Modern Piracy and Current Counter-Measures

Jared M. Ben-Caro

Piracy has been in existence since the inception of maritime trade. The first recorded examples of piracy occurred in the 14th century BCE, when various settlements in the eastern Mediterranean and Aegean Seas were raided. Piracy has continued, reaching its ‘Golden Age’ in the late 17th and early 18th centuries. And it was the threat of Barbary Pirates in 1794 that motivated the creation of the US Navy.

Although the weapons, technology and tactics have altered in some cases, most of the common denominators of piracy remain the same today. Pirates still prey on weak and unprotected commercial shipping and civilian ports. Pirates still take advantage of fragile governments and unstable political environments as an opportunity as well as an excuse for their activities. And pirates still thrive on using innocent people for profit. In previous times, piracy directly profited from the slave market and the acquiring of ransom money. In modern years, pirates still take mariners hostage, force maritime personnel to operate ‘mother ships’ against their will to mount attacks, and the ransom money continues to be the primary source of incoming funds.

If piracy has existed for thousands of years, then is its eradication regionally and even globally a realistic goal? The conclusion here is in the affirmative. It is possible to achieve this goal if a threefold strategy is implemented, including: defensive measures; offensive measures; and political and economic stability. We will discuss these elements in turn with a focus on piracy rooted in Somalia.

**Defensive Measures**

The first and most obvious step to combating piracy is to establish appropriate defensive measures. Passive defence systems are the first layer of defence against piracy in that they do not actively seek out or aggressively respond to a threat. Their most important function is to serve as a deterrent, dissuading opportunists so they abandon their assault.

The Maritime Security Centre Horn of Africa and the NATO Shipping Centre have adopted a series of guidelines entitled Best Management Practices Version 4 (BMP4). BMP4 outlines a suggested strategy for commercial shipping vessels to avoid being victims of piracy by utilizing a series of ship protection measures. The underlying principle of BMP4 is “[i]f pirates are unable to board a ship they cannot hijack it.”

One of the primary recommendations of BMP4 is that strongholds and citadels be established on the ship. The idea is for the crew to have a place to which they can retreat in the event of a pirate attack. These citadels are a fundamental aspect of the basic protection for a crew and have thwarted many attacks. However, the flaw of the citadel is that the crew must be alerted in advance to an impending pirate assault.

Dummies and mannequins are also a tactic suggested by BMP4 and are being utilized in maritime security operations. The idea is to give the illusion that a ship is more heavily protected than it really is. While this method is clearly cost-effective, its long-term benefits are questionable.
It will only be a matter of time before pirates realize that this extra personnel on a ship is merely a decoy. At that point the dummies will no longer be effective. Additionally, the use of mannequins might actually encourage pirates to assault ships that are legitimately armed and guarded, if only to determine which vessels have real maritime security teams and which vessels do not.

Security cameras, surveillance devices and alarm systems are all finding their way aboard commercial ships. These products have obvious value in alerting the crew to the imminent danger of unauthorized boarding. However, most of these systems are little more than a warning system. The Trident Group, for example, has developed a product called Maritime Boarding Alert Device (MBAD). MBAD uses electronic equipment to detect an oncoming pirate attack and repel it by overloading the visual and auditory senses of the would-be boarders.

Shipboard Defense Systems in collaboration with Mace Personal Defense, Inc., has created a maritime defence product in which a series of pipes surround the perimeter of a ship and excrete pepper spray or similar substance. While the concept has merit, some maritime security companies are skeptical of this device. Human involvement is required to detect the threat and activate the device. Automatic detection and activation systems are possible but significantly increase the price. The device is further limited in that once the pepper spray is depleted, the ship no longer has a defence system. Also, it wouldn’t be long before the pirates realized that gas masks and other protective clothing would render this product ineffective.

Other methods of passive defence mentioned by BMP4 include the usage of fire hoses and water cannons. Human involvement is a vital component of these devices as well. However, using fire hoses to fight off pirates or terrorists sporting assault rifles and/or rocket-propelled grenades is dangerous and impractical to say the least.

The LRAD Corporation has developed a series of Long-Range Acoustic Devices or ‘sound cannons’ – developed in response to the October 2000 attack on USS Cole in port in Yemen. These devices are one of the newer products in the counter-piracy and generic non-lethal weapons market, and have proven to be effective in a variety of scenarios. However, the primary drawback of the LRADs is the fact that human involvement is needed to operate the device. Also, it is necessary for the crew to spot and identify a pirate threat long before it comes within boarding range of the vessel.

The most common passive defence system used is the installation of razor wire around the perimeter of a ship. The use of razor wire is a recommendation by BMP4. However, using razor wire in this manner is neither efficient nor cost-effective. The installation of the wire varies in cost depending on the size of the vessel, but can often be as expensive as $15,000 (USD) for a single usage. In most ports razor wire is prohibited. This means that many vessels simply cut down the wire and dump it into the sea, creating an obvious environmental hazard. It is estimated that over $434 million (USD) is spent annually on razor wire for commercial vessel hardening purposes.

