



Members of the pirate group Central Regional Coast Guard, one of whom carries a rocket-propelled grenade launcher, arrive on a beach near Hobyo, October 2008. © Veronique de Viguier/Getty Images

Escalation at Sea

SOMALI PIRACY AND PRIVATE SECURITY COMPANIES

INTRODUCTION

The frequency of pirate attacks on commercial ships worldwide has risen dramatically in the past six years, reaching record levels in 2010, much of it attributable to Somali groups operating in the Red Sea, Gulf of Aden, Arabian Sea, and Indian Ocean (IMB, 2011, p. 24; see Map 6.1). Acts of piracy are also becoming more costly, in both human and economic terms; higher ransom demands have resulted in longer negotiations and lengthier periods of captivity for the seafarers held hostage (Ince & Co., 2011, p. 2; UNSC, 2011b, p. 12).¹ International naval forces have increased their presence in affected waters, particularly since 2008 (Ghosh, 2010, pp. 14–15). While the navies have successfully increased maritime security in patrolled areas, pirates have begun to use captured vessels as ‘mother ships’ to transport provisions, weapons, and attack boats, allowing them to strike at ever greater distances from the coast (UNSC, 2011b, pp. 219–21).

Somali piracy’s resilience to international action has prompted shipping companies to turn to maritime private security companies (PSCs) to provide security for their crews and vessels. This is a significant shift for an industry that long resisted placing weapons on ships due to inscrutable legal and insurance implications, concerns regarding crew safety, and fears of encouraging an escalation of violence at sea. Significantly, several governments and international organizations, including the International Maritime Organization (IMO), while falling short of encouraging the practice, have gradually recognized it as an option for protecting ships in dangerous areas.

This chapter takes a close look at the current stand-off between Somali pirates and PSCs, focusing on the associated small arms control challenges and rules of behaviour among all parties. The chapter also seeks to identify the types of small arms used by Somali pirates and PSCs, exploring whether the growing use of armed guards to protect ships increases security or leads to an escalation of violence at sea. Key findings include:

- While the number of attempted attacks by Somali pirates continued to increase in 2011, attacks were less successful than in 2010 and resulted in fewer hijackings. Operations by naval forces, the increasing use of PSCs to protect ships, and other self-protective measures applied by the shipping industry appear to be the main factors in the reduction of hijackings.
- Pirate groups increasingly resort to lethal violence during attacks and abuse their hostages. Pirates’ growing frustration with the more robust deployment of naval forces and PSCs, longer periods of hostage release negotiations, and harsher prison terms for captured pirates seem to be the drivers behind this trend.
- Somali pirates continue to use primarily assault rifles, light machine guns, and rocket-propelled grenade launchers (RPGs). Allegations of the use of more destructive weapons remain largely anecdotal and unverified, but pirates’ capacity to adapt tactics to changing circumstances, combined with weapons availability in Somalia, increase the risk of a pirate arms build-up.

- Due to the lack of harmonized regulations, there is no standard PSC ‘weapon kit’ and rules on the use of force vary greatly. Some countries allow maritime PSCs to carry only semi-automatic weapons; in practice, PSCs utilize a range of weapons, including sniper rifles, general-purpose machine guns, light machine guns, fully automatic assault rifles, bolt-action rifles, shotguns, and handguns.
- The presence of armed guards on ships poses complex legal and small arms control challenges related to the movement of armed guards in ports and territorial waters (see Box 6.1), as well as liability issues arising from guards’ use of force and firearms.
- A number of states have sought to facilitate the provision of private armed security on ships, but the schemes they employ vary markedly. Some states offer PSCs the possibility to rent government-owned firearms.

After providing a contextualization of Somali piracy and the statistical trends observed in the past ten years, the chapter assesses Somali pirates’ weapons and use of violence during attacks. It then documents the growing use of armed PSCs to protect commercial vessels, placing a particular focus on the weapons in their employ and the challenges this situation entails for small arms control. Interviews with representatives of PSCs and pirate groups, an analysis of International Maritime Bureau (IMB) data, and expert contributions are among the sources used in this chapter.

Box 6.1 Definitions

Following the approach adopted by the IMB, this chapter covers both acts of *piracy* and instances of *armed robbery at sea* (IMB, 2011, p. 3). Both terms refer to acts of violence, detention, or depredation committed against a ship, or the people or property onboard a ship.² Armed robbery against ships occurs in a state’s internal, archipelagic, and territorial waters, the latter being the area within 12 nautical miles from a state’s coast (IMO, 2009, p. 4; UN, 1982, art. 3).³ Consonant with the UN Convention on the Law of the Sea, piracy refers to incidents that occur in waters beyond the territorial sea (UN, 2010).⁴ These include the high seas, which generally start at 200 nautical miles from the coast, and the exclusive economic zones, which are the areas between the territorial and the high seas (UN, 1982, arts. 57, 58.2, 86). Unless stated otherwise, and because Somali pirates have carried out attacks in both territorial and high seas, the term piracy is used in this chapter to refer to both pirate attacks and incidents of armed robbery at sea.⁵

The term ‘PSCs’ in this chapter refers to all legally registered business entities that provide, on a contractual basis, security services at sea and in ports. Security services may entail the protection of persons and the guarding of objects (such as ships and their cargo), the maintenance and operation of weapons systems, the provision of advice or training, and associated surveillance and intelligence operations.⁶

SOMALI PIRACY IN CONTEXT

This section analyses recent developments in Somali piracy in the context of global pirate activity, highlighting trends in the frequency of attacks and their significance in human and economic terms. It then reviews available information on pirates’ use of violence and firearms, and discusses the risks of an escalation of violence.

Pirate groups

The origins of modern Somali piracy are subject to ongoing debate. Interviewed pirates, and some analysts, date it back to the 1990s, when the local population—and fishermen in particular—exhibited a growing sense of anger against illegal fishing and waste dumping by foreign vessels in Somali waters; yet others argue that piracy has always been criminally motivated and clan-supported.⁷ Although some of the first pirate attacks

were aimed at foreign fishing ships, targeting quickly shifted to commercial boats with no direct link to the illegal use of Somali waters, illustrating the increasing criminalization of pirate groups, whose primary objective has become the ransoms secured through negotiation (Hansen, 2009; Shortland, 2012).

It is difficult to ascertain how many pirate groups operate in Somalia as they change over time and are sometimes forced to shift locations. Various reports identify five principal groups:

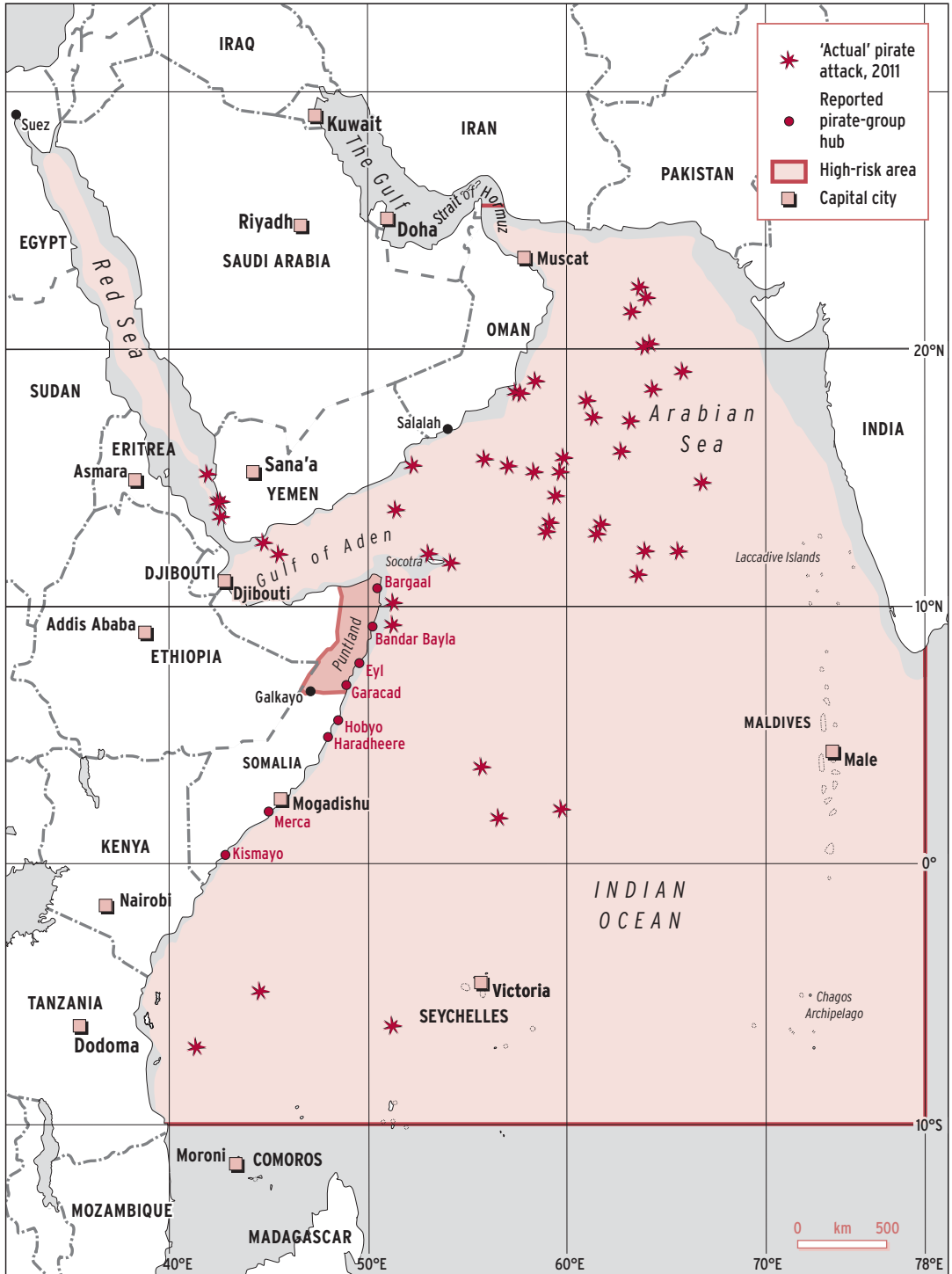
- the 'National Volunteer Coast Guard' based in the southern port of Kismayo;
- the 'Merca group' based in the port of Merca to the south of Mogadishu;
- a Haradheere-based group known variously as the 'Somali Marines', 'Defenders of Somali Territorial Waters', and 'Ocean Salvation Corps';
- a group based in Hobyo; and
- a group in Eyl in Puntland (Gettleman, 2011, p. 9; Harper, 2011; Murphy, 2009).⁸

Yet more recent accounts point to the emergence of large, highly organized groups, such as the 'Somali Marines', and numerous smaller, more informal units, which sometimes comprise several members of one family (Hansen, 2009; Harper, 2011; Gettleman, 2011, p. 9). Somali pirates are believed to number about 2,000—including 1,500 in the semi-autonomous region of Puntland—with the largest groups comprising as many as 500 members (OBP, 2011, p. 25; Hansen, 2009, p. 12).⁹



Members of the US Navy transport suspected pirates from the fishing vessel on which they were captured, January 2012.
© Tyler Hicks/The New York Times/Redux Pictures

Map 6.1 'High-risk area', 2011 'actual' attacks, and reported pirate hubs*



Notes: *The geographical limits of the 'high-risk area' are those defined in the Best Management Practices for Protection against Somalia Based Piracy, version 4; see UKMTD (2011). Actual attacks involve the successful boarding or hijacking of a ship by pirates.

