

Effects, Consequences and Remedial Action against Somali Piracy

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Introduction

Piracy has always been a menace ever since ships sailed the seas with commercial goods. In the days of the sailing ships, the pirates took hostages and cargo just as they do now and caused as much strife to the crew, ship owners and cargo interest. Now, with the scale of commercial shipping and trade being much larger and global, the effects of piracy emanating from Somalia is causing disruption of the cargo supply chain which can be quite debilitating, especially for the crude and oil trade which gets a large chunk of its supply from the Middle East. Added to this is the effect of hostage taking. Huge pressure is brought to bear on governments concerned when the crew is taken hostage, instigating them to take action, like when MT *Stolt Valour* was taken hostage in 2008,¹ the media, which reflects the mood of the people, held the Indian Government responsible for not protecting its seamen, and rightly demanded action. The Indian Navy then dispatched a few warships to the area, which sank a mother ship, and the naval presence has been there ever since.

The other aspect of this menace is the effect it can have on the environment of the area. Imagine, if a loaded VLCC (Very Large Crude Carrier) which typically carries 1.2 million barrels of crude valued at US\$ 120 million at today's price is attacked with RPGs, it catches fire and a few cargo tanks explode as a result. The oil spill and consequent effects would be catastrophic and effectively write off the marine flora and fauna in the concerned sea on an unprecedented scale. So, piracy has to be tackled for a variety of reasons which impact the economic, social, political, military and environmental concerns for the littoral countries directly; but, it also has a global impact. It also raises a host of other

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issues which are directly linked with this menace, such as the legalities of anti-piracy countermeasures and legal jurisdiction which is quite nebulous and prone to multiple interpretations, as has been recently highlighted by the MT *Enrica Lexie*² episode off Kochi.

Aim

This article gives a broad overview and examines the causes and effects of piracy, the methods employed by the pirates, the actions that have been taken and how effective these have been. Also, how piracy is a direct threat to India, our responsibilities and how effective we have been in dealing with it and also to suggest ways of improving our response.

Start of Somali Piracy

Over the last 50 years this country has never been able to stabilise itself to any form of stable government and consequent economic progress. It has been in a perpetual state of Civil War, is more-or-less a failed state, especially in Puntland and Somalia (as Southern Somalia is referred to). Northern Somalia (called Somaliland) is better governed and has a decent growth rate.³ Most of the pirate gangs operate from Puntland and Somalia. During this period of Civil War, saturation fishing off Somalia was rampant by European and other countries depriving the local fishermen of their meagre livelihood.⁴ Also, European countries started dumping toxic and nuclear wastes into these waters resulting in hundreds of leaking barrels being washed up ashore during the Tsunami in 2005.⁵ This in turn has caused radiation sickness amongst the coastal population. What started off as local fishermen trying to chase away the foreign trawlers from their waters has now metamorphosed into a formidable piracy operation, sometimes with the connivance of their own Coast Guard.

The present situation and piracy from Somalia is a relatively new phenomenon which started around 2005 and has now become a global menace. In 2011, there were 275 piracy attacks with a total of 45 hijackings, about 802 crew members held hostage of which eight were killed, presently 30 ships and 277 seamen are still waiting to be released.⁶ It is interesting to note that most of the

crew are from Philippines, India, China, Indonesia and East European countries which elicit a sort of lukewarm response from the multinational naval forces as opposed to a direct intervention when crew from a developed country is involved. The response by the US forces when *MV Mearsk Alabama*, (US Flag) container ship was taken hostage in 2009 is illustrative.⁷ Lately, various international bodies have become vocal about Somali piracy due to media glare but what really started to have effect was when international trade was getting directly affected. Now international bodies like Baltic and International Maritime Organisation (BIMCO), International Association of Independent Tanker Owners (INTERTANKO), International Maritime Bureau (IMB), International Maritime Organisation (IMO), International Chamber of Commerce have been putting pressure on governments, the UN and NATO.

