Counter-Piracy: An Operational Perspective

By Milan Vego
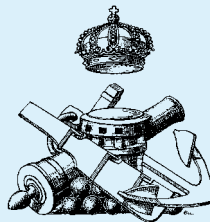
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Piracy is a growing and seemingly intractable problem in several ocean/sea areas of vital importance for the uninterrupted flow of international maritime trade. The problem of piracy should not be exaggerated. It should not be underestimated either. It is critically important that piracy in the focal points of maritime trade such as major international straits and their approaches is brought under control soon. The problem of piracy is complex and its solution will require a comprehensive solution encompassing the use of both military and nonmilitary sources of power by the major powers and international community as whole. This will require much time, patience and relatively large resources.

Definiton of the Term

Piracy is a form of illegal belligerence. It is not identical to coastal raiding, unarmed theft from ships, maritime terrorism, and maritime aspects of insurgency.[1] It was traditionally universally condemned both in customary international law and in treaty commitments. Piracy has been characterized in the past as *hostis humani generis*—the enemy of the human race.[2] The UN Convention on the Law of the Sea (UNCLOS) adopted in 1982 and entered into force in 1994, defined piracy as any illegal acts of violence or detention or any act of depredation, committed for private ends by the crew or the passengers of a private ships or a private aircraft, and directed on the high seas against another ship, or aircraft, or against person or property on board such ship or aircraft; against a ship, aircraft, person or property in a place outside the jurisdiction of a states; (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate or aircraft; (c) many act of inciting or of intentionally facilitating an act described in paragraph (a) or (b).[3] In legal terms, pirates need to use a ship to attack another ship. Hence,

Piracy attacks during 2009 (Jan-Aug). Source: IMB

mutiny and privateering are not considered as acts of piracy. Piracy is committed purely for private ends. Only naval forces controlled by a legally recognized government have the authority under international law to conduct counter piracy activities specifically the boarding and seizure of pirate vessels.[4]

The Problem

Piracy reemerged a problem in the early 1990s. Between 2000 and 2006 there were recorded 2,463 actual or attempted acts of piracy or 352 mean average per year. The mean average in the period 1994-1999 was 209 incidents.[5] Between 350 and 450 attacks per year were reported in the period 2000-2004. The number of piracy attempts worldwide declined almost by half by 2005.

Areas most favorable for piracy are waterways because they are quite narrow and congested and thereby making it fairly easy for a pirate vessel to hide among other ships, abundance of bays and natural harbors accessible to pirates, archipelagic nature of the area means enormous length of coastline providing

pirate with plenty of shelter.[6] Most acts of piracy took place in Southeast Asia, South Asia, and east and west coast of Africa. From 2003 thru 2007 some 622 piracy attempts (including 387 in Indonesia's archipelago) took place in Southeast Asia.[7] The Strait of Malacca and Singapore Strait with their confined waters and dense maritime traffic were preferred area for pirate activities. The Strait of Malacca offers the shortest and most economical route from Japan, China, and Korea to Europe, Middle East, and Africa. About 50,000 ships pass through this waterways per year carrying some 1/4 of the world's maritime trade. Because of the close cooperation among the littoral states, piracy in the Strait of Malacca steadily declined from 38 incidents in 2004 to only three incidents 2008.[8] In contrast, piracy off west and east coast of Africa recorded steady rise in the recent years.[9] From 2003 to 2007 there were 235 reported piracy incidents (137 off Nigeria's cost) off West Africa.[10] In 2007, almost half of the world's reported pirate attacks took place in African waters mainly near Nigeria and Somalia.[11] Somalia occupies a command-

ing position at the southern approaches to the Bab el Mandeb Strait and is close to the routes for ships sailing from the Red Sea and around Cape of Good Hope. Some 21,000 ships transit Bab el Mandeb Strait per year. In 2008, there were 111 attacks reported off Somali's coast or double the number in 2007.[12] Some 300 crew members and 18 hijacked vessels are currently held in Somali ports. All attacks off Somalia's coast were launched against steaming ships while majority of attacks elsewhere occurred against ships that were berthed or anchored.[13] Pirate attack may involve violence and the use of weaponry. Most of Somali pirates do not want to harm captives because they are primarily motivated to obtain ransom. They also have a sanctuary on land in Somalia and in its territorial water from which they can launch attacks and conduct ransom negotiations. In other parts of the world, pirates are more likely to kill their captives because they lack the sanctuaries. For example, pirate attacks in the Strait of Malacca are aimed either to capture a ship or to seize its cargo.[14]