Thanks to ransom payments for the release of ships and their crews, pirates have rapidly accrued the means to operate and recruit far beyond the local fishing communities, thereby evolving into increasingly organized criminal groups. Unlike most pirates active in other regions of the world, Somali pirates do not merely rob valuables they find on a ship; they engage in lengthy negotiations to secure ransoms against the release of the captured crew and vessel, which they often keep anchored near friendly coastal towns in Somalia until an agreement is reached (Murphy, 2009). Various sources estimate paid ransoms to have totalled USD 75–76 million in 2009, USD 80–112 million in 2010, and USD 135 million for the period from January to 7 December 2011. Average ransom payments increased steadily from an estimated USD 1.79–1.90 million in 2009 and USD 3.19–4.85 million in 2010, to USD 4.70–5.00 million in 2011 (UKHC, 2011, para. 111).¹⁰ The proceeds of ransoms are reportedly distributed not only to the sea pirates and guards, but also to the initial ‘investors’ of the operation and local militia groups; they also tend to benefit local communities as the pirates spend and distribute their loot (UNSC, 2011b, p. 228; Shortland, 2012).

Pirate groups have become highly organized, with attack teams distinct from the guards who look after crews and prevent ships from being hijacked by other gangs (UNSC, 2011b, p. 209). Attack teams typically consist of at least two attack skiffs, or small boats, sometimes supported by a larger supply boat or mother ship loaded with weapons, equipment, and provisions (UNSC, 2010, p. 99; 2011b, pp. 219–21). In one well-documented incident, a mother ship supported two skiffs that each carried four men during the attack (Seychelles, 2010, paras. 13, 14). Testimonies from former hostages indicate that as many as 32 guards can be tasked with guarding a hijacked ship, with 16 to 18 always on the boat and 6 to 8 on active duty (UNSC, 2011b, p. 210).

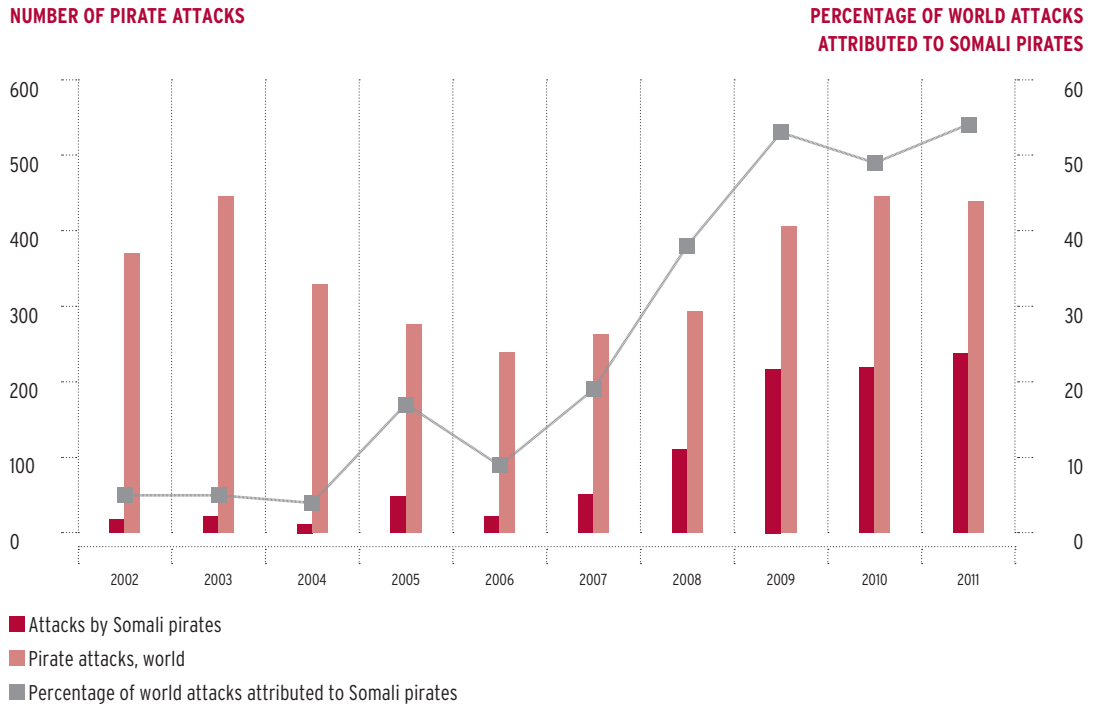
The number of pirate attacks worldwide almost doubled between 2006 and 2011.

Piracy trends

The IMB Piracy Reporting Centre maintains the most comprehensive database of pirate attacks worldwide and publishes data on a quarterly and annual basis. Its database relies on the voluntary reporting of attacks by ship crews and owners, making the accuracy of IMB figures difficult to assess. The database records the initial report but does not follow up after an investigation is concluded; therefore, key elements emerging after the attack may be left out (Murphy, 2009, p. 60). Complicating the picture further is the fact that ship owners may choose to under-report attacks to avoid political retaliation from governments wishing their waters to be seen as safe (Murphy, 2009, p. 67). Companies may also under-report incidents to prevent an increase in insurance premiums, to avoid affecting employee morale, and to prevent the loss of time and money that would be caused by an official investigation (Phelps, 2011; Murphy, 2009, pp. 64–70). IMB data also tends to reflect primarily attacks against internationally registered commercial ships. Many local Somali fishermen and ship masters are unlikely to report to international institutions such as the IMB because of a lack of knowledge of the official procedures and insufficient communications equipment for reporting.¹¹

Despite data limitations, comparisons between IMB statistics on hijackings by Somali pirates in 2010 and those of other sources—including the US Office of Naval Intelligence and the European Union Naval Force—reveal ‘only minor discrepancies’ (OBP, 2011, p. 7). Analysts usually consider reporting on Somali piracy the most reliable, given the international attention that Somali pirates have received in recent years.¹²

IMB data shows that the total number of pirate attacks worldwide has almost doubled, from 239 in 2006 to 439 in 2011 (see Figure 6.1). Somali pirates are largely responsible for the explosion of global piracy statistics; their share boomed from five per cent of total attacks in 2002 to 54 per cent of the world total in 2011.¹³ This is a significant shift from 2002, when most reported incidents occurred in South-east Asia (IMB, 2002, p. 6).

Figure 6.1 **The growth of Somali piracy, 2002–11**

Notes: 'Attacks' in this graph include both attempted attacks (in which a ship was merely fired upon or an unsuccessful attempt was made to board) and actual attacks (in which a ship was boarded or hijacked). Consistent with IMB methodology, attacks attributed to Somali pirates in all graphs in this chapter are those that occur in the waters of the Arabian Sea, the Gulf of Aden, the Indian Ocean, Oman, the Red Sea, and Somalia (IMB, 2011, pp. 5-6).

Source: IMB (2012)

While available indicators point to a remarkable boom in the frequency of Somali pirate attacks, several observers have questioned their overall significance in a wider context. Stephen M. Carmel, senior vice president of the shipping company Maersk Line, Limited, for instance, argues that piracy's effects on the shipping business were negligible, especially when put into perspective with the much higher costs of implementing new shipping regulations. He adds that 'there is a vast army of people in whose economic benefit it is to make everyone think piracy is bad and getting worse. [. . .] Piracy is a pain, but a manageable one that must be kept in context' (Carmel, 2011). Similarly, piracy analysts have argued that the costs of Somali piracy to the international economy—an estimated USD 6.6–6.9 billion in 2011—are 'minuscule' when compared with the total value of maritime commerce of USD 7.7 trillion for 2007 (IHS, 2009, p. 4; OBP, 2012, p. 1; Murphy, 2009, p. 51).

When placed in context, raw statistics on pirate attacks can provide a sense of scale and risk. On average, 30,000 commercial ships travel across the Red Sea and Gulf of Aden every year (OBP, 2011, p. 22). The odds of getting captured by Somali pirates are only about 0.1 per cent (Gettleman, 2011). Crime rates on land provide further points of comparison. As reported by Oceans Beyond Piracy, a US-based NGO that reports on the impact of piracy, a significant number of seafarers—697.5 per 100,000—are subjected to armed attacks on vessels—a rate that exceeds South Africa's 576 major assaults per 100,000 population. The rate of seafarers killed by Somali pirates is 1.3 per 100,000, however, much lower than the world average intentional homicide rate of 6 per 100,000 (OBP, 2011, p. 4; Geneva Declaration Secretariat, 2011, p. 51).

Pirate guns

Since pirates usually dump their weapons at sea when approached by naval forces, it is difficult to produce a clear picture of pirate gun holdings.¹⁴ Available reporting suggests that, since the 1990s, Somali pirates have essentially used the same primary weapons, relying largely on pistols (Tokarev, Makarov), Kalashnikov rifles, light machine guns (PKM), and RPGs (UNSC, 2011b, pp. 205, 210, 215, 216). In a recent operation, the US Navy seized from captured pirates Chinese- and Yugoslav-made Kalashnikov rifle variants, all equipped with under-folding stocks—a practical feature for concealing weapons and using them in confined spaces such as pirate skiffs (Chivers, 2012).¹⁵

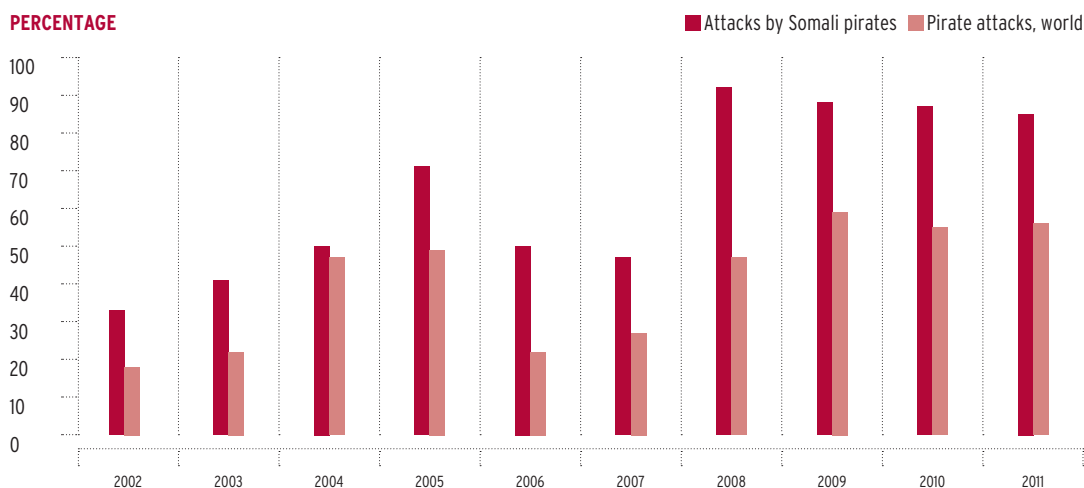
Reports of use of more advanced weapons systems have either been anecdotal or unconfirmed.¹⁶ Pirates' reliance on unsophisticated weapon models may appear surprising given their access to ransom money and the presence of heavy weaponry in Somalia's black markets (ILLICIT SMALL ARMS). Other weaponry would not be particularly useful on pirates' small attack skiffs, which are both unstable and sensitive to recoil. Even AK-47 rifles and RPG-7s are essentially used for intimidation as long as they remain on the skiffs—as they lack the range and accuracy to pose any significant threat to most ships (Kain and Filon, 2011, p. 4). Yet heavy machine guns, mounted on more stable platforms such as mother ships, may be able to repel interventions by naval forces that use helicopters or rigid inflatable boats, making these weapons plausible candidates for future pirate firearms procurement.¹⁷

In addition, it appears that pirate groups do not necessarily procure weapons in an organized fashion; to some extent, they rely on their members' personal weapons. Pirates who contribute their own weapons and equipment to the group receive higher pay for their contribution (UNSC, 2010, p. 99). Interviews with Somali pirates shed light



Weapons seized by the US Navy following the capture of suspected pirates, January 2012. © Tyler Hicks/The New York Times/Redux Pictures

Figure 6.2 Percentage of attacks during which pirates used firearms



Note: This graph includes both attempted and actual attacks.

