#) militia. The PAFMM's "commercial fishermen" serve as force multipliers, [deliberately](#) blurring the line between a constabulary force and a proper navy. Making them a gray-zone fleet similar to the Kremlin's "Little Green Men" in the 2014 [take-over](#) of Crimea—in this case, "Little Blue Men." Though the PAFMM has primarily engaged with neighboring maritime forces in the South China Sea—from the [Philippines](#) to [Vietnam](#), they remain a useful tool for China in any protracted conflict in the Pacific with the US due to their ability to further horizontal escalation.

While the US has no similar maritime militia (it enjoys largely peaceful and productive relationships with its neighbors and no use for such a maritime militia), employing privateers in wartime is worth consideration. Privateers, by their nature, are best utilized against enemy commerce and could pursue it around the globe. Maritime security companies that may want to make themselves available for this role regularly operate in the Caribbean, African littorals, Arabian Gulf, and Indian Ocean—where they could raid Chinese shipping bringing needed raw materials, food-stuffs, and energy back to China.

Most strategists are aware of the dangers the US would face in a full-scale conflict with China, and multiple recent [wargames](#) have suggested either [catastrophic losses](#), "pyrrhic victories," or the potential that "we're going to [lose fast](#)." The US Navy already has fewer warships than the People's Liberation Army Navy (PLA-N). The ratio is expected to worsen as the US retires vessels more quickly than they are replaced. At the same time, the PRC continues its massive shipbuilding effort. A 2024 Congressional Research Service [report](#) predicts the PLAN will have a fleet of 435 surface hulls by 2030, and a 2023 [report](#) suggested that China will have 80 submarines by

2035.

China has invested heavily in its [anti-access/aerial denial](#) or A2AD capabilities, fielding missiles to keep US forces at great distances. Beijing [may have](#) between 500 and 1,000 Dong Feng ([DF-26B](#)) [carrier killers](#) and would happily trade a multi-million-dollar missile to damage or destroy a billion-dollar US warship. Even the mere threat of this weapons engagement zone provides an excellent deterrent and fundamentally alters US warfighting calculus. China has deployed hundreds of [hypersonic](#) missiles; in contrast, the US has [fielded](#) zero.

Influential strategists question whether the US is postured to contest the [air littorals](#), pointing out how expensive the US Air Force's exquisite fifth-generation fighters are in contrast to growing ubiquitous drone fleets. Marine and US Navy F-35s face the same issues and thus, US forces may be threatened as the US [loses](#) the air superiority it has relied upon for seventy-five years. Drone swarms may imperil [warships](#), overwhelming defenses through mass.

The Russo-Ukrainian war has forced the US to recognize that its weapons manufacturing capacity has [atrophied](#). It may not support the US Department of Defense's demand in a protracted, high-end conflict. Not only are weapon systems dated, but [stockpiles](#) have also been used and not replaced. Recent [analysis](#) posits that the US may exhaust its stockpiles of long-range precision-guided missiles within a week in conflict over Taiwan. Disturbingly, vital elements in US weapons supply lines have a single choke point, such as the sole black-powder [factory](#) in America producing a crucial ingredient used in everything from artillery rounds to Tomahawk missiles.

In 2022, then US Fleet Forces Commander Admiral Daryl Caudle [stated](#), "If I went into conflict, high-end conflict where I had to repair numerous ships simultaneously, I don't have enough capacity. I don't have enough dry docks, and I don't have enough shipyards to get after that." Chinese commercial [shipbuilding](#) accounts for more than 55 percent of all new orders for the global industry, while American manufacturers account for less than one percent. America's commercial shipbuilding industry is [dying](#). The lack of berths, skilled technicians, and an atrophy of infrastructure is epitomized by *USS Boise (SSN-764)*, the Los Angeles-class fast attack submarine returned from deployment in 2015 that has been [waiting](#) seven years for overhaul. The inability to get ships back into the fight caused by a shortage of shipyards is exacerbated by the fact that the Navy has [limited](#) ability to conduct resupply and intermediate repairs at sea.

The COVID-19 pandemic revealed how poorly postured the American economy is for any long-running conflict that might endanger global trade. More than 70 percent of US trade is carried by maritime transport; the US had to import N95 masks due to US [factories](#)' inability to produce them. The United States would do well to diversify approaches as it may find itself the "weaker" party in a

future conflict, forced to readjust and seek more asymmetric means of continuing the fight.

Legal and Ethical Considerations

Article I, Section 8 of the Constitution of the United States [grants](#) Congress the power to issue Letters of Marque, deputizing private entities to raid enemy commerce. While a series of international naval treaties sought to outlaw privateering, the US did not sign on to the 1856 Paris Declaration. It rejected efforts during the negotiation of the Second Hague Convention in 1907 to make privateers illegal. Thus, privateering remains a [lawful](#) practice under US and international law. Furthermore, Article I, Section 8 stipulates that Congress can “define and punish piracies and felonies committed on the high seas,” implicitly establishing a distinction between government-authorized privateers and pirates.

[The Commander’s Handbook on the Law of Naval Operations](#) differentiates piracy from state-sponsored privateering activity, stating, “To constitute the crime of [piracy](#), the illegal acts must be committed for private end.” Recent scholarship reinforces the [continued legality](#) of privateering, with several arguing that private maritime security companies protecting shipping against piracy represent a defensive rather than offensive evolution of the historical paradigm. The reluctance to consider privateering as a viable strategy may stem from differing strategic perspectives or a shared perception that, like [covert operations](#), it is [disreputable](#) or underhanded.

To fight asymmetrically against the superior naval forces of the British in both the Revolutionary War and War of 1812, Americans relied more frequently on attacks [against enemy commerce](#) vice, naval engagements between two battle fleets, and, in particular, via [war by raiding](#) — a method of asymmetric warfare that [encompassed](#) privateering. US naval warships captured around 250 enemy ships in the latter war, but American privateers [seized](#) up to ten times as many merchant vessels. Privateering was a capitalist affair. Investors pooled resources to outfit ships and crews, and crew members were compensated based on assets seized and ships adjudicated as legitimate prizes by a prize court. Privateering represented a [particularly American](#) mode of warfare.

However, it’s important to acknowledge the potential drawbacks to privateering. These could include challenges in maintaining operational security, ensuring adherence to international law, and managing the potential for escalation. Additionally, using privateers could complicate diplomatic efforts and potentially damage international perceptions of the United States. These concerns must be carefully weighed against the potential benefits of privateering.

Conclusion

The United States military may find itself overwhelmed and outgunned in any long-running attritional war against China. As China is [uniquely](#) dependent on bringing resources from overseas, pursuing maritime trade warfare provides another lever to manage horizontal escalation and a means to gradually strangle the PRC's economy and war-making ability. Given deficiencies in its defense industrial base, the US will be hard-pressed to quickly generate new combat power. Recognizing this dilemma, the US should seek to identify new approaches and tools and seriously consider the revival of privateering as a potentially effective asymmetric strategy. While not without challenges, privateering offers a unique way to leverage private sector capabilities and capitalize on China's vulnerabilities. Enlisting modern privateers to attack Chinese merchant shipping is a valid tool that deserves consideration to close the gap in a future existential conflict.

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The views expressed are those of the author and do not reflect the official position of the Irregular Warfare Initiative, Princeton University's Empirical Studies of Conflict Project, the Modern War Institute at West Point, or the United States Government.

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