Causes of Piracy

Causes of piracy are very complex and often defy easy solution. One of the major reasons for reemergence of piracy over the past two decades was an enormous increase in both international and domestic maritime trade and large number of ports. This, in turn, offered almost limitless range of tempting, high-payoff targets for pirates and terrorists. In many undeveloped countries, lack of adequate naval forces or coast guard and maritime surveillance capabilities combined with coastal and port-side security make it much easier for various criminal groups to commit piratical acts. Also, pervasive corruption and emergent void of judicial prerogative have encouraged official complicity in high-level pirate rings. Piratical acts are also made easier because of global proliferation of small arms.[15] A failed or weak state is characterized by the almost complete breakdown of law and order and extreme poverty and unemployment. This, in turn, provides a fertile ground for the rise of and activities of various criminal groups that might be involved in piracy and terrorism. For example, in Somalia the provisional government lacks authority over most of its territory. More than 40 percent of Somalis live in extreme poverty and almost 2/3 of households subsist on $ 2 per day. About 2/3 of Somali youths are without jobs.[16] Other causes for the rise of piracy in Somalia include inter-clan rivalry, corruption, arms proliferation, extremism, and pervasive impunity.

Piracy Effects

Piracy has several direct and many indirect effects. Economic impact of piracy is felt in many ways. They include ransom payments, damage to ships and cargoes, and delays in delivering cargoes. Annual costs to maritime industry because of piracy are estimated to be between $ 1.0 an $ 16.0 billion.[17] Piracy results in the increased maritime insurance rates. For example, the ship insurance rates rose to $ 20,000 per trip in 2009 from $ 500 in 2008. Merchant ship owners and operators are forced to pay for self-defense measures. In some cases, the increased threat from piracy might force the ship owners or operators to use a much longer but safer routes. For example, because of the increased piracy in the Gulf of Aden

and off Somalia's coast some shipping companies directed their ships to sail around the Cape of Good Hope thereby adding some 3,500 miles per voyage from Rotterdam to the Persian (Arabian) Gulf.[18] Hence, a ship can make five instead six of trips per year. It also greatly increases the fuel consumption and costs. Because of detours of the ships around Cape of Good Hope and economic downturn maritime traffic through the Suez Canal was greatly reduced. The Suez Canal revenues have declined in the recent months because of decreased economic activity and the piracy threat into the canal approaches in the Gulf of Aden.[19] The Suez Canal revenues are expected to fall from $ 5.1 billion in FY 2008 to about $ 3.6 billion in FY 2010 or 30 percent decrease in two years.[20]

Piracy adversely affects fishing in some parts of the world. For example, tuna catches in the southwestern Indian Ocean, one of the world's richest fishing grounds, fell by 30 percent in 2008.[21] This had a major impact on Seychelles because some 40 percent of its earnings came from fishing.[22] Piracy also represent the threat to humanitarian aid deliveries in the Horn of Africa. About 7.2 million Ethiopians currently receive emergency humanitarian assistance and an additional 4.9 million will require some assistance in the first half of 2009. In Somalia an estimated 3.2 million people or 43 percent of the population required humanitarian assistance.[23] Piracy also can potentially trigger a major environmental disaster if the violent acts occur in crowded sea lanes such as Bab-el Mandeb or the Strait of Malacca transited by heavy laden oil tankers.[24]