Source: IMB (2012)

on varying weapons procurement practices; some pirates explained that weapons were put in special stores belonging to the group after a mission was completed, while others said that they personally looked after their own weapons (Harper, 2011). Overall, pirate groups appear to be relatively poorly armed. Some attack teams may have fewer firearms than men; in 2010, international naval forces found only seven AK-47s, two RPGs, and ammunition after capturing a mother ship carrying 11 pirates (Seychelles, 2010, para. 19).

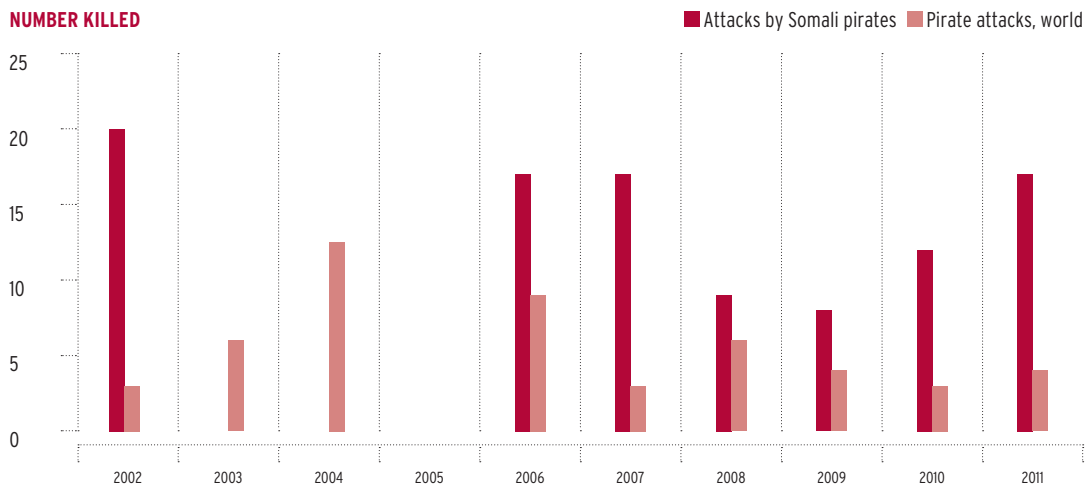
While their equipment may be limited, Somali pirates rarely operate unarmed. As Figure 6.2 illustrates, they used firearms in 85 per cent of attacks in 2011, whereas just 56 per cent of all pirate attacks around the world involved firearms. Somali pirates' systematic use of firearms appears to have taken hold in 2008, although that use has since stabilized or even declined slightly. Some sources observe not only the routine carrying of firearms, but also a shift from the use of weapons for intimidation to more frequent actual use.¹⁸

While it is difficult to establish with certainty what caused weapons use to increase in 2008, it is worth noting that several events in Somalia and at sea around that time changed the environment in which pirates evolved. In mid-2006, the Islamic Courts Union (ICU) seized control of most of South and Central Somalia and enforced a ban on piracy, leading pirate groups to relocate from the town of Haradheere in Central Somalia to Eyl in the semi-autonomous Puntland region (Bahadur, 2011, p. 37; Murphy, 2009, p. 105). After the ICU collapsed in December 2006, pirate groups were able to reorganize and expand in the comparatively more stable region of Puntland; a severe economic crisis facilitated this move as Puntland authorities were unable to pay the security forces needed to investigate piracy (Bahadur, 2011, pp. 38-42).

The year 2008 also marked the beginning of the international community's recognition of Somali piracy as a threat, following the much-publicized hijackings of three ships in particular: in September 2008, the target was the *Faina*, which carried weapons allegedly destined for South Sudan; in November it was the *MV Sirius Star*, a super tanker carrying USD 100 million worth of crude oil; and in April 2009, the *Maersk Alabama* became the first US cargo vessel hijacked in two centuries (Bahadur, 2011, p. 37). Increased media coverage ensued, as did the deployment of inter-

national navies to fight piracy in the area. The EU operation 'Atalanta' became active in December 2008, the US-led Coalition Task Force 151 was set up in January 2009, NATO's operation 'Ocean Shield' began in August 2009, and China, India, Iran, Japan, South Korea, and the Russian Federation sent warships independently (Ghosh, 2010, pp. 14–15). The UN Security Council formed the Contact Group on Piracy off the Coast of Somalia in January 2009, providing concerned states with a platform to coordinate military, political, and other efforts to tackle Somali piracy (Priddy and Casey-Maslen, 2012, pp. 11–12). Increased armed opposition at sea, and a greater ability to manoeuvre and operate inland, are factors that help explain Somali pirates' more systematic reliance on firearms from 2008.

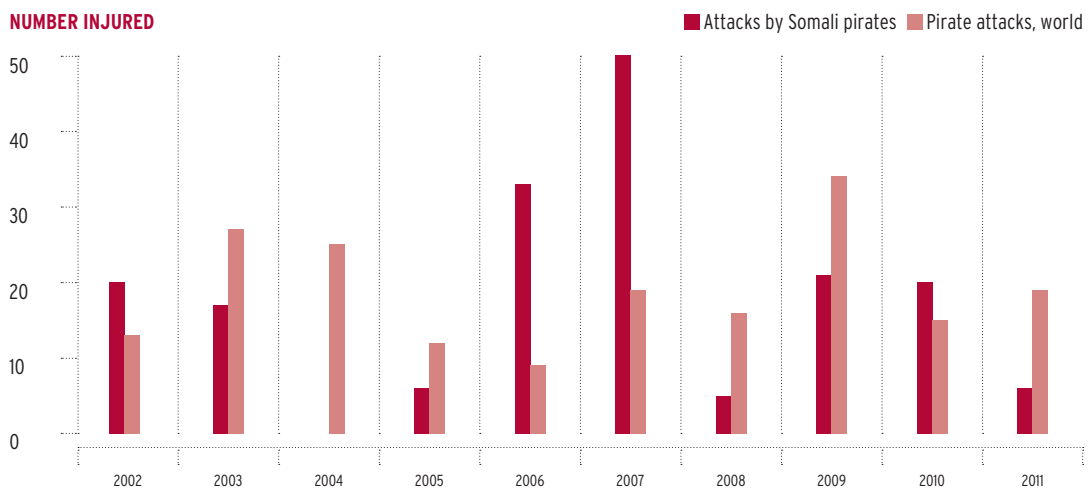
Figure 6.3 Number of seafarers killed per 100 actual attacks*



Note: * Actual attacks are those during which pirates boarded or hijacked a ship.

Source: IMB (2012)

Figure 6.4 Number of seafarers injured per 100 actual attacks*



Note: * Actual attacks are those during which pirates boarded or hijacked a ship.

Source: IMB (2012)

More violence?

Recent statistics and analysis suggest that Somali pirates are becoming increasingly violent during attacks, especially if they succeed in boarding the targeted ship. IMB data—which records information provided during or shortly after attacks—shows that the number of seafarers killed has doubled from 8 per 100 ‘actual attacks’—in which pirates either boarded or hijacked the ship—in 2009 to 17 per 100 in 2011 (see Figure 6.3). In contrast, the rate of injuries inflicted on seafarers by Somali pirates fluctuated during that period, even decreasing in the past two years, from 20 per 100 actual attacks in 2010 to 6 per 100 in 2011 (see Figure 6.4).

At first glance, these trends may seem contradictory; in fact, they suggest that attacks by Somali pirates are becoming more lethal, possibly as a consequence of their increasingly systematic use of weapons. Since pirates are now operating in a larger, more dangerous area, they are required to act more swiftly—and with more determination—than in the past. Their targets are faster, larger ships that must be boarded before a naval ship can intervene—typically within 25–40 minutes.¹⁹ As discussed below, the increased use of armed guards to protect commercial ships increases risks for pirates and is probably an additional factor pushing them to adopt more violent behaviour during attacks.

Less is known about violence perpetrated against hostages during the captivity period—after pirates successfully gain control of a ship—but available analysis suggests its incidence may be significant.²⁰ A recent report shows that close to 60 per cent of hostages taken by Somali pirates in 2010 were subjected to ‘abuse’ or used as human shields, or both (OBP, 2011, p. 3). Physical abuse included the ‘deprivation of food and water, beating (often with the butt of a gun), shooting at hostages with water cannons, locking hostages in the ship’s freezer, tying hostages up on deck exposed to scorching sun, and hanging hostages by their feet submerged in the sea’ (p. 17). Pirates also engaged in psychological abuse of hostages, such as by firing weapons as an intimidation tactic, placing hostages in solitary confinement, calling family members while threatening hostages, parading hostages naked around the vessel, taking hostages ashore to see their supposed graves, making death threats, and orchestrating mock executions (OBP, 2011, pp. 17, 20).

Several interconnected factors help provide a better understanding of the dynamics behind such abuse. A private negotiator involved





A captain held hostage by Somali pirates for more than one year greets family members following his release, Karachi, Pakistan, June 2011.
© Shakil Adil/AP Photo

in hostage release negotiations explains that while pirates understand that an escalation of violence might trigger an even more drastic response by governments, the ‘tensions and frustrations’ that come with longer and more intense hostage release negotiations have made them more inclined to resort to violence.²¹ The UN Monitoring Group also notes that as international naval forces deploy more systematically and push pirate groups to operate farther out in the Indian Ocean, the ‘enhanced risks and costs to pirates associated with operating at greater distances from shore have helped to drive up ransom demands and prolong negotiations for the release of hijacked vessels’ (UNSC, 2011b, p. 12). Indeed, in March 2011, the average duration of a hijacking reached 214 days, a doubling of early 2010 figures (Ince & Co., 2011, p. 2).²² Interviewed pirates concur and identify the more robust international response, and harsher treatment of captured pirates, as among the drivers behind the increased violence (see Box 6.2).

Rules of behaviour

Pirate codes of conduct serve important organizational and disciplinary purposes. The increasing use of violence among pirates has led analysts to warn that the ‘supposed code of conduct for piracy is at risk of changing now that each side has reneged on the terms of hostage and ransom negotiations’ (OBP, 2011, p. 12). The unspoken code required pirates to keep their hostages unharmed in exchange for the securing of generous ransoms.²³ While that tacit agreement may have contributed to restraining levels of violence for some time, it appears to have broken down, as evidenced by cases in which pirates refused to release all hostages although a ransom was paid and, conversely, in which naval forces attacked and killed pirates after hostages were freed (OBP, 2011, p. 12).