Razor wire is ultimately ineffective for a variety of reasons. First, it is usually installed on the rail of the ship or even the deck itself. Thus, most pirates do not encounter it until they are already onboard the ship. Second, it is a liability to the safety of the crew, and legislation in some countries has been enacted to curtail its use – such as the US Merchant Marine Act (the Jones Act) passed in 1920. Third, the razor wire is not always effective because quite often the pirates use grappling hooks to latch onto the razor wire and tear it down. Fourth, many of the pirates use khat or other drugs that allow them to ignore pain and disregard the razor wire. And finally, simple methods such as throwing a heavy blanket over the wire mitigate its effects.

A company called C-Snake Defense Products has developed two counter-piracy measures – Blue Briar and Blue Scimitar. Blue Briar employs the concept of protecting a ship with razor wire, but it consists of a series of units that...
are installed side-by-side along the perimeter of a vessel. The units are made up of sheets of steel-reinforced rubber that are unfurled like a rug. When deployed, Blue Briar units expose two rolls of stainless steel razor wire that are designed to be grapple resistant. The units are reusable so they don’t have to be thrown overboard when approaching port, and weather resistant, increasing their economic value and reducing negative effects to the environment. The unit also minimizes liability to the crew by containing the razor wire prior to deployment and hanging the razor wire below the deck when the unit is unfurled. Instead of grapple-resistant razor wire, Blue Scimitar incorporates a series of ultra-sharp fang-like protrusions and a grapple-resistant safety cage that provides an additional barrier against boarding. Both of these products were designed to be compliant with current BMP4 recommendations, which encourages the use of two rolls of razor wire as well as devices utilizing fixed metal spikes.7

With all of these products there are positive and negative traits. As with any purchases, the challenge is to find the best product at the best cost. As Chris Dunton, a former US Marine Force Reconnaissance operative and the co-founder of C-Snake Defense Products, phrases it, “[i]t’s a balance that must be reached. You can design the best product on the market but if it’s not competitive in cost, then your efforts are in vain. And if a security system has even a single flaw then the entire concept becomes useless. Your product has to have both aspects in order to be successful.”8

The most obvious defence measure is the use of maritime security teams, both armed and unarmed. The purpose of unarmed security crews is to provide surveillance and early detection of an imminent pirate attack. In some cases these unarmed security teams will use non-lethal weapons in an attempt to ward off attackers. Again, the fact that most pirates are armed with automatic weapons and even explosives leaves unarmed teams at a clear disadvantage.

Several issues arise in relation to armed guards, however. First, there is a clear liability when weapons are involved. Second, many ports also do not allow weapons to leave or enter, providing a logistic headache, and in many cases the weapons are simply dumped into the sea in order to comply with local legislation. Third, in some cases the armed maritime security teams are untrained mercenaries and little better than the pirates themselves. Shipping companies prefer to use highly-trained operatives with backgrounds in various NATO militaries but such personnel can be costly. The average cost of contracting a maritime security team for a vessel is $50,000 (USD) for a single voyage through a high risk area, and can easily reach as high as $100,000 (USD).9 Some owners balk at such high costs. Despite these issues, however, it should be noted that up to early September 2012 no ships with privately contracted armed security personnel aboard have been taken by pirates. Thus, it could be asserted that armed security operatives are the most effective defence method currently available.

**Offensive Measures**

While defensive measures are the core of counter-piracy efforts, they will never provide an ultimate answer to the issue of Somali piracy. Thus, a series of measures that are more offensive in nature have been implemented.

Due to the political ramifications of military measures, many states are wary of sending military might to the region. As well, after the failure of Operation Restore Hope in Somalia – a United Nations military action in 1992 and 1993 to bring stability and disarm feuding warlords – most states are reluctant to get involved on land. Accordingly, the vast majority of these military operations have been restricted to naval activities in international waters, although the UN has authorized operations within Somali waters as well. The purpose of these naval activities is specifically the defence of commercial vessels passing through the high-risk area and is not a deployed expeditionary military force with corresponding political ramifications.

One major naval activity is Combined Task Force 150 (CTF-150). Originally a US Navy formation, it became an international naval coalition not long after the attacks against the United States on 11 September 2001. Although the initial purpose of CTF-150 was protection against maritime terrorism, the focus shifted to combating piracy.
off the Horn of Africa. Later, Combined Task Force 151 (CTF-151) was created specifically to curtail Somali piracy. Entities such as the Combined Joint Operations from the Sea Centre of Excellence (CJOS COE) have been created and sponsored by NATO in an effort to coordinate the efforts of multiple navies and intelligence services. The key to the success of these entities is establishing communication, cooperation and especially trust among the participating states and militaries. The ultimate goal is to set up a network that facilitates the efficient action of NATO navies and the safe operation of commercial shipping, as well as to provide an effective layer of defence against maritime terrorism.