Politically, widespread piracy and lawlessness undermines and weakens the government's legitimacy by encouraging corruption among elected government officials.[25] For example, piracy in Somalia greatly contributed to deterioration of law and order, proliferation of illegal arms, and increase in the well funded militia. The non-crime economy has been eroded by the piracy-fueled business.[26]

International Response

The rise in piracy in several critical areas of the world's maritime trade was initially slow and rather anemic. Initially, there was little or no coordination in the employment of naval forces of several nations operating in the same general area. In the past several years this situation began to change for the better. Occasionally, a lethal force was used against Somali pirates. However, this had little or no effect on Somali pirates. Currently, most of naval activities at the present are in the Gulf of Aden and off Somalia's coast. The U.S. Naval Forces Central Command (NAVCENT) controls the   combined maritime forces operating in the Arabian/Persian Gulf, Gulf of Oman, Red Sea, the Arabian Sea and in the Indian Ocean. In January 2009, NAVCENT established CTF 151 to conduct anti-piracy operations Gulf of Aden and waters off the Somali coast. Previously, that role had CTF 150 which continued to perform counter terrorism missions and other maritime security operations as it had done since 2001-2002. In August 2008, CTF 151 and its partners established Maritime Security Patrol Area (MSPA) in the Gulf of Aden.[27] In April 2009, CTF 151 consisted or some two dozen ships from the U.S., UK, Canada, Denmark, France, Germany, Greece, Italy, Malaysia, Neth-

Members of the visit, board, search and seizure team assigned to the US guided-missile destroyer USS Carney prepare to inspect a dhow in the Gulf of Aden.
Photo: U.S. Navy

erlands, Saudi Arabia, Spain, Turkey, and Yemen. It is expected that Bahrein, Jordan, Japan, Singapore, South Korea, Poland, and Belgium will also take part; in the near future.[28] Operations are co-ordinated from NAVCENT's command center in Bahrain.[29]

Since October 2008, NATO used two standing maritime groups deployed off Somalia's coast: Operation Allied Provider served as temporary protection for the World's Food Program (WFP) assistance shipments in the area. That operation ended in December 2008. In March 2009, NATO launched operation Allied Protector conducted by Standing NATO Maritime Group 1 (SNMG1). Its mission is to deter, defend against and disrupt pirate activities as the transit region. Initially, this operation was to be temporary. However, NATO canceled planned visit of SNMG 1 to Singapore and Australia and extended operation Allied Protector

until 20 June 2009.[30]

In December 2008 the European Union (EU) Naval Forces (EU-NAVFOR) launched Operation Atalanta to replace operation Allied Provider. Atalanta is the first naval operation conducted under the framework of the European Security and Defense Policy (ESDP).[31] The force currently comprises of about 20 ships and 1,500 personnel. Greece, France, Spain, Germany and Italy contributed forces for the full year, while other nations like Sweden and Denmark have contributed for 4-6 month periods. Other EU members and some other countries are expected to contribute as well.[32] EU-NAVFOR is controlled by a rear admiral from his Operational Headquarters (OHQ) based in Northwood, UK.   The force commander is a commodore/one star admiral based in the theater of operations.[33] The main purpose of the operation is to conduct naval surveillance in Somali waters

and protect merchant ships including those of WFP by deterring acts of piracy and is possible capturing perpetrators of such acts.[34] EU NAVFOR established online center known as Maritime Security Center-Horn of Africa (MSC-HOA) for transiting ships for recording their movements voluntarily and to receive updated threat information. Similar service is provided by the UK maritime trade operations in Dubai and the U.S. Navy's Maritime Liaison Office in Bahrain.[35]

Russia, India, Malaysia, People's Republic of China (PRC), and South Korea also deployed warships off Somalia' coast. PRC joined international anti-piracy force by sending two destroyers to the Gulf of Aden in December 2008; its first expedionary deployment of naval forces since 1949. The Chinese destroyers completed 15 escort missions in the Gulf of Aden. They were replaced by one destroyer and frigate each in mid-April 2009.[36] The Russian Navy joined the international counter-piracy force in October 2006. Currently, the Russian Pacific Fleet task force composed of one destroyer, a salvage tug, a tanker, and naval infantry unit is also deployed in the Gulf of Aden to conduct aerial reconnaissance, searches of suspected vessels, and escorting Russian merchant ships.[37] Also in October 2008, the Indian Navy for the first time conducted anti-piracy patrols to protect Indian ships in the Gulf of Aden.