A closer look at known pirate rules of behaviour shows that while the treatment of hostages is an important component, documents referred to as codes of conduct also serve broader organizational and disciplinary purposes. Clear and precise hierarchies and organizational guidelines govern pirate group behaviour, with monetary fines and traditional clan codes of conduct serving as primary means of ensuring discipline among the ranks.²⁴ Documents found with some captured pirate groups, for instance, set out a number of rules, each subject to a monetary fine for non-compliance. Mistreating the crew of a hijacked vessel can carry a fine of up to USD 5,000 and dismissal, and order refusal is punishable by a fine of up to USD 10,000.²⁵ Another document retrieved by the UN Monitoring Group on Somalia and Eritrea specifies a USD 1,500 fine for members who steal from the captured ship, while providing a USD 2,000 merit-based reward to any group member who performs well (UNSC, 2010, pp. 97–98).

These rules suggest that pirates’ codes of conduct are important instruments for group cohesion and efficiency. Interviews carried out with pirates in July and August 2011 suggest that Somali pirate groups continue to rely on these rules of behaviour, either in written form or transmitted orally by team leaders, and that the rules remain largely unchanged (see Box 6.2). Anecdotal reports confirm that some pirate groups have indeed taken steps to protect hostages. In one case, a female crew member of a captured ship was promised she would not be harmed, a pledge the pirates respected, and all of the hostages’ private belongings were returned to them shortly before the end of the hijacking (UNSC, 2011b, p. 210, ns. 14, 18).

While the contents of pirate codes of conduct appear not to have changed dramatically over time, there is evidence of a shift towards more violent tactics. Some pirate documents now seem concerned with tactical questions, such as how pirates should respond to naval forces (see Box 6.2). Recent incidents confirm a shift in pirates’ attack tactics. In late 2011, pirate groups carried out attacks with as many as 6 to 12 skiffs—in contrast to earlier attacks, which typically involved 2 or 3 skiffs (Seychelles, 2010, paras. 13, 14; Stratfor, 2012; Thomas, 2011). In August 2011, Somali

Box 6.2 Violence trends and rules of behaviour: the perceptions of five Somali pirates²⁶

Several reports document the existence of Somali pirate codes of conduct (Murphy, 2011, p. 121). Originally, at least, some of these codes reportedly contained provisions prohibiting pirates from mistreating hostages, thus contributing to low levels of violence on captured ships. In light of the increased incidence of violence inflicted to hostages, some observers have suggested that pirates have abandoned or renounced their codes.

In-depth interviews with five pirates from different groups based in coastal areas of south-central Somalia (Hoby and Haradheere) and the semi-autonomous north-eastern region of Puntland (Eyl and Garacad) provide a more nuanced assessment.²⁷ All five pirates said they used to be fishermen and were between their early twenties and early forties. Some worked as 'foot soldiers'—part of the attack teams that take to sea in small boats in search of ships to hijack. One of them said he was the leader of a pirate gang, one man was a spokesman for several groups, and another said he sometimes organized operations but also took part in attacks. The existence of several different roles within some of the groups suggests that at least some of them are well organized and structured.

All the pirates confirmed that their groups had codes of conduct with sanctions for those who broke the rules. Four of the five pirates said their groups had written codes of conduct. All the pirates had a detailed knowledge of the rules, which were read out to them by their leader before they went out on a mission. The nature of the rules differed somewhat across the different groups but did not seem to change much over time. For some groups, the most important rules concerned the capture of ships and the treatment of hostages. For others, the rules concentrated on how to deal with attacks from foreign navies. One pirate said the key rule was that the pirates must not fight among themselves. Some of the rules dealing with the treatment of hostages stated that they must not be killed or tortured, but other pirates suggested the rules for hostages from countries whose navies were more 'violent', such as South Korea's, involved a more brutal approach from the pirates. Some rules dealt with 'taxation' (ransom) issues, including how the money should be divided. The pirates said there were clear rewards and punishments for members of the group who obeyed or broke the rules. One interviewee referred to a special 'pirate court' where transgressors were tried and sentenced.

All groups offered rewards for obedient pirates who closely followed the rules. The most common form of reward was increased respect and admiration—which is highly prized in Somali culture. Material rewards were also mentioned; one interviewee said good pirates were rewarded with 'whatever they were interested in at the time'. There were heavy sanctions for those who broke the rules; transgressors were expelled from the group, fined, or even imprisoned.

Despite the existence of such codes, all five pirates recognized they had become more violent over time. Pirates explained that they become violent towards hostages when ransom negotiations are advancing slowly; they reported taking out their frustration by beating and humiliating their hostages. They also blamed international naval patrols, the increased armed protection of cargo ships, the killing of pirates by foreign forces, and the long prison sentences handed out by foreign courts to Somalis found guilty of piracy. One interviewee spoke of captured pirates being tortured. Overall, pirates explained that increased violence was a reaction to what they perceive as the increasingly robust, organized, and militarized international response to Somali piracy. Most of the interviewees said no pirate group was more violent than any other. Only one said the more established gangs were the most violent because the money they had gained from ransoms enabled them to buy more sophisticated weapons, including anti-aircraft guns and PKM general purpose machine guns.

Source: Harper (2011)

pirates hijacked an Indian chemical tanker that was anchored at the Omani port of Salalah after the private security guards protecting it had disembarked (Reuters, 2011a; 2011b). The incident was a bold and surprising move as Somali pirates usually targeted ships in the high seas and not in ports considered safe, such as Oman's. One pirate group even turned inland for hostage taking, kidnapping three humanitarian workers of the Danish Demining Group in Galkaayo, Puntland, in October 2011 (CFC, 2011; *Somalia Report*, 2011b). Taken together, these events suggest that pirates can and will adapt their tactics in order to maintain a steady flow of ransoms.

ARMED GUARDS AT SEA

Faced with increasing numbers of pirate attacks and rising ransom demands in spite of the intervention of naval forces, the IMO, governments, and shipping companies have increasingly come to recognize the use of PSCs as an option for protecting commercial vessels in the areas that are exposed to Somali piracy. This section documents the growing scale of the use of armed guards in this 'high-risk area' and the types of weapons employed by PSCs.

A controversial shift

The use of private armed guards on commercial ships is a relatively new development. It challenges a long-established division of labour between private companies that were responsible for commercial shipping, on the one hand, and states' coast guard and naval forces that guaranteed security at sea, on the other (Murphy, 2009; Noakes, 2011). The shipping industry has been particularly reluctant to endorse the use of armed guards. The Baltic and International Maritime Council, an international shipping association that represents ship owners controlling around 65 per cent of the world's tonnage, is among the few actors that still criticize the move (BIMCO, 2011; Swedish Club, 2011a). The main concerns relating to the use of private armed guards on ships include:²⁸

Ransom money is dropped by parachute near the Ukrainian cargo ship MV Faina, February 2009.
© Michael R. McCormick/US Navy



- the risk of an escalation of violence and a change of tactics and weapons by pirates;
- the time and resources required to obtain clearance for the passage of armed guards in ports and territorial waters;
- legal liability issues when the ship is damaged or the crew or security team are injured;
- the accreditation and 'policing' of PSCs;
- the challenges that the presence of armed teams poses to the ship masters' authority as enshrined in the International Convention for the Safety of Life at Sea; and
- the possibility that other preventive measures may be as effective.

Despite these concerns, most key maritime players have, one by one, recognized the use of PSCs as a legitimate option for dealing with piracy in the high-risk area. The IMO issued a series of circulars between May and September 2011, providing guidance and recommendations for states and shipping companies on the use of private armed teams (IMO, 2011a–2011f). That same year, a coalition of international counter-piracy actors and shipping industry associations issued the *Best Management Practices for Protection against Somalia Based Piracy* (BMP)—now in its fourth version—acknowledging that the use of armed guards is a 'matter for individual ship operators to decide following their own voyage risk assessment and approval of respective Flag States' and making reference to the guidance



included in the IMO circulars (UKMTO et al., 2011, pp. 39–40). At the same time, several governments that had previously firmly opposed the practice either changed their legislation to allow the use of armed PSC personnel or were in the process of reviewing their policies.²⁹ In November 2011, the US Department of State declared that ‘the shipping industry’s use of [BMP] and the increasing use of Privately Contracted Armed Security Personnel are among these measures, which have proven to be the most effective deterrents against pirate attacks’ (USDOS, 2011). Significantly, in late 2011, insurance companies also expressed growing support for placing armed guards on ships (Saul and Barker, 2011).

While most stakeholders fall short of an outright endorsement of the use of armed guards, the growing number and geographical spread of pirate attacks have left them little choice but to accept the practice. As noted by the Security Association for the Maritime Industry (SAMI), the growth of the world’s trade combined with the shrinking of Western navies is giving the private security industry an indisputable role (Cook, 2011). Analysts also argue that as the use of private guards expands to become the norm, hijacking victims on unarmed ships may be able to sue their employers on the basis that not hiring PSCs constitutes negligence and a failure to provide seafarers with a safe working place (Friedman and Smith, 2011). The risk of being sued may lead more companies to rely on armed guards and provide additional momentum to the private maritime security industry.

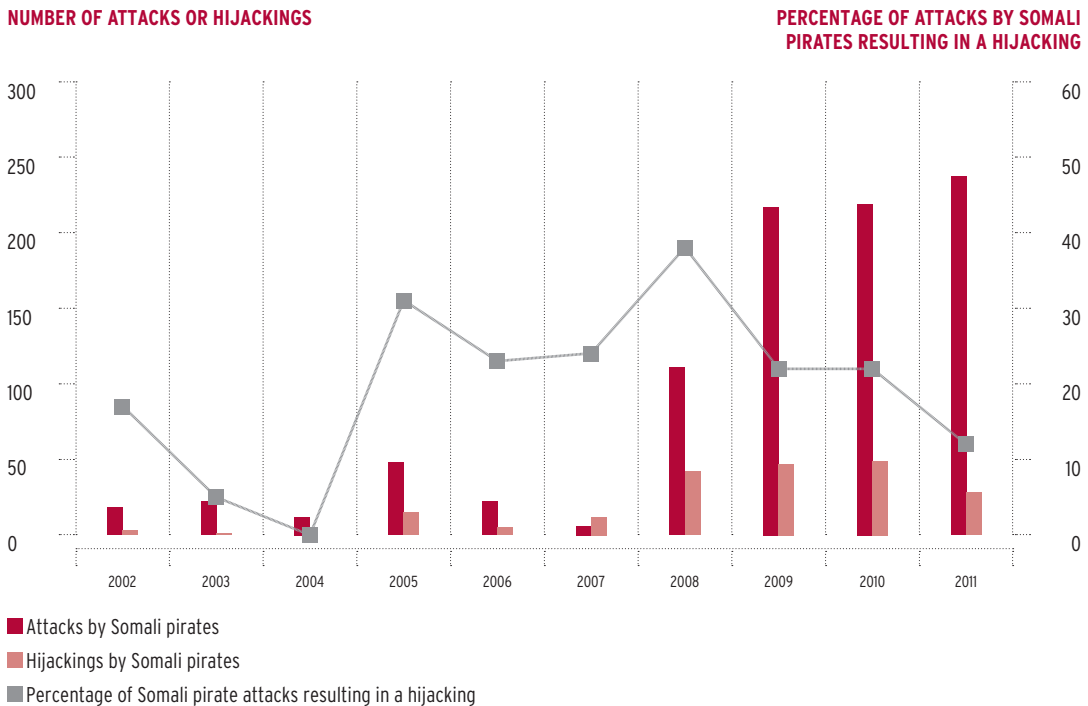
The number of successful hijackings by Somali pirates decreased in 2011.