Another example of active rather than passive measures is the Horn of Africa Facilities Management (HOA-FM) Company. The purpose of HOA-FM is to combat piracy from the inside. Established inside of Somaliland (a region of Somalia) in cooperation with the local government, the strategy of the HOA-FM is threefold: create a network of early detection; supplement the forces of the local (and legitimate) Somaliland Coast Guard; and enhance the abilities of the coast guard with training programs. Proponents of this program are optimistic about its potential for success, but a serious impediment is the fact that the Somaliland Coast Guard is suffering from a severe lack of funding and equipment. These shortages dramatically reduce its ability to patrol its waters.

One of the greatest challenges to these coalitions and similar entities is the legal situation. Quite often naval forces find themselves entangled in a web of conflicting international maritime legislation. The current laws encourage naval forces and even maritime security teams to bring captured pirates to their country of origin and put them on trial there. In most cases this requirement is impractical since domestic civil and criminal courts are not designed to try non-nationals who committed a crime in international waters halfway around the planet. Under such circumstances naval forces frequently deem the most appropriate action to be a policy of ‘catch and release,’ a policy which has been criticized by many.

The positive impact of naval coalitions such as CTF-150 and CTF-151 as well as entities such as CJOS COE is a matter of debate. At the Maritime Security Conference in Halifax, Nova Scotia, in June of 2012, several speakers including Japanese Rear Admiral Umio Otsuka praised the effectiveness and tangible results of these coalitions. However, a report from the British Parliamentary Foreign Affairs Committee declared, “[t]hese [naval task forces] have contributed to a significant decrease in the ratio of successful hijackings to attempts, but have so far been unable to contain the growth in the overall number of attacks and the area in which pirates can operate.... The risk to pirates of serious consequences is still too low to outweigh the lucrative rewards from piracy.” Thus, the consensus seems to be that there are positive results from these naval coalitions, but as purely defensive mechanisms with impeding legal guidelines their effectiveness is clearly limited.

**Developing Political and Economic Stability**

The first two factors described here are both methods of containment. Neither of them provide an effective, long-term solution. While some would contend that perpetual containment is equivalent to a solution, this is neither ideal nor realistic. The real solution is to create a political and economic environment within Somalia that is stable and does not foster piracy. Piracy is rampant off the coast of Somalia due to a failed political and economic system. When the average annual income per capita is $600 (USD), it’s not surprising that many Somalis would turn to more lucrative profiteering. The weak Transitional Federal Government has recently been replaced with a new Parliament which, unfortunately, is likely to continue to be weak in most areas and practically non-existent in others. The fledgling government cannot provide a realistic deterrent against piracy off of its own coast (or a solution to any other issue for that matter). The government cannot patrol its own waters not just against piracy but also against illegal fishing and the dumping of toxic wastes by outside parties.

Many are skeptical of the future of the new government. While these concerns are legitimate, it should be
supported, yet carefully scrutinized to minimize corruption and misconduct. It is important for the international community to be involved in the affairs of the Somali government while still encouraging it to take responsibility for its actions and policies.

Establishing a stable political and economic situation in Somalia is obviously easier said than done. However, it is still the most vital aspect of the threefold strategy. There are a variety of opinions on how to achieve this goal. The opinion here is that a system of both positive and negative incentives should be installed. Positive incentives would include assisting in the re-establishment and protection of local fisheries (perhaps through assistance to create and train a coast guard), education systems and other necessary infrastructure. This assistance would only occur, however, if the country becomes compliant with international laws. A judicial system needs to be created that can mete out firm but just consequences to those who violate national and international laws. With a stable government may come economic opportunity to provide alternatives to piracy. As Ann Griffiths wrote in an Editorial in CNR, “[t]he piracy will only end when (a) there are other employment opportunities, or (b) it no longer makes money for the perpetrators, i.e., the costs become higher than the returns.” The suggestion here is to provide both economic alternatives and legal costs to engaging in piracy.

The conclusion is that it is possible to minimize the threat of piracy off the Horn of Africa. To protect commercial shipping an effective combination of passive and active defence systems must be utilized. A coalition of military vessels should patrol the entire region in a defensive and non-expeditionary capacity, with multiple states cooperating with each other and taking appropriate levels of responsibility. But most importantly, careful and strategic plans must be developed to help Somalis install a workable political and economic structure. This structure must not only establish the methods of apprehending and prosecuting maritime criminals, but also enable Somali citizens to find more constructive means of earning an income. Only then will an enduring solution to Somali piracy be achieved.

Notes

2. Ibid., pp. 25-27.
4. Ibid., pp. 32-34.
5. Ibid., pp. 27-30.
7. BMP4, pp. 27-30.

After finishing his active duty in the Israel Defense Force Paratroopers, Jared M. Ben-Caro turned his attention to the international private security market, in particular the maritime security industry. He is the co-founder of C-Snake Defense Products LLC and Magnum-8 Security Services LLC.