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# Tackling piracy head-on and otherwise

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Piracy is a continuing problem in the western Indian Ocean and adjacent waters.  What makes piracy in this locale different than piracy elsewhere is the political situation ashore in Somalia.  Piracy/armed robbery against ships occurs intermittently almost everywhere.  The common form of modern piracy is best termed "smash and grab".  The perpetrators come aboard, sometimes injuring the crew, steal what they can, and quickly depart.  Rarely, the perpetrators steal or attempt to steal the entire ship.  More commonly, though, they take cash, electronics, and supplies, then disappear into the night.

Piracy as practiced by Somalis is different.  The pirates board a ship and then force the master and crew to sail it to a location just off the coast of Somalia.  In most cases, the ship and its crew stay there while the Somalis negotiate with the owner regarding a ransom amount and method of payment.  These negotiations can take up to a year, but in most cases are concluded in four to six months.

Meanwhile, the ships are anchored in full view.  The pirates make no attempt to hide the ships.  The pirates make daily trips ashore in small boats to obtain supplies and conduct other activities.  The ships are visible in satellite images.  Naval vessels patrol just offshore, but take no overt action for fear of reprisals against the hostage crew.

The reason all this can occur is that there is little or no law enforcement presence ashore in most of Somalia.  This is particularly true in Puntland, an autonomous region which comprises about the northern half of the west coast of Somalia, where the Transitional Federal Government (TFG) exercises little sway. Somaliland, on the north coast of Somalia, experiences some piracy, but not to the same extent.

Proposals for tackling Somali piracy have largely ranged from shooting them on sight to flooding the Indian Ocean with warships to arming all the crewmembers on ships transiting those waters.  The International Maritime Organization (IMO), which does not endorse the carriage and use of firearms on board merchant ships, recently and reluctantly promulgated guidelines on the use of privately-contracted armed security personnel on board merchant ships in the high risk waters off Somalia.  Any ship owners or operators that elect to arm their vessels should carefully follow the guidance developed by the IMO.

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While arming a merchant ship may deter the occasional hijacking, I contend that it will have little long-term impact on the piracy problem in waters off Somalia.

The lawlessness in waters off Somalia is little different than lawlessness ashore – and should be dealt with in the same general manner.

Let us assume for a moment that you live or work in or near a crime-ridden area, perhaps an inner-city ghetto or a waterfront. What approaches would you advocate to enhance safety? I suggest that there are basically four steps available to address this problem.

The first step to increase the safety for those in an area subject to crime is self-defense. If in a car, keep the doors locked and avoid, to the extent possible, driving on certain streets. Do not go for walks alone at night. Install deadbolt locks on the doors and bars on lower-level windows. Install exterior lighting and security cameras. If your home or business looks secure, criminals will generally avoid it and move on to a soft target.

The second step to increase safety is to seek increased law enforcement presence. More police patrol cars generally discourage criminals. Better yet are foot or bicycle patrols.

The third step consists of the rule of law. Once arrested, criminals must be prosecuted. Failure to prosecute not only puts the criminal back on the street, but emboldens others to adopt the same life style. Vigorous prosecution, though, not only puts most perpetrators away for extended periods, but deters others from a life of crime.

The fourth and final step to increased public safety is to eradicate or significantly reduce the local poverty that is a root cause of most crime. This usually means provision of decent housing, education, and legitimate employment opportunities. Most criminals engage in that line of work because they believe that there are few other choices. Making better choices available and reducing incentives for making bad choices will minimize the number of persons who might otherwise engage in crime.

Those same four steps can be applied to the Somali piracy situation.

First, all ships transiting the high risk waters near Somalia should be hardened against assault by pirates. I find it amazing that, at this late date, ships are still transiting the high risk waters without implementing the maritime industry's Best Management Practices (BMP). The failure to report the planned transit to military authorities is the most egregious and the most difficult to justify. The military forces, primarily warships, are there because the marine industry sought their presence. Effectively, they are the patrolmen on the beat. It is difficult for them to protect a merchant vessel that they do not know is in the area. Other measures that ships can and should adopt include transiting at the highest practicable speed, utilizing extra lookouts, deploying concertina wire and other barriers to deter authorized boardings, etc. Ships regularly

transiting the high risk waters might consider establishment of a safe room or citadel where the crew can take shelter from pirates while awaiting rescue.

Secondly, governments worldwide should do more to make these waters safe. A significant, but small, number of nations have deployed warships, helicopters, and patrol aircraft to detect, deter, and detain pirates. More can and should be done. All nations whose merchant ships or cargoes transit the high risk waters should contribute to the effort, through funding if nothing else. In addition, I recommend that the mix of warships deployed to the area be expanded. Cruisers, destroyers, and frigates look impressive and serve a purpose, but smaller patrol vessels are less expensive to operate and may be more effective for many purposes. Cooperation and coordination among the various naval forces operating in these waters must be enhanced. Recent steps taken by the European Union (EU) and others to keep better track of merchant ships transiting the high risk waters are to be lauded. I recommend that increased effort should be utilized to monitor, harass, and (when possible) interdict pirate action groups before they assault merchant vessels. Patrol boats deployed just offshore from known pirate strongholds can send a clear message. Motherships anchored off these strongholds might be rendered unseaworthy before they have an opportunity to depart.

Thirdly, pirates must learn that, if caught, they will be prosecuted and most likely incarcerated for an extended period. The days of catch and release must end, except in those few cases where there is clearly a lack of evidence tying the detained individuals with a crime. Nations must tighten their laws so that prosecution is not impeded by unnecessary jurisdictional or procedural issues. Piracy is an international crime, for which all nations have the authority to prosecute and the duty to take decisive action. Where necessary, domestic law must be amended to enable prosecution of piracy without regard to the nationality of the ship, its crew, or the perpetrators. Kenya and the Seychelles have borne the brunt of prosecutions to date. The United States, the Netherlands, France, Germany, India, and South Korea have also undertaken prosecutions recently. Most, if not all, of the pirates currently operating in the high risk waters are Somali citizens. Developed nations must do more to assist Somali federal and local authorities in the restoration of law and order in the areas adjacent to the pirate strongholds. No one suspected of piracy should be released due to the lack of a forum for prosecution. Efforts to interdict the flow of illicit weapons and supplies into Somalia and the flow of illicit monies out of Somalia must be made more effective.

Fourthly, the root cause of piracy is poverty. Until and unless that issue is addressed, there will be new candidates setting sail from Somalia, despite all of the above efforts. The United Nations established a special fund for economic development in Somalia. It is sadly undersubscribed by the developed nations of the world. I do not contend that this fund can solve all the problems facing Somalia and its population, or that every dollar contributed is spent wisely and utilized effectively. I do contend, though, that just putting more warships on patrol will not solve the problem.

Piracy in waters off Somalia did not arise overnight.  It will not go away overnight.  The world community (including the maritime industry) must develop and implement a long-term and multi-faceted approach to this complex problem.