Reports document a rapid increase in the use of armed guards in 2011. From May to November 2011, the proportion of ships carrying private armed guards in the high-risk area reportedly increased from ten to as high as 25 per cent (BBC News, 2011a; Bloomberg, 2011b).³⁰ Industry representatives predicted that the proportion would continue to increase in 2012 (Bloomberg, 2011a). Some 1,000 armed guards were believed to be deployed to protect ships against Somali pirates in 2011 (Saul and Barker, 2011). As of October 2011, 70 SAMI members were carrying out 550 to 600 escorts per month, providing protection to about 25 to 28 per cent of all transits across the Indian Ocean region, 90 per cent of which were armed (Cook, 2011; *Somalia Report*, 2011a). In 2011, the annual cost of providing armed private security on ships was estimated at USD 530.6 million, amounting to more than three times the ransoms total paid to Somali pirates during that year (OBP, 2012, pp. 1, 19).

Despite a continued increase in attempted pirate attacks, the new protective measures have shown encouraging results. The success rate of attacks—that is, the proportion of Somali pirate attacks resulting in a successful hijacking—decreased to 12 per cent in 2011 compared with 22 per cent in 2010 and a ten-year high of 38 per cent in 2008 (see Figure 6.5). Maritime security industry representatives claim that armed security teams deterred 90 per cent of all unsuccessful acts of piracy (Cook, 2011). Although 2011 saw more attacks by Somali pirates overall, pirate activity declined in the latter part of the year; Somali pirates carried out 31 attacks and hijacked 4 vessels in the last quarter of 2011, compared to 90 attacks and 19 hijackings over the same period in 2010 (BBC News, 2011d; IMB, 2011, p. 24). Analysts also indicate that pirates’ area of operation shrank slightly in 2011, noting, however, that matters could hardly have become worse than they were in 2010 (Startfor, 2012). While other factors—such as the increased deployment of naval forces since 2008 and the more systematic use of BMP, including the hardening of ships and use of secured rooms or ‘citadels’ where crews can seek shelter during attacks—may also have had an impact, informed observers usually agree that the more systematic deployment of private armed guards in 2011 played an important role in reducing the effectiveness of pirate attacks.³¹

It must be stressed, however, that neither the decrease in the rate of successful hijackings nor the deployment of armed guards has succeeded in preventing the increase in ransoms paid to pirates in 2011, as discussed above. According to one source, Somali pirates had already collected more ransom money in the first seven months of 2011

Figure 6.5 Percentage of attacks by Somali pirates resulting in a hijacking



Notes: This graph includes both attempted and actual attacks.

Source: IMB (2012)

than in the whole of 2010 (UKHC, 2011, para. 111). This trend suggests that pirates may have felt less financial pressure to seize ships in late 2011.³²

PSC firearms

Private maritime security firms essentially offer two types of generally defensive armed services:³³ teams of armed guards that remain onboard the protected vessel itself, and separate escort vessels that accompany and protect up to four commercial ships.³⁴ Armed teams on commercial ships usually comprise three to four men, and according to reports usually cost about USD 5,000 per team per day, although figures range from USD 1,500 to USD 21,000 per team per day (Carmel, 2011; Friedman and Smith, 2011; Saul, 2011). Escort vessels carry about six to eight armed security personnel and cost USD 30,000–55,000 per vessel for a three- or four-day journey (Bloomberg, 2011b; Ghosh, 2010, p. 29).³⁵

There is no standard ‘weapon kit’ used by the private maritime security companies. Industry sources reveal that the ratio of firearms per PSC personnel varies between 0.75 and 2.00.³⁶ There appear to be two main practices with respect to the types of firearms used by PSCs. Some companies use a single type of firearm—most commonly assault rifles or shotguns.³⁷ These weapons provide a range not exceeding 300–400 metres at sea;³⁸ they appear to be used primarily in self-defence and to intimidate pirates. Some private armed guards have even been provided with World War II-era German carbines (Tammik, 2011). In fact, some PSCs have no choice but to use whatever equipment is legally available, even if inappropriate for guarding ships. Key transit points such as Oman and South Africa only allow semi-automatic

weapons onboard ships that transit through their waters, forcing companies to choose from the few such weapons they can procure on the legal markets—often shotguns and hunting rifles.³⁹ Companies that use any available type of firearm rely primarily on the deterrent effect offered by the mere presence of armed guards on ships, regardless of the equipment at their disposal, hoping it will persuade pirates to backtrack and look instead for unarmed targets. Indeed, a factoid regularly used by supporters of the use of PSCs states that ‘no ship with an armed security team embarked has been boarded and hijacked’ (Cook, 2011; Thomas, 2011). While it may be accurate, this claim cannot be verified.⁴⁰

Other firms rely on a combination of more specialized weapons that are effective from close range to more than 1,200 m, including pistols and shotguns (20-m range), light machine guns (400–600 m), general-purpose machine guns (1,000–1,200 m), and sniper rifles (1,000–1,200 m) (Thomas, 2011).⁴¹ These companies use a strategy that rests on a more graduated use of force.⁴² They explain that for PSC firearms to play a deterrent effect, they must be visible and more powerful than the pirates’ own guns. This requires ‘specialist’ weapons that either have significant firepower or are accurate enough to disable pirate skiffs without injuring their men and to fire warning shots from great distances (Kain and Filon, 2011, p. 5).⁴³ This practice raises important issues, however; to be in accordance with applicable law, the use of force in self-defence must not exceed what is strictly necessary and must be proportionate to the threat (Priddy and Casey-Maslen, 2012, p. 2).⁴⁴ Sniper rifles and general-purpose machine guns, in particular, provide PSCs with ranges and accuracy far greater than the weapons currently deployed by the pirates, and for this reason their use could be characterized as disproportionate.⁴⁵

There is no international standard on what type of firearms PSCs may use.

The IMO began providing general guidance on the matter in a September 2011 circular, indicating that PSC weaponry needed to provide an ‘accurate and graduated level of deterrence, at a distance’ (Swedish Club, 2011d; IMO, 2011d, annex, p. 6). While this guidance appears to support the second practice described above—the graduated use of different types of firearms at various ranges—it lacks specificity with respect to what constitutes an appropriate range for firing warning shots, for instance, and could be broadly interpreted. A lack of clear regulations on the types and quantities of weapons used by PSCs may lead to a great disparity in the approaches used, with less responsible firms using excessive and inappropriate equipment for the task. As reported by the UN Monitoring Group, for instance, Clear Ocean, a company based in the United Arab Emirates, planned to acquire heavy weaponry to undertake a contract for Somalia’s Transitional Federal Government, including a ‘20mm Regimental Ship Gun, an AK630 Gatling machine gun, [and] NSV caliber 12.7mm’ (UNSC, 2011b, p. 261). As a shipping industry executive noted:

there is no international standard on what types of weapons, on the training and vetting of shooters, or even any requirement [that] they are different than the normal crew. Nor is there any international standard on what types of weapons are considered appropriate [. . .] limits on weapons and actually no useful guidance on training. That is all up to us (Carmel, 2011).

Weapons procurement issues

Shipping companies wishing to place armed guards on their vessels must consider at least three different sets of laws. Most important, the laws of the ship’s flag state—the state where the ship is officially registered—but also the laws of the state where the ship owners or managers are incorporated, as well as the regulations of the coastal states or ports where the vessel will transit or stop (Swedish Club, 2011a). IMO guidelines state that the shipping industry must respect flag, coastal, and port state firearm regulations when using private armed personnel onboard ships;

they also require that procedures be in place for the storage and inventorying of firearms on the boat and during transfer (IMO, 2011d, sec. 3.4). The IMO also calls on flag states to have policies in place to determine whether the use of armed PSC personnel is authorized and, if so, under what conditions (IMO, 2011e). Finally, the IMO urges governments of coastal states bordering the Indian Ocean, the Gulf of Aden, and the Red Sea to develop policies and procedures to 'facilitate the movement of [private armed guards] and of [their] firearms' (IMO, 2011f, annex, p. 1).

As described above, several governments have either made arrangements to allow the use of armed guards on registered vessels or were reviewing their policies in this area in late 2011.⁴⁶ Some of the countries in and around the high-risk area reportedly allow PSCs to store weapons in their ports between escorts and sign them on and off the protected ships, allowing for a degree of transparency and accountability in PSC arms procurement.⁴⁷ Although individual states and the IMO have made efforts to facilitate the work of PSCs, industry sources explain that regulations are often inconsistent. Ports in Oman and South Africa, for instance, only allow semi-automatic firearms in their territorial waters, complicating the work of PSCs that use automatic weapons.⁴⁸ German-flagged ships cannot carry guards armed with semi-automatic rifles (Dabelstein & Passehl, 2011, p. 2). Very few ports allow PSCs to store weapons for extended periods of time after a contract is finished, creating logistical challenges for companies that are waiting for the next client.⁴⁹

In addition, some countries' regulations may change unexpectedly. The Suez Canal authority temporarily prohibited merchant vessels from transiting the canal with firearms on board in 2010, obliging armed ships to hand over their weapons to Egyptian authorities, who drove the weapons to other end of the canal, where they returned them to the ships (Bennett, 2010). For PSCs that acquired their weapons from the United States, this procedure violated the International Traffic in Arms Regulations and prompted the US Coast Guard to make special legal arrangements to allow the temporary handover of US-exported weapons to the Suez Canal authority (Bennett, 2010; USCG, 2010).



A boat in the Red Sea believed to serve as a floating platform for the embarking and disembarking of weapons onto ships protected by PSCs, October 2011. © DS

PSCs can rent government-owned firearms for a fee in some ports.

This complex web of legal requirements has led to surprising situations and violations of established rules. Reports emerged in early 2011 that PSCs were dumping weapons at sea to avoid violating arms transfer regulations when arriving at ports of call or a final destination (Hope, 2011; Saul, 2011). The UN Monitoring Group found that one PSC violated the arms embargo on Eritrea in December 2010 (UNSC, 2011b, para. 182). The *Sea Scorpion*, a ship operated by Protection Vessels International, effectively served as a ‘floating platform for storing and transferring weapons, equipment, and personnel between operations’ (UNSC, 2011b, p. 310). Inclement weather and a need for fuel had led the ship into Eritrean waters, in violation of the UN arms embargo; the event instigated a stand-off with Eritrean authorities. Sources indicate that other companies were using a similar ‘floating arms platform’ model in late 2011.⁵⁰ PSC personnel have also faced trouble when flying to their ports of embarkation with their firearms. Five employees of the US firm Greyside, for instance, were detained at Nampula airport in Mozambique in September 2011 for illegally possessing weapons—including a FN 5.56 mm rifle and ammunition—that they had procured in Kenya (AllAfrica, 2011; BBC News, 2011b).