Response by the international maritime community to the growing threat of piracy was limited largely to encouraging regional cooperation among the countries affected by piracy. For example, the littoral states of the Strait of Malacca and other Asian governments established in 2006 the Regional Cooperation Agree-

ment on Combating Piracy and Armed Robbery (ReCAAP). It established procedures for coordinating responses to piracy and sharing best practice among law enforcement and security personnel. The ReCAAP's Information Sharing Center (ISC) was established in Singapore. Other bilateral agreements were signed among Malaysia, Indonesia and Singapore.[38] This agreement is one of the principal reasons why piracy in the region has been drastically reduced. In contrast, the problem of piracy in the Gulf of Aden and off Somalia's coast is much more difficult to solve. Somalia is a failed state. The regional countries are weak and their naval capabilities are inadequate.[39] Yet the representatives of 17 regional governments met at the IMO-sponsored meeting in Djibouti in January 2009. They adopted code of conduct concerning the Repression of Piracy and Armed Robbery against ships in the western Indian Ocean and the Gulf of Aden. Three regional facilities were established: the Maritime Rescue Coordination Centre in Mombasa, Kenya; the Sub-Regional Coordination Centre in Dar es Salaam, Tanzania. A Regional Maritime Information Center will be established in Sana'a, Yemen. The Contact Group on Piracy off the Coast of Somalia (CGPCS) intends to adopt interim measures to facilitate regional coordination until a dedicated coordination center to support the Djibouti code of conduct is in force.[40]

International maritime organizations also collect information on reported accidents and issuing guidance to ship owners and operators and ship's masters. The IMO has issued detailed guidance and recommendations for governments and commercial vessels to prevent, de-

The Swedish corvette HMS Visby during helicopter operations (Agusta 109), a helicopter also used by the U.S. Coast Guard in drug interdiction operatons, then called MH-68A Stingray. Photo: Peter Nilsson, Kockums.

ter, and respond to pirate attacks. It also publishes monthly reports on piracy and armed robbery against ships around the world. The International Chamber of Commerce—International Maritime Bureau (ICC-IMB) established a 24-hour piracy reporting center in Kuala Lumpur, Malaysia. The IMB and the EU's MCS-HOA issue periodic "Industry Updates" detailing recent trend in piracy attacks and making recommendations to vessels transiting piracy-infested waters.[41] The ICC Piracy Reporting Center (ICC-PRC) in Kuala Lumpur under auspices of the ReCAAP publishes monthly, half-yearly and annual reports on piracy and armed robbery. The U.S. Office of Naval Intelligence (ONI) publishes weekly reports on Worldwide Threats to Shipping including piracy.[42]

Options Considered/Discarded

So far, the actions by regional countries and international community aimed to drastically reduce the threat of piracy to the safety of maritime traffic at some critical parts of the international trade failed to sufficiently impress pirate gangs and their leaders and enablers ashore. Piracy is very profitable business. As long as the international community is unwilling or is perceived to shy away from the use of decisive force, there is little if any prospect that piracy will somehow go away. Just the opposite is most likely to happen. Piracy might become even greater problem than it is today and it might spread to other sea/ocean areas.

