

Africa Commodore Michiel B. Hijmans

Threats Of The Sea

Piracy is big business,
and will be crushed by
economic means.

IN THE PAST, THE ACTIVITY OF SOMALI PIRATES MAINLY occurred during the two inter-monsoon periods each year. Within these periods, pirates launched skiffs directly from the beaches of Puntland, in the northern region of Somalia, and attacked merchant vessels in the Gulf of Aden. Other pirate groups used large open craft, known as whalers, to deploy into the Somali Basin.

For the most part though, the establishment of an Internationally Recommended Transit Corridor (IRTC) through the Gulf of Aden in 2009, patrolled by naval ships, and the use of aircraft and other naval units to patrol the eastern Somali coast, successfully contained and even reduced the number of attacks.

However, the last year or so has seen a significant change in piracy activities, which has led to considerable successes for these terrors of the high seas. This is highlighted by the increased numbers of attacks in January-March 2011 – this period having been traditionally a relatively quiet one, due to monsoons from the northeast making the sea state unfavourable for whalers or skiffs.

Several factors may be behind these successes. First, in response to the introduction of the IRTC and merchant shipping transiting further east, pirates have expanded their area of operations significantly. Now attacks can be found further than 150S and 80oE, placing some of them over 1800 nautical miles from the coast of Somalia.

Second, in the last year, pirates have hijacked many local trading Arabian sailing vessels – known as dhows – and fishing vessels. These, after capture, are returned to a pirate

Royal Marines board a suspect fishing dhow from a Lynx helicopter during an anti-piracy operation in the Gulf of Aden.



stronghold, embarked upon once again by pirates and deployed into the Arabian Sea as pirate mother ships, in order to capture larger merchant vessels. These vessels, with significantly more supplies, have several key advantages over the much smaller whalers:

- i) They can carry significantly more pirates and weapons;
- ii) Their endurance is several times that of a whaler;
- iii) Their transit speed to their attack areas is significantly higher than that of a whaler;
- iv) Multiple larger merchant vessels can be attacked and successfully hijacked in a single deployment of the pirate group;
- v) The larger vessels are much less affected by the higher sea states during the monsoon periods and can thus loiter, awaiting days of less sea state when they can launch attacks

Third, pirates have also started to use large merchant vessels as mother ships, the largest so far being a 319,000 deadweight tonnage crude oil tanker. The number of pirates on these





disruptions has grown appreciably.

The increased use of 'safe rooms' where the crew can take refuge for hours or even days allows sufficient time for anti-piracy forces to reach the scene and expel the pirates from the vessel. During a situation such as this, the crew members are secured in a safe compartment, unable to be accessed by the pirates, and thus direct action against pirates can be taken without risk to the life of the crew.

An increasing number of vessels are employing private security companies to provide merchant ships with both armed and unarmed vessel protection detachments (VPDs).

These private security companies employ well trained former military personnel and many have a comprehensive legal department to provide rules of engagement for the VPD.

One of the most encouraging, recent examples of anti-piracy action was the forcing out of pirates from former strongholds in Puntland, such as Eyl and Garacad. These expulsions were not a result of military action; rather, the population simply refused to tolerate the presence of organised crime in what was previously a small fishing community. The influx of pirates in these areas caused significant upheaval in the local economy – for example, the price of a can of Coke rose from a few US cents to several US dollars. Since these successful expulsions, further communities have expressed their concerns and have even seen anti-pirate protests occurring on their streets.

It must be said that the one thing that really might bring pirates to a halt is the fear of capture and prosecution or the risk to their own lives. Piracy thrives due to the lack of law enforcement and relatively little risk to life of those involved. However, Somalia and regional countries lack capabilities in law enforcement assets, criminalisation of the act of piracy and the possibility for subsequent prosecution and detention. Also, the regional countries are still debating the improvement and harmonisation of their respective national laws. So, until now, little is being done about piracy ashore.