Some governments whose ports are strategically located on the main shipping routes crossing the high-risk area have set up special arrangements to allow PSCs to embark and disembark weapons. Some countries, such as Djibouti, sell annual permits for USD 150,000 or more that allow PSCs to operate from their ports with weapons (UNSC, 2011b, para. 179, n. 154).⁵¹ Djibouti has also put in place a gun-rental scheme whereby ships carrying PSC personnel may rent and embark government-owned weapons at its port in exchange for daily fees. A presidential decree appointed Djibouti Maritime Security Services (DMSS) as the only private entity tasked with authorizing and controlling the activities of PSCs operating from the country, including the temporary transit, rental, and storage of weapons (Republic of Djibouti, 2009, arts. 2, 3). As of June 2011, only about 200 semi-automatic firearms—including Browning semi-automatic rifles, .30-06 Benellis, .308 Winchesters, and Saiga M3s—imported for this purpose from Malta, were available for rent, and all firearms had been rented out.⁵² Representatives of several private security firms, as well as a government source, stated that DMSS also rents out fully automatic weaponry.⁵³ As of mid-2011, DMSS’s price list included AK-47s, AR10s, Browning BARs, Steyrs, and Dragunov Tiger rifles available at the rate of USD 30 per day, RPKM light machine guns at USD 50 per day, and ammunition at the rate of USD 5 per round used.⁵⁴ DMSS also operates a fast supply vessel that allows it to go to sea to retrieve weapons from returning ships before they move on to other ports that do not allow armed guards to enter (UNSC, 2011b, p. 305).

On the other side of the high-risk area (see Map 6.1), Sri Lankan authorities have set up a similar system out of the port of Galle. Through private Sri Lankan companies that act as intermediaries, PSCs can rent weapons, ammunition, and equipment belonging to the Sri Lankan armed forces, including Type 56 automatic assault rifles, 84S semi-automatic rifles, and 12-gauge repeater shotguns.⁵⁵ The rental cost was of USD 210 per weapon per day as of November 2011. Rented weapons come with lockable safe boxes for storage and a set amount of ammunition (120 rounds per Type 56, five rounds per 84S and shotgun); clients may also request additional rounds.⁵⁶ Ammunition costs USD 0.50 per spent round. All rented equipment is to be returned to Galle within one month of issue.⁵⁷ An important difference with the Djibouti scheme is that ships renting out Sri Lankan weapons must also embark a retired or off-duty Sri Lankan Navy or Army officer who will stay onboard in his private capacity to monitor the use of the weapons.⁵⁸ PSCs must pay a USD 850 daily fee for the presence of the officer and cover the costs of food, accommodation, insurance, and travel back to Galle.⁵⁹

Other governments offer the services of their own security forces to escort commercial ships. The Yemeni Navy reportedly collaborated with a British PSC to offer escorts through the Gulf of Aden, even proposing full military

escorts along its coast at the rate of USD 50,000 for a three-day journey (Ghosh, 2010, p. 29).⁶⁰ Sri Lanka does not only rent out government-owned weapons, but it also permits the hiring of three-man teams of retired or off-duty Sri Lankan officers to provide security on ships.⁶¹ Reports released in late 2011 speculate that the shipping industry itself was considering adopting its own arrangements. A group of container lines was reportedly discussing the possibility of using a common pool of armed security guards that would shuttle across the high-risk area on different companies' ships (Wallis, 2011). The move appeared to result from the increasing security costs borne by the industry; one shipping company declared having to increase its security surcharge by 20 to 50 per cent in 2011, and spending USD 200 million in 2011 on security, or double the amount spent in 2010 (Wallis, 2011).

Rules on the use of force and firearms

As with weapons procurement, a complex web of laws and non-binding guidelines regulates PSC use of force and firearms. Human rights principles require that use of force be avoided whenever possible and that, in the case of an act of self-defence, it be proportional to the threat (Priddy and Casey-Maslen, 2012, p. 2). PSCs are bound by the law of the state in which the ship is registered and by that of the states whose waters it transits. National regulations tend to vary greatly across countries and do not always provide sufficient guidance on PSC use of force (OBP, n.d.; UKHC, 2011, para. 37). The IMO attempts to address these discrepancies and gaps by specifying that 'it is essential that [PSC personnel] have a complete understanding of the rules for the use of force as agreed between shipowner, [PSC], and Master and fully comply with them' (IMO, 2011d, sec. 3.5). PSCs are to provide a 'detailed graduated response plan to a pirate attack' and prevent their personnel from using firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury (sec. 3.5). These guidelines are not legally binding, however.

The shipping industry has also sought to provide a degree of standardization, including the BMP, a standard contract for PSCs developed by the Baltic and International Maritime Council, and guidelines developed by national or international shipping associations (see OBP, n.d., pp. 2–6). Maritime PSC associations such as the International Association of Maritime Security Professionals and SAMI were, at the time of writing, also in the process of putting in place industry standards—including rules on the use of force—and accreditation mechanisms.⁶² A number of maritime PSCs are signatories of the International Code of Conduct for Private Security Providers, a document developed mainly for land-based PSCs (OBP, n.d.).⁶³

A review of actual PSC rules on the use of force made available to the Small Arms Survey suggests that current guidelines and obligations remain subject to broad interpretation and would benefit from more specificity. For some companies, the use of firearms is only justified when pirates shoot first; for others, team members may shoot if they conclude that the crew or security team is at risk of death or serious bodily harm.⁶⁴ Some companies adopt a graduated response approach, beginning with the firing of warning shots at more than 1,200 m, followed by disabling shots aimed at the skiff's propulsion system, and ending with the use of lethal force in self-defence at close distances.⁶⁵ The lack of consistent rules governing the use of force and firearms poses challenges for the oversight of PSCs and may also result in miscommunication with pirate groups and other ships.⁶⁶

A related issue is the extent to which the presence of armed guards threatens established command and control procedures on ships. The International Convention for the Safety of Life at Sea clearly gives the ship master responsibility for the crew and authority on the vessel (IMO, 1974, art. 34.1; Ince & Co., 2011, p. 2; Swedish Club, 2011a). If an armed guard faces an immediate lethal threat, he or she is not necessarily obliged to consult the master since the right to self-defence would arguably outweigh the master's authority (Ince & Co., 2011, p. 2).⁶⁷ Some insurers

Some PSCs fire disabling shots aimed at a pirate boat's propulsion system.

recommend that the private security team seek the master's consent as long as it is 'reasonable' or 'feasible' to do so (Swedish Club, 2011b). This approach would require that the ship master be fully briefed and trained in rules on the use of force.

Legal issues also arise with respect to armed escort ships carrying firearms in territorial waters. Article 19(2)(b) of the UN Convention on the Law of the Sea states, for instance, that the 'passage of a foreign ship shall be considered prejudicial [. . .] if in the territorial sea it engages in [. . .] any exercise or practice with weapons' (UN, 1982). Escort vessels may also face legal challenges in arguing that the use of force to protect another vessel is an act of self-defence.⁶⁸

There is little information available on the actual use of force by PSCs, largely due to the fact that current IMB and other reporting focuses on violence perpetrated by pirate groups and not by private guards or naval forces.⁶⁹ Although a lack of detail precludes attribution to PSCs or naval forces, a UN report suggests that 200–300 pirates went missing and that at least 62 were killed at sea during the first five months of 2011 (OBP, 2011, p. 25; UNSC, 2011a, para. 17). The lack of knowledge about the circumstances of these pirates' deaths, together with reports of PSCs mistakenly firing on fishing boats, shows that the effective monitoring of the use of force and firearms by PSCs is a ways off (Ince & Co., 2011, p. 3).

Rapid PSC deployment has outpaced regulation. Based on the limited available data in this area, this study indicates that the increased use of PSCs risks leading to an escalation of violence at sea—and possibly on land. Private security representatives argue that in the vast majority of cases, showing weapons or firing warning shots continues to be sufficient to deter approaching pirates (Thomas, 2011). But this may only be the case because most ships—about 75 per cent according to the above-mentioned estimates—remain unarmed and pirates generally avoid fights with armed guards if they can simply wait for the next unarmed ship.⁷⁰ As the proportion of armed ships continues to increase and as private guards become the norm rather than the exception, pirates could become more inclined to use force against PSCs. Another blowback risk is that pirates may step up attacks on local fishermen's ships, or dhows, for loot or use as mother ships, further undermining local development.⁷¹ Above-mentioned examples of pirates' capacity to adapt to changing circumstances and to take retaliatory measures suggest that the arming of ships, once it becomes the norm rather than the exception, could lead to a more systematic use of force by pirates and armed guards, and a further escalation of violence.

CONCLUSION

The last two years have seen dramatic changes in the provision of security at sea. Once the exclusive domain of the world's navies and coast guards, maritime security now involves a complex web of private and public players, sometimes intermingled in new, unusual partnerships. Somali piracy has been the key factor contributing to this development. By adapting their tactics and stretching their geographical reach, Somali pirates have demonstrated the limits of state security provision at sea, leaving the shipping industry and government regulators few alternatives but to adopt self-protective measures and accept the use of private armed guards. From being a negligible player, maritime PSCs have grown to serve as protectors of roughly one-quarter of the ships travelling in the high-risk area exposed to Somali piracy, and their importance appears set to increase in the near future.

Whether this new paradigm increases overall security on the seas remains an open question. PSCs appear to have reduced the success rate of pirate attacks. The relative decline in pirate attacks of late 2011 provides further reasons for hope. The PSC presence has not influenced ransoms paid, however, which increased again in 2011. Moreover,

rapid PSC deployment has outpaced regulation, with issues such as the types, quantities, procurement, and use of firearms requiring focused attention. Available evidence also suggests that in response to increased armed opposition at sea, pirates have exposed seafarers to more lethal violence during attacks and greater abuse during captivity. Overall, pirates have adapted their tactics in response to international maritime efforts to curb their activities.

Should pirates one day run out of unarmed ships to attack, they may shift to more violent and innovative methods in order to keep the ransom money flowing, as they have in the past when confronted with similar challenges. As of the end of 2011, new tactical developments included increasing the number of attack skiffs, striking ships close to or within ports, and kidnapping foreigners on land. In the absence of serious efforts to engage Somali pirates non-violently and to address their deeper motivations, the use of private armed guards on ships may blow back on the ostensible protectors and protected. ■

LIST OF ABBREVIATIONS

BMP	Best Management Practices for Protection against Somalia Based Piracy
DMSS	Djibouti Maritime Security Services
ICU	Islamic Courts Union
IMB	International Maritime Bureau
IMO	International Maritime Organization
PSC	Private security company
RPG	Rocket-propelled grenade launcher
SAMI	Security Association for the Maritime Industry
UNODC GPML	United Nations Office on Drugs and Crime Global Programme against Money Laundering, Proceeds of Crime and the Financing of Terrorism

ENDNOTES

- 1 Author correspondence with hostage release negotiator 10, 12 October 2011.
- 2 Adapted from UN (1982, art. 101) and IMO (2009, p. 4).
- 3 On the definition of armed robbery and its relationship to piracy, see Geiss and Petrig (2011, pp. 72–75).
- 4 Coastal states have the primary responsibility for law enforcement and combating armed robbery in their territorial waters, while all states have universal jurisdiction in countering piracy in international waters (UN, 2010). Since adopting Resolution 1816 of June 2008, as prolonged by Resolutions 1846, 1897, 1959, and 2020, the Security Council has authorized states and regional organizations to tackle piracy in the Somali territorial sea, subject to permission from the Transitional Federal Government (Geiss and Petrig, 2011, pp. 70–80; Roach, 2010, p. 400).
- 5 For more extensive discussions of piracy and armed robbery at sea in international law, see Geiss and Petrig (2011), Murphy (2009, pp. 11–16), Priddy and Casey-Maslen (2012), and Roach (2010).
- 6 Adapted from Small Arms Survey (2011, p. 102).
- 7 See Bahadur (2011); Hansen (2009); and Harper (2011). Author correspondence with Martin Murphy, senior fellow, Atlantic Council, 4 December 2011. While evidence of illegal fishing and toxic dumping in Somalia's territorial waters has proved difficult to verify, allegations have been serious enough to warrant the UN Security Council to ask the Secretary-General to produce a report on the subject; see UNSC (2011c).
- 8 While pirate bases shift regularly, as of late 2011 they appeared to operate from ports along the north-central Somali coast, between Mogadishu and Puntland, from Haradheere in the south to Bandar Bayla in the north, and in Bargaal and Kismayo (Stratfor, 2012).
- 9 Author correspondence with the United Nations Office on Drugs and Crime Global Programme against Money Laundering, Proceeds of Crime and the Financing of Terrorism (UNODC GPML), 2 February 2012. Other estimates range from 1,500 to 3,000 Somali pirates (UKHC, 2011, n. 10). Naval forces reportedly caught as many as 1,500 pirates between early 2010 and November 2011; most have been released, however, given the difficulties in finding a country willing to try them (Bloomberg, 2011b). More than 1,000 pirates were behind bars in 21 countries as of September 2011 (*Somalia Report*, 2011a).