In case of piracy off Somalia's coast all kind of excuses are used to justify the lack of decisive action. According to some, the use of force by international naval forces to apprehend pirates and to free hostages might make the situation much worse by escalating the level of violence. Another problem is supposedly the difficulty in-

herent in distinguishing a pirate mother ship from a legitimate commercial ship. The action against pirate bases ashore cannot be contemplated because supposedly would likely require significant military planning and large resources in order to avoid or minimize civilian casualties. Another problem is the lack of adequate number of naval vessels to police pirate-infested waters off Somalia's coast. Reportedly at least 60 ships is needed for effective patrol/surveillance in the Gulf of Aden.[43] Western experts are also opposed to arming of merchant vessels because gun battles with pirates may increase risks to all merchant ships operating in that area. Light arms might not be effective in countering pirates armed with heavier weapons such as RPG launchers. Armed crew members could pose security or terrorism risk visiting U.S. ports. Many merchant ship owners and operators are strongly averse arming merchant ships for practical and financial reasons. Supposedly, hiring armed security teams might be more expensive than paying occasional ransom. Liabilities for a fatal shooting aboard a ship can be a complex legal problem that can lead to expensive lawsuits.[44] Convoying seems not be a good idea either because it would add to the time for the voyage and thereby impose additional financial cost for the ship owners or operators. Yet the Chinese, Indian, and Russian ships seems to be very successful in providing badly needed escort service to their merchant vessels transiting the Gulf of Aden.

A Possible Solution

Piracy is a major and growing problem in several parts of the world. The solution cannot be found by a single country alone no matter how powerful the country is. Piracy is an international problem. Hence, it requires a concerted action on the part of the international community as a whole and major powers in particular. Like any other complex problem, counter-piracy requires judicious employment of all sources of power. The continuation of the current policies on the part of international community can possibly ameliorate some consequences of piracy but will never be successful in radically reducing the threat pirates pose to international and local maritime traffic. The lack of forceful action, aversion to the possible losses of life readiness, to meet pirates' demands for ransom payment cannot but make the problem much worse. Pirate gangs and their leaders ashore must be faced with the unpleasant prospect of losing their sanctuaries and their very lives if involved in illegal acts at sea and ashore. Ultimately the problem of piracy can be resolved only by going ashore. The leaders of pirate gangs and their supporters ashore and their basing areas should be repeatedly attacked and destroyed.

The problem of piracy in certain critical area of the world's maritime trade such as the Gulf of Aden or the Strait of Malacca cannot be resolved by destroying only pirate gangs at sea. Decisive results can be accomplished only if the pirate leadership ashore, pirate basing areas and supporting structure is destroyed or neutralized as well. Hence, the need to plan for and employ not only one's naval forces but also forces of other services of one's armed forces and forces of coalition partners as well. A major counter-piracy operation should be planned, prepared, and conducted by a joint/combined task

force commander (COMJTF/CJTF). Directly subordinate to him should be service component commanders. Only in rare cases a functional component commander should be established as a part of JTF/CJTF.

Currently, counter-piracy operations consists largely of minor tactical actions with non-use of weapons such as reconnaissance/surveillance, patrolling, search of suspected pirate vessels, and escort of friendly merchant ships. The use of lethal force against pirate gangs at sea is rare. Pirate leaders and enablers are allowed to operate freely. Their bases and installations ashore are not attacked. By continuing the current policies, the problem of piracy is not going to wither away. A more decisive action is required to create the conditions for a drastic reduction of the piracy off Somalia's coast.

In general, the quickest and most decisive method of combat employment of one's combat forces is by conducting a major operation--a series of related major and minor tactical actions conducted by diverse combat arms of a single or more services, in terms of time and place, to accomplish an operational objective in a given part of the theater. A major operation is planned and conducted according to a common operational idea (scheme) and a single commander.

Optimally, the ultimate objective of a major counter-piracy operation should be complete eradication of the pirate gangs and their supporting structure. Yet such an outcome is difficult to achieve in practice because the use of one's military power could not eliminate the principal causes for the rise of piracy in a certain area. Nevertheless, a major counter-piracy operation should drastically reduce

the scope and intensity of piracy acts in the selected sea/ocean area and thereby ensure adequate safety for international and local maritime traffic.

