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Powerless to Tackle Piracy?

Piracy and armed robbery flourish in three areas of the world. According to the Piracy Reporting Center of the International Maritime Bureau (PRC – IMB) these criminal acts soared in 2008 and especially in the first quarter of 2009 in the Gulf of Aden and along the Somalia coast. Next follows piracy in the Indonesian Archipelago and along the West African coast in the Gulf of Guinea. The individual reasons for piracy might differ in those regions. A common cause is obvious, piracy flourishes in those areas of the world where civil order and the “rule of law” do not exist.

Are we then powerless to tackle piracy? To re-establish a peaceful, commercial “liberal world order” in that corner between East Africa and the Arabian Peninsula a diverse and seemingly strange coalition of naval forces has been created. From 2002 the US-initiated anti-terrorist operation “Enduring Freedom” ploughs the Western Indian Ocean and has shifted some of its efforts from terrorist to pirate chase. Since December 2008 the EU-led operation “Atalanta” operates frigates, maritime patrol aircraft and support ships in the area on the basis of a robust UN and EU mandate. The frigates escort the merchant vessels of the World Food Program to East African ports and other commercial ships in the secure transit channel established in the Gulf of Aden and arrest pirates and confiscate their equipment. In addition the US-led Task Force 151 and frigates from Russia, India, Malaysia, Japan, China and Iran under national command are operating in the area as well.

The naval forces face a thankless task. Their course of action is rather limited by three self-imposed restrictions. The safe havens of the pirates are not to be attacked despite the fact that the UN Security Council Resolutions 1816, 1846 and 1851 would legally support such military moves. The life and well being of the detained crews of the hijacked ships shall not be endangered to avoid unnecessary bloodshed. Merchant ships shall not be attacked to avoid environmental disasters and legal claims for re-constitution by their owners. Thus the naval forces can only act defensively and their superior firepower is useless against pirates who are hiding their speedboats and mother ships in the accumulations of peaceful African fishing vessels in the vast water spaces of an ocean area larger than the Mediterranean.

So far only India, France, the US and Germany attempted to recapture a hijacked ship. An Indian frigate opened fire on a so-called mother ship and sank it, only to find out that it was a hijacked fishing vessel and all of their crew lost their lives. France rescued the hijacked sailing ships “Le Ponant”, “Carré d’As” and “Tanit”. Ransom was paid for the yacht “Le Ponant”, but later on French Special Forces captured some pirates and a portion of the ransom money. The recapture of the yachts “Carré d’As” and “Tanit” was successful however the skipper of the “Tanit” was accidentally shot by his liberators. The US liberated the captain of the “Maersk Alabama” and shot the pirates who guarded him. Germany attempted to recapture the “Hansa Stavanger” but cancelled the rescue operation to avoid bloody failure. All of these rescue operations indicate how difficult it is to liberate hijacked crews without endangering their lives.

Unnoticed by the media the naval war of attrition against the asymmetric threat of piracy and armed robbery shows some success. The prisons of Kenya, the US, France and the Netherlands are filled with captured pirates waiting for their trials. Whether piracy in the Gulf of Aden and in the Western Indian Ocean will eventually be stamped out will depend on two developments. The naval operations have to continue with patience, perseverance and hopefully intensified maritime air surveillance and some better coordination between the force commands of EU “Atalanta”, NATO “Allied Protector”, US Task Forces 150 and 151 and the national naval contingents. The internation-

al community needs to involve the littoral countries in the fight against piracy. A “Cooperative Mechanism at the Horn of Africa” needs to be established copying the successful “Cooperative Mechanism” in South-East Asia.

When searching for solutions it pays to consider how piracy was successfully stamped out in the Straits of Malacca and Singapore. Mid 2005 the Joint War Committee of Lloyd’s insurance in London declared the Straits of Malacca a “High War Risk (HWR)” area. Piracy and armed robbery were thriving to such a degree that not only the international shipping but also the stability and economic prosperity of the littoral states of Malaysia, Indonesia and Singapore were severely threatened. With international assistance – especially the UN International Maritime Organisation (IMO), USA, Japan, China and Australia were supportive – the littoral states founded the “Cooperative Mechanism”. Actions to combat piracy, armed robbery, illicit trafficking of weapons, drugs and human beings were not only discussed, but also decided and executed. With the Information Sharing Center (ISC) in Singapore, the operations MALSINDO (sea surveillance and anti-piracy operations with coast guard, naval and police ships) and “Eyes in the Sky” (sea surveillance with aircraft) a “Regional Cooperation Agreement to Combat Armed Robbery and Piracy (ReCAAP)” was created. These military, law enforcement, legal and diplomatic actions were so successful that Lloyd’s insurance terminated the HWR-declaration for the Straits of Malacca. The statistics of the PRC-IMB for the first quarter of 2009 show zero hijacking of merchant vessels in the Straits of Malacca and Singapore.

The HWR-area of the Gulf of Aden and the Western Indian Ocean might pose more intense and more difficult piracy problems. The failed state Somalia is drowning in turmoil and the cruelties of civil war. It would be paramount for Yemen to avoid such a fate. The cooperative states of Yemen, Djibouti, Kenya, Tanzania, the Seychelles and the countries of the Gulf Coordination Council should work together for improved sea security. The international community and the littoral countries are not powerless to tackle piracy. With continued robust naval operations and a “Cooperative Mechanism at the Horn of Africa” the asymmetric threat of criminal acts at sea can be crushed. ■