- 10 Author correspondence with UNODC GPML, 2 February 2012.
- 11 The IMB accords the same weight to reports of incidents involving local fishing vessels and dhows as to those affecting international ships. Author correspondence with Pottengal Mukundan, director, IMB, 18 January 2012.
- 12 Author interviews with several maritime crime and security analysts, London, 24–25 August 2011.
- 13 West Africa's Gulf of Guinea is another fast-growing piracy hotbed, especially along the coasts of Benin, Nigeria, Guinea, and Togo (Phelps, 2011). According to the IMB, Benin faced 20 pirate attacks in 2011, compared with none in 2010 (IMB, 2011, p. 5). The IMB also notes that while the period of hostage captivity is shorter in the Gulf of Guinea, attacks are also considerably more violent than those perpetrated by Somali pirates (IMB, 2011, p. 24).
- 14 Naval forces have also dumped the weapons of captured pirates at sea and released the captors if no country was willing to try them. Author correspondence with informed source 10 and with a Western naval officer, both on 11 December 2011.
- 15 The seized Kalashnikov ammunition was mainly manufactured by Wolf, a US firm that sells Russian-made ammunition. The captured weapons also included a Singapore-built SAR 80 NATO-calibre assault rifle that appears to have originated from former Somali state stockpiles (Chivers, 2012).
- 16 Following a reported RPG attack against the *MV Brillante Virtuoso* in July 2011, speculation emerged on maritime blogs that pirates might have gained access to the RPG-29, a powerful grenade launcher designed to defeat explosive reactive armours (Jones, 2011; Mwangura, 2011). The allegations were never confirmed, however, and weapons specialists tend to refer to them as unsubstantiated. Author correspondence with informed source 10, 11 December 2011.
- 17 Sources indicate that a pirate group mounted a 12.7 mm heavy machine gun on a mother ship, the *MV Polar*, in late 2010 (author telephone interview with private security representative 1, 20 April 2011; interviews with informed sources, London, August 2011; correspondence with informed source 10, 11 December 2011). A UN Monitoring Group also published photos of a pirate skiff equipped with a 'universal mount for heavy or light machine guns' (UNSC, 2011b, p. 213).
- 18 Author correspondence with UNODC GPML, 2 February 2012, and with Martin Murphy, senior fellow, Atlantic Council, 29 November 2011.
- 19 Author correspondence with Martin Murphy, senior fellow, Atlantic Council, 29 November 2011, and with a Western naval officer, 11 December 2011.
- 20 This lack of public information on the treatment of hostages results from 'sensitivities shown towards victims, military classification restrictions, liability concerns, and fears of retribution' (OBP, 2011, p. 3).
- 21 Author correspondence with hostage release negotiator 10, 12 October 2011.
- 22 One source argues that in addition to the greater distances now involved for Somali pirates, the involvement of inexperienced private negotiators and the tendency to 'pay more to release hostages quickly' has also contributed to spiking ransom demands. Author correspondence with private security representative 8, 12 December 2011.
- 23 Author interview with Pottengal Mukundan, director, IMB, 25 August 2011.
- 24 Author correspondence with UNODC GPML, 2 February 2012.
- 25 Author correspondence with UNODC GPML, 2 February 2012.
- 26 The author of this box, Mary Harper, is the BBC's Africa Editor and the author of a book on Somalia (Harper, 2012).
- 27 Mary Harper carried out the interviews on the telephone with the assistance of a Somali interpreter. She possesses significant field experience in Somalia and worked with trusted intermediaries in the field to set up the discussions.
- 28 See Ghosh (2010, p. 22); IMO (1974, art. 34); Kain and Filon (2011, p. 2); Mair (2011, pp. 15–16); Noakes (2011); and Swedish Club (2011c).
- 29 These countries include Cyprus, Finland, Germany, Greece, Hong Kong, India, Italy, the Netherlands, Norway, Spain, the UK, and the United States. BBC News (2011c); Ince & Co. (2011, p. 2); OBP (n.d., p. 8); Sanyal (2011); Swedish Club (2011a); Thuburn (2011).
- 30 See also UKHC (2011, para. 26).
- 31 Author correspondence with Pottengal Mukundan, director, IMB, 23 November 2011.
- 32 Author correspondence with private security company representative 8, 12 December 2011.
- 33 Reports suggest that in September 2011 the US firm Greyside planned to undertake an offensive operation aimed at freeing a ship captured by pirates, but this practice appears to be uncommon (BBC News, 2011b).
- 34 Private security companies do not have the right granted to states under the UN Convention on the Law of the Sea to board and seize suspected pirate ships or to arrest pirates (Priddy and Casey-Maslen, 2012, p. 2).
- 35 Author correspondence with private security companies, September 2011, and telephone interview with private security representative 3, 22 June 2011.
- 36 Author correspondence with four private security companies, September 2011.
- 37 Author correspondence with private security companies, September 2011; interview with private security representative 6, Geneva, 19 September 2011; and telephone interview with private security representative 3, 22 June 2011.
- 38 Author correspondence with private security company representative 8, 12 December 2011.
- 39 Author correspondence with private security company representative 8, 12 December 2011.
- 40 IMB data, for instance, does not specify whether attacked ships had private guards on board (IMB, 2011).
- 41 Author correspondence with private security companies, September 2011; telephone interview with private security representative 3, 22 June 2011; and correspondence with private security company representative 8, 12 December 2011.

- 42 Author correspondence with private security companies, September 2011, and interview with private security representative 6, Geneva, 19 September 2011.
- 43 Author interview with private security representative 6, Geneva, 19 September 2011.
- 44 Author correspondence with Anna Petrig, researcher, Max Planck Institute, 13 February 2012.
- 45 Author correspondence with private security company representative 8, 12 December 2011.
- 46 See also ICS and ECSA (2011).
- 47 Author correspondence with private security representative 8, January 2012.
- 48 Author interview with private security representative 7, Washington, DC, 19 October 2011.
- 49 Author interview with private security representative 7, Washington, DC, 19 October 2011.
- 50 Author interview with private security representative 7, Washington, DC, 19 October 2011, and with private security representative 5, 10–11 November 2011.
- 51 Author interview with private security representative 7, Washington, DC, 19 October 2011, and correspondence with private security representative 5, 10–11 November 2011.
- 52 Author telephone interview with informed source 2, 14 June 2011.
- 53 Author correspondence with private security representative 8, 11 July 2011; interview with private security representative 7, Washington, DC, 19 October 2011; and interview with government source 9, Washington, DC, 19 October 2011.
- 54 Author correspondence with private security representative 8, 11 July 2011.
- 55 Author correspondence with private security representative 5, 10–11 November 2011, and interview with private security representative 7, Washington, DC, 19 October 2011.
- 56 Author correspondence with private security representative 5, 10–11 November 2011.
- 57 Author correspondence with private security representative 5, 10–11 November 2011.
- 58 Author correspondence with private security representative 8, 12 December 2011.
- 59 Author correspondence with private security representative 5, 10–11 November 2011, and interview with private security representative 7, Washington, DC, 19 October 2011.
- 60 Author correspondence with private security representative 8, 9 January 2012.
- 61 Author correspondence with private security representative 5, 10–11 November 2011, and interview with private security representative 7, Washington, DC, 19 October 2011.
- 62 See Cook (2011); IAMSP (2011); Saul (2011); and Small Arms Survey (2011, pp. 124–26).
- 63 See Small Arms Survey (2011, pp. 125–26).
- 64 Confidential responses from numerous private security companies, September 2011; private security company rules on the use of force 1 and 2.
- 65 Confidential responses from numerous private security companies, September 2011; private security company rules on the use of force 2; interview with private security representative 6, Geneva, 19 September 2011.
- 66 Author correspondence with a private security company, September 2011.
- 67 Author correspondence with Anna Petrig, researcher, Max Planck Institute, 13 February 2012.
- 68 Author interview with private security representative 6, Geneva, 19 September 2011.
- 69 A lack of data on use of force by private guards also applies to land-based private security firms, as reported by the Small Arms Survey in 2011 (Small Arms Survey, 2011, pp. 122–23).
- 70 Author telephone interview with private security representative 3, 22 June 2011.
- 71 Author correspondence with an informed source, 11 December 2011.

BIBLIOGRAPHY

- AllAfrica. 2011. 'Mozambique: Security Company Lies about Nampula Arrests.' 21 September. <<http://allafrica.com/stories/printable/201109220065.html>>
- Bahadur, Jay. 2011. *Deadly Waters: Inside the Hidden World of Somalia's Pirates*. London: Profile Books.
- BBC News. 2011a. 'Piracy: IMO Guidelines on Armed Guards on Ships.' 21 May.
- . 2011b. 'Mozambique Holds "Pirate Hunters."' 16 September.
- . 2011c. 'Somali piracy: Armed Guards to Protect UK Ships.' 30 October.
- . 2011d. 'Somali Attacks Sharply Down in November.' 5 December.
- Bennett, John C. W. 2010. 'State Dep't & USCG Respond to Suez Canal Firearms Prohibition.' <<http://mpsint.com/2010/09/08/state-dep%E2%80%99t-uscg-respond-to-suez-canal-firearms-prohibition/>>
- BIMCO (Baltic and International Maritime Council). 2011. 'About BIMCO.' <https://www.bimco.org/About/About_BIMCO.aspx>
- Bloomberg. 2011a. 'Somali Pirates Thwarted as Attacks Worldwide Rise to Record.' 18 October.
- . 2011b. 'Somalia Piracy Spurs Private Navy to Start within Five Months.' 7 November.