At this moment the chances of being killed or caught are still slim. If caught by international maritime forces, the main risk the pirates run is the loss of some material – like the skiffs with outboard engines, weapons, mobile phones and GPS navigation equipment – and being returned to shore, often not even into the hands of local authorities. Most national governments are not overly willing to hand over captured pirates to local authorities in, for instance,

vessels is significant (up to seventy) and their time on patrol can be very extensive. Merchant vessels also give the pirates access to sophisticated navigation radars, electronic chart systems, automatic authentication systems, and communication devices.

Lastly, the use of dhows and large merchant ships has led to the pirates almost always deploying with hostages on board. This severely limits the options that anti-piracy forces can consider when responding, as excessive pressure or action could put the hostages in an even more perilous situation.

However, despite the successes of the pirates, there have been some significant and positive achievements by the international anti-piracy forces, the merchant maritime community and the regional Puntland authorities.

Because of wide coverage of the IRTC by navy ships of the NATO, European Union and the Combined Military Forces, a strong convoy system and vigorous patrolling in the Arabian Sea, the deterrence of pirates and the amount of effective



**Turkish
commandos
detain seven
pirates in the
Gulf of Aden.**

Somalia, Puntland or Somaliland because they have no guarantee that the pirates will be treated in accordance with international law. Transfer agreements with regional countries are in the process of being drafted, both bilaterally and multilaterally, through organisations like the EU. NATO is also looking into the possibility of entering into such agreements in order to enhance the effectiveness of its Task Force.

The governments of the nations that provide maritime forces are struggling to prosecute and detain the pirates their navy units have captured in the navy nations' own respective countries, unless there is a direct link between the country affected and the captured pirates - if the target vessel is sailing under its flag, is owned by a national or has nationals in the crew. There are also still nations that do not have the act of piracy codified in their national criminal law code, obviously making prosecution much more difficult. Advocacy for an International Tribunal for piracy cases is still being heard. Establishing such a tribunal would not be all that difficult. However, many nations seem reluctant to host convicted pirates in their own detention facilities, although experience and interviews have taught us that most convicted pirates would rather be transferred to their own country, to be close to their relatives and clans, whose ties and structure often remain very strong.

The International Maritime Bureau conducted a study into what piracy cost society in 2010. The result was remarkable: seven to twelve billion US dollars. But what was maybe even more remarkable is the fact that in mainstream media this result was mentioned only briefly, if at all, and then quickly forgotten, as if it was of no consequence.

Some say that piracy is creating its own economy. There is a piracy stock market, where interested parties can invest in

future hijacks. By paying money or by offering weapons, the party invests in a pirate group and if they obtain ransom money, the party gets its share. One rocket propelled grenade launcher with three grenades going for about 700 to 1200 dollars in Somalia, can earn an investor up to twenty or more times that money.

Additionally, insurance companies receive premiums from all 25,000+ ships that pass through the Gulf of Aden every year. In total, about 150 have been hijacked since 2006 (about 1.5 out of every thousand) - the other 998.5/1000 are just adding to the profit the insurance companies are making out of the additional fees for ships that sail in these pirate danger areas.

The security companies hired for protection are not doing so badly either. Most of them are doing a good job, and are filling the gap between only non-lethal protection and having military armed Vessel Protection Detachments on board. But we also see more adventurous types that go for the quick win, without proper regulations or rules of engagement. Some create false alarms or fire warning shots at fishermen to 'prove' the value of their presence on board.

Besides the economic influence there is the enormous human impact, which is clearly lacking well deserved and much needed attention. On average 650 hostages are held at any given moment. Some of these hostages are held for more than a year on board their own ship or ashore, in very dire circumstances; ill fed, without medical treatment, beaten and sometimes tortured. And there seems to be very little public interest in them. Occasionally individual stories come to light in a flurry of media attention: the British couple that was released after a year in captivity, the Americans that were killed onboard the sailing yacht 'Quest' and, of course, the Danish

family taken from the sailing yacht 'ING' with three young children; but very quickly the interest fades and with it the perception of the problem.

Merchant ships might be the preferred target by pirates, but they will take anything they can lay their hands on. This is more relevant now, because the merchant community is increasingly improving its self-protection measures. A sailing yacht travelling at slow speed with no apparent protection in place becomes an easy target.