A major counter-piracy operation would predominantly consist of minor and major naval tactical actions with non-use of weapons (reconnaissance/surveillance, patrolling, escort, etc.) to the use of weapons (naval attacks, strikes, raids, engagements, and battles). Naval tactical actions with the use of weapons should be predominantly aimed to destroy pirate gangs at sea and attack their bases and supporting installations on the coast.

A major counter-piracy operation should not include only employment of one's naval forces but also forces of other services. Land-based aircraft can be employed for maritime reconnaissance/surveillance and for attacking pirate bases and facilities/installations ashore. Special operations teams can be used for diverse tasks ashore ranging from reconnaissance/surveillance, to attack on pirate command posts, eliminating pirate leaders, and freeing hostages and captured ships. A small but highly mobile ground force can be used for raids against the pirate bases and basing areas. The actions of all forces taking part in a major counter-piracy operation must be conducted within the same operational framework; otherwise, they would result in a waste of sorely needed time and resources.

Most of the major navies of the day are ill-suited for conducting a major counter-piracy operation because they are composed predominantly of large highly-capable but also high-cost ships. The most suitable platforms for counter-piracy are light frigates and corvettes armed with missiles/guns and carrying

attack helicopters. In addition, fast attack craft can be effectively employed against pirate boats in the confined waters of the straits/narrows and their approaches such as Bab el-Mandeb Strait and the Malacca Strait. However, a major counter-piracy operation would require employment of maritime patrol aircraft for providing reconnaissance/surveillance and attack capabilities. Carrier-based attack aircraft should be used in striking pirate basing areas and facilities/installations ashore.

Conclusion

The problem of piracy is increasing in some part of the world's ocean. It already poses a grave danger to safety of merchant shipping in several focal points of maritime trade and approaches to major ports. This problem cannot be allowed to fester because it will become progressively more difficult to resolve successfully. Current policies in countering the threats of piracy are timid, sporadic and incoherent. A comprehensive approach is badly needed in radically reducing the threat of piracy of east and west coasts of Africa and in Southeast Asia. Another important objective should be to deter the emergence of piracy in other parts of the world's ocean. The military action alone cannot resolve the problem of piracy. It must be only a part of a much broad and comprehensive series of actions. The main causes of piracy are predominantly political, economic, and social.
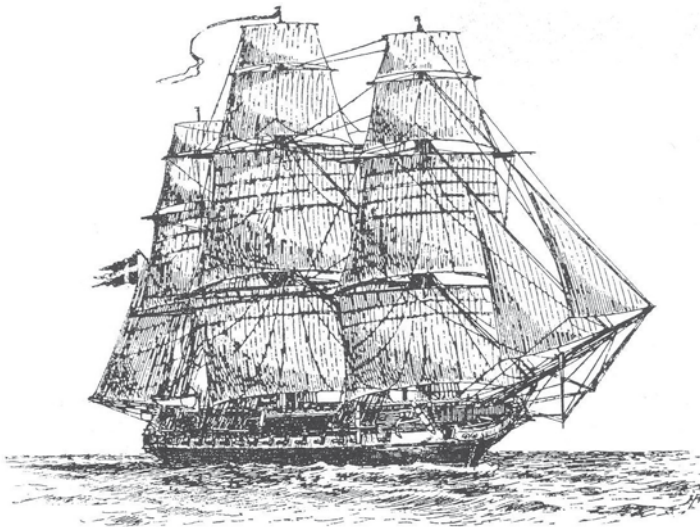
Hence, the long-term solution can be found only if the international community and regional governments make a concerted efforts to solve the root causes of piracy. These actions would require much time and effort. In the meantime, governments directly affected by acts of piracy and international community must do everything possible to ensure the safety of maritime traffic in the pirate-infested area. This, in turn, require a decisive use of one's military forces aimed to destroy or neutralize major part of pirate network and thereby create conditions for ensuring safety of maritime traffic. A decisive use of force against pirates and their leaders and enablers ashore is also one of the keys for restoring the government legitimacy and authority over its territory.

Endnotes

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