

Escalation at Sea

SOMALI PIRACY AND PRIVATE SECURITY COMPANIES

The frequency of pirate attacks on commercial ships worldwide has risen dramatically in the past six years, much of it attributable to Somali groups operating in the Arabian Sea, Gulf of Aden, Indian Ocean, and Red Sea. 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. International naval forces have increased their presence in affected waters, particularly since 2008. 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.

Somali piracy’s resilience in the face of 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, while falling short of encouraging the practice, have gradually recognized it as an option for protecting ships in dangerous areas.

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

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



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 Viguerie/Getty Images



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.
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escalation of violence at sea. Interviews with representatives of PSCs and pirate groups, an analysis of International Maritime Bureau data, and expert contributions are among the sources used in this chapter. 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.
- Pirate groups are increasingly resorting to lethal violence and abusing their hostages during attacks and captivity periods.
- Somali pirates continue to use primarily assault rifles, light machine guns, and rocket-propelled grenade launchers. 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, 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.

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 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.

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

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 detracted from the payment of ransoms, 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 nonviolently and to address their deeper motivations, the use of private armed guards on ships may blow back on the ostensible protectors and protected. ■