A naval vessel will come to the rescue but, given the vastness of the area - the Indian Ocean is bigger than twice the entire mainland of Europe - it is like calling a police car from Spain to respond to an incident in Norway.

Piracy prevention remains the top priority for every merchant ship. If every merchant vessel were to apply the best management practices, especially ensuring that it had a VPD and a strong citadel, it would make a huge difference. More vulnerable ships such as sailing yachts should either ensure an armed escort or VPD, or simply avoid pirate infested waters. Since sailing yachts are very easy targets, more should be done to inform this community to stay away.

One of the ways to reduce response times and to ensure continued patrols over a wider area is to get regional actors involved. Most of the countries or semi autonomous regions in and around the area of operations have not been involved much in acting against piracy. Fortunately there has been an increase in effort by the more capable countries like India. But several authorities on key locations are mostly quite willing but not always able to take proper action. The Seychelles, for instance, suffers significantly from piracy. Most goods reach the islands by sea and, with the expansion of the pirate operating area, the pirates are now attacking ships within the Seychelles' territorial waters. The Seychelles have only a small coast guard that has little experience fighting pirates and, although they are willing to take them on for prosecution, they lack the capacity to hold large numbers of convicted pirates within their current penal system. They and other regional countries should be supported through capacity building and training of their maritime law enforcement assets and judiciary wherever possible.

Puntland, the self declared autonomous region in Somalia, also wants to act against the pirates originating from its soil, but lacks the means to do so. It has a willing government and, in the main, a willing population, but no means to sustain a decent, continued security force. The lack of legal economic prosperity drives people to find different ways to make a living. But where Puntland is concerned, there are potential solutions, and some are not even expensive. For example, the EU and the US do not accept fish or lobster from Puntland, but they do from Yemen and Oman. So Somali fishermen sail across the Gulf of Aden and sell their catch ashore there at any

price. In Oman and Yemen the fish and lobster then get EU certified and are sold to the EU for good money, money that could have gone into the economy of Puntland. The main port of Puntland, Bosasso, which is situated strategically in the south at the end of the Gulf of Aden, is not IMO certified. With some investment this has the potential to become a strategic maritime hub and thus provide the Somali people with the much needed alternative to make a living besides piracy. Supporting the Puntland economy will also enhance the local population's willingness and ability to expel the pirates from within its own community. An alternative economy will make them less susceptible to pirate influence. Pirate organisations still claim that the root cause of their behaviour is the illegal fishery and toxic waste dumping. Even though this no longer appears to be happening, because of the piracy threat in the area, this is still being vocalised, portraying the naval forces countering piracy as the bad guys and them as the poor disadvantaged fishermen. It should be possible to make a stronger case within the Somali communities to point out that piracy is a crime and that it is not the way to earn an honest living, but only if there are alternatives available.

Another long term shot is disrupting the pirates' business model. Possibilities include the ability to track and disrupt the flow of ransom money, continue to encourage the Somali people to expel pirates out of their communities, conduct more hostage rescue operations, disable mother ships and disrupt pirate logistic chains. Easier said than done perhaps, but

there are certainly ways to achieve this.

But so far the full impact of piracy does not seem to have reached the general public. Given the protests all around the world against the poor economic situation, one would expect governments to leap at a chance to save seven to twelve billion US dollars a year. And, if not for economical reasons, then humanitarian: to put an end to the holding of hundreds of hostages and to prevent new victims being taken.

Piracy can be solved if the world is willing to take a collective, genuine interest and firmly act to remove it as a threat. In the meantime, naval forces will keep doing what they can to maintain the 'Mare Liberum' and protect those in need. But what is really necessary is to make the world see the true impact of piracy on those it affects.



COMMODORE MICHIEL B.

HIJMANS is the former commanding officer of NATO's Standing Maritime Groep 2 from June 2010 - June 2011. During this period he led NATO's Piracy Operation Ocean Shield Jul 2010-Aug 2010 and Dec 2010-June 2011.

The International Maritime Bureau conducted a study into what piracy cost society in 2010. The result was remarkable: seven to twelve billion US dollars.