- Carmel, Stephen. 2011. *Pirates vs. Congress: How Pirates Are a Better Bargain*. Remarks by Stephen M. Carmel, senior vice president of Maersk Line, Limited, made at the Commander Second Fleet Intelligence Symposium of the US Navy. 3 August.
- CFC (Civil-Military Fusion Center). 2011. *Anti-Piracy Review*. Week 45. Norfolk: NATO Allied Command Operations. 8 November. <https://www.cimicweb.org/Documents/CFC%20Anti-Piracy%20Review/CFC_Anti-PiracyReview_08%20November.pdf>
- Chivers, Chris. 2012. 'Somali Pirate Gun Locker: An Oddball Assault Rifle, at Sea.' *At War Blog*. *The New York Times*. 25 January. <<http://atwar.blogs.nytimes.com/2012/01/25/somali-pirate-gun-locker-an-oddball-assault-rifle-at-sea/>>
- Cook, Peter. 2011. 'Security Association for the Maritime Industry (SAMDI).' Presentation at the International Conference on Piracy at Sea, Malmö, 20 October.
- Dabelstein & Passehl. 2011. *Criminality Liability Risks When Using Armed Private Security Teams*. Hamburg: Dabelstein & Passehl. September.
- Friedman, Darren and Lauren Smith. 2011. 'Fighting Fire with Fire: The Debate over Arming Merchant Vessels.' *Maritime Executive*. 16 November.
- Geiss, Robin and Anna Petrig. 2011. *Piracy and Armed Robbery at Sea: The Legal Framework for Counter-Piracy Operations in Somalia and the Gulf of Aden*. New York: Oxford University Press.
- Geneva Declaration Secretariat. 2011. *Global Burden of Armed Violence 2011: Lethal Encounters*. Cambridge: Cambridge University Press.
- Gettleman, Jeffrey. 2011. 'Taken by Pirates.' *The New York Times*. 5 October.
- Ghosh, P. K. 2010. *Somalian Piracy: An Alternative Perspective*. Occasional Paper No. 16. New Delhi: Observer Research Foundation. September.
- Hansen, Stig Jarle. 2009. *Piracy in the Greater Gulf of Aden: Myths, Misconception, and Remedies*. NIBR Report 2009:29. Oslo: Norwegian Institute for Urban and Regional Research.
- Harper, Mary. 2011. *Trends of Violence and Rules of Behaviour in Piracy: The Perceptions of Somali Pirates*. Unpublished background paper. Geneva: Small Arms Survey.
- . 2012. *Getting Somalia Wrong: Faith, War and Hope in a Shattered State*. London: Zed Books.
- Hope, Bradley. 2011. 'Firearms: An Odd Casualty of Piracy.' *National* (Abu Dhabi). 6 February.
- IAMSP (International Association of Maritime Security Providers). 2011. Website. <<http://iamsonline.org/>>
- ICS and ECSA (International Chamber of Shipping and European Community Shipowners Associations). 2011. 'Flag State Rules and Requirements on Arms and Private Armed Guards on Board Vessels: Combined ICS/ECSA Table.' July. <<http://www.marisec.org/Piracy%20Flag%20State%20Laws%20July%2011.pdf>>
- IHS (Information Handling Services). 2009. *Valuation of the Liner Shipping Industry*. Englewood: IHS. December. <http://www.worldshipping.org/pdf/Liner_Industry_Valuation_Study.pdf>
- IMB (International Maritime Bureau). 2002. *Piracy and Armed Robbery against Ships*. London: IMB, International Chamber of Commerce.
- . 2011. *Piracy and Armed Robbery against Ships*. London: IMB, International Chamber of Commerce
- . 2012. *Piracy and Armed Robbery against Ships*. Archive of annual and quarterly reports, 2002–11. London: IMB, International Chamber of Commerce.
- IMO (International Maritime Organization). 1974. International Convention for the Safety of Life at Sea.
- . 2009. Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships. Resolution A.1025(26).
- . 2011a. *Guidelines to Assist in the Investigation of the Crimes of Piracy and Armed Robbery Against Ships*. MSC.1/Circ.1404. 23 May.
- . 2011b. *Interim Guidance to Shipowners, Ship Operators, and Shipmasters on the Use of Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area*. MSC.1/Circ.1405. 23 May.
- . 2011c. *Interim Recommendations for Flag States Regarding the Use of Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area*. MSC.1/Circ.1406. 23 May.
- . 2011d. *Revised Interim Guidance to Shipowners, Ship Operators, and Shipmasters on the Use of Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area*. MSC.1/Circ.1405/Rev.1. 16 September.
- . 2011e. *Revised Interim Recommendations for Flag States Regarding the Use of Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area*. MSC.1/Circ.1406/Rev.1. 16 September.
- . 2011f. *Interim Recommendations for Port and Coastal States Regarding the Use of Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area*. MSC.1/Circ.1408. 16 September.
- Ince & Co. 2011. *Piracy: Issues Arising for the Use of Armed Guards*. London: Ince & Co.
- Jones, Steven. 2011. 'Tooled up.' *Maritime Security Review*. 12 July.
- Kain, Andrew and Ric Filon. 2011. 'Are Weapons the Answer to Counter Ship Piracy.' *Maritime Executive*. 6 June. <<http://www.maritime-executive.com/article/are-weapons-the-answer-to-counter-ship-piracy-pt-1>>
- Mair, Stefan (ed.). 2011. *Piracy and Maritime Security: Regional Characteristics and Political, Military, Legal, and Economic Implications*. Research Paper 3. Berlin: German Institute for International and Security Affairs (SWP). March. <http://www.swp-berlin.org/fileadmin/contents/products/research_papers/2011_RP03_mrs_ks.pdf>
- Murphy, Martin. 2009. *Small Boats, Weak States, Dirty Money: Piracy and Maritime Terrorism in the Modern World*. London: Hurst and Company.
- . 2011. *Somalia: The New Barbary?* London: Hurst and Company.
- Mwangura, Andrew. 2011. 'Weekly Piracy Report.' *Somalia Report*. 15 July.
- Noakes, Giles. 2011. 'Privately Contracted Armed Security Personnel (PCASP) on Board Merchant Vessels.' Presentation at the International Conference on Piracy at Sea, Malmö, 18 October.
- OBP (Oceans Beyond Piracy). 2011. *The Human Cost of Somali Piracy*. Boulder: One Earth Future Foundation. 6 June.
- . 2012. *The Economic Cost of Somali Piracy 2011*. Working Paper. Boulder: One Earth Future Foundation. February.

- . n.d. 'Introduction to Private Maritime Security Companies (PMSCs).' <http://oceansbeyondpiracy.org/sites/default/files/pmsc_map_final.pdf>
- Phelps, Steve. 2011. *Small Arms Usage by Maritime Criminals in West Africa*. Unpublished background paper. Geneva: Small Arms Survey.
- Priddy, Alice and Stuart Casey-Maslen. 2012. *Counter-Piracy Efforts and Operations: Law and Policy Issues*. Background paper for the Wilton Park Roundtable (draft). Geneva: Geneva Academy of International Humanitarian Law and Human Rights. 13 January.
- Republic of Djibouti. 2009. Décret No. 2009-030/PRE Instituant un Contrôle des Services en Matière de Sécurité et de Protection des navires et des Equipages. *Journal Officiel de la République de Djibouti*. 12 February.
- Reuters. 2011a. 'In Brazen Attack, Somali Pirates Hijack Ship from Omani Port.' 20 August.
- . 2011b. 'Pirates Attack Second Tankers in Two Days near Omani Port.' 22 August.
- Roach, J. Ashley. 2010. 'Countering Piracy off Somalia: International Law and International Institutions.' *American Journal of International Law*, Vol. 104, No. 3, pp. 397–416.
- Sanyal, Santanu. 2011. 'Private Armed Guards Only a Quick Fix against Piracy.' *Hindu Business Line*. 25 September.
<http://www.thehindubusinessline.com/industry-and-economy/logistics/article2484922.ece?homepage=true&ref=w_home>
- Saul, Jonathan. 2011. 'Facing Piracy, Ship Security Firms Set Ethics Code.' Reuters. 9 May.
- and Anthony Barker. 2011. 'Marine Insurers Backing Armed Guards as Piracy Threat Grows.' *Insurance Journal*. 20 September.
- Seychelles. 2010. *Seychelles Republic vs. Ali et al.* Judgement. Victoria: Supreme Court of the Seychelles. 3 November.
- Shortland, Anja. 2012. *Treasure Mapped: Using Satellite Imagery to Track the Developmental Effects of Somali Piracy*. Africa Programme Paper: AFP PP 2012/01. London: Chatham House. January.
- Small Arms Survey. 2011. *Small Arms Survey 2011: States of Security*. Cambridge: Cambridge University Press.
- Somalia Report*. 2011a. 'ICOPAS 2011 Conference Presentations Now Online.' 26 September.
- . 2011b. 'Locals Fight Pirates Holding DDG Aid Workers.' 1 November.
- Stratfor. 2012. *Somali Piracy: 2011 Annual Update*. Austin: Stratfor. 13 January.
- Swedish Club. 2011a. *Piracy & Armed Guards: General Overview*. Member Alert. Goteborg: Swedish Club. 21 April.
- . 2011b. *Piracy & Armed Guards: Specific Contractual Provisions*. Member Alert. Goteborg: Swedish Club. 21 April.
- . 2011c. *Piracy: FAQs*. Member Alert. Goteborg: Swedish Club. September.
- . 2011d. *Update: Piracy & Armed Guards*. Member Alert. Goteborg: Swedish Club. 3 October.
- Tammik, Ott. 2011. 'Anti-Piracy Guards Cheated by Advanfort, Left Defenseless in Hazardous Waters.' Estonian Public Broadcasting. 17 November.
<<http://news.err.ee/6082c763-d9b3-4458-abce-5dc727697cb1>>
- Thomas, Gavin. 2011. 'Cardiff Security Company Sea Marshals Takes on Pirates.' BBC News. 7 November.
- Thuburn, Dario. 2011. 'Pirates Hijack Italian Ship with 18 Crew off Oman.' Agence France-Presse. 27 December.
- UKHC (United Kingdom House of Commons). 2011. *Piracy off the Coast of Somalia*. Tenth Report. London: Foreign Affairs Committee. 20 December.
<<http://www.publications.parliament.uk/pa/cm201012/cmselect/cmaff/1318/131802.htm>>
- UKMTO (United Kingdom Maritime Trade Operations) et al. 2011. *BMP 4: Best Management Practices for Protection against Somalia Based Piracy*. Version 4. Edinburgh: Witherby Publishing Group. August.
- UN (United Nations). 1982. Convention on the Law of the Sea.
- . 2010. *Legal Framework for the Repression of Piracy under UNCLOS*. New York: Division for Ocean Affairs and the Law of the Sea. September.
<http://www.un.org/depts/los/piracy/piracy_legal_framework.htm>
- UNSC (United Nations Security Council). 2010. *Report of the Monitoring Group on Somalia*. S/2010/91 of 10 March.
- . 2011a. *Report of the Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia*. S/2011/30 of 25 January.
- . 2011b. *Report of the Monitoring Group on Somalia and Eritrea*. S/2011/433 of 18 July.
- . 2011c. *Report of the Secretary-General on the Protection of Somali Natural Resources and Waters*. S/2011/661 of 25 October.
- USCG (United States Coast Guard). 2010. *Port Security Advisory (4-09)(Rev 4)*. International Port Security Program. 3 September.
- USDOS (United States Department of State). 2011. 'Contact Group on Piracy off the Coast of Somalia Meets in New York.' Media Note. Washington, DC: Office of the Spokesperson, USDOS. 16 November.
- Wallis, Keith. 2011. 'Shippers Rock Boat with Security Fees.' *China Business Watch*. 31 October.

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