Methods of Attack

The modus operandi of these pirates can be clubbed into two distinct methods of attacking ships. This depends on the distance away from Somalia. Close to the Somali coast, smaller fishing boats operate as pirates. They normally operate as a group of 3-5 small fibre-glass fishing boats (called skiffs) with high power outboard engines giving them a speed of up to 25-30 kts. What seem to be innocent fishing boats going about their legitimate business, suddenly pick up speed and converge on a target ship. They normally operate in sheltered waters of the Gulf of Aden and the Red Sea. The straits between the two (Bab-el Mandep Straits) form a very convenient choke point for such piracy operations. Once they converge on a ship, their whole aim would be to board the vessel and take the crew and ship as hostage. But boarding a moving vessel on the high seas is not easy, as they have to approach the target ship from the quarter, come alongside and scamper up to the ship using portable aluminum ladders. So, they try and board smaller vessels with a low freeboard, or force the vessel to stop by firing on the vessel with AK 47s or RPGs whilst chasing her. The danger, when the pirates start firing RPGs, is that the vessel may catch fire or injure exposed personnel. Lately, such attacks in the Red Sea have reduced considerably due to the deployment of a large number of naval assets, and use of a convoy system with naval escorts in the Gulf of Aden has mitigated this danger here to a large extent.

When further away from the Somali coast, these small skiffs cannot be used as they do not have the range or the sea keeping qualities for ocean operations, so they have been using other hijacked ships as 'mother' vessels in which they carry 2-4 skiffs. These mother ships have been marauding the Arabian Sea as far as Lakshwadeep Islands and close to the Indian coast to the west, up to the Gulf of Oman in the north and near Sychelles / Madagascar in the south. They normally lie in wait in the busy shipping routes which transit the area. Once they detect the presence of a ship, by radar, Automatic Identification System (AIS) warning or even prior information from their organisation in Somalia, and are sufficiently close to them, the skiffs are lowered and then their attack method remains the same. In this wide expanse of the seas it's not possible to have adequate naval forces available to react to an attack as it was possible near Somalia coast. The response here is accordingly different.

Response to Piracy

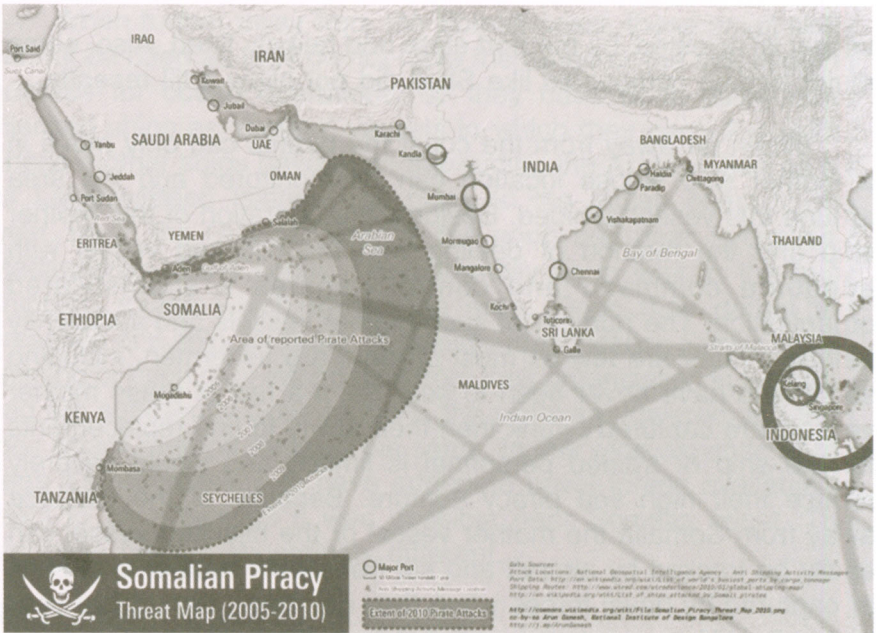
Dealing with piracy has to be both, tactical and strategic. The tactical aspects deal with the actual piracy attack; how to avoid it or deter the pirates and what to do when taken hostage? Measures taken by ships are basically passive means of defence; like rigging razor wires around the vessel, maintaining a high pressure water jet spray to make it difficult for the pirates to board the vessel, reducing the access points into the vessel accommodation area, and manoeuvring the vessel at maximum speed. The establishment of an impregnable citadel inside the ship where the crew can be safe, maintain radio contact with the security forces and stay securely for a week or so, has also been quite effective. The idea being that the ship's crew still has control of the vessel and the pirates cannot dictate terms or force the crew to take any action. In such a situation the ship is usually stopped and allowed to drift. This gives the security forces sufficient time to respond and retake the ship. Normally, the pirates have been known to simply disembark from the vessel when they cannot take control of the vessel after a few hours on board. Most ship owners have now placed armed guards on board. These guards embark during the dangerous phase of their voyage. But, this raises a host of other legal issues as weapons are not allowed on board merchant ships by many countries and if weapons are known to be on board, the

vessel is 'arrested' by the port state and heavily fined. Also, some major trading companies like Shell did not allow it till recently.

When far away from the coast the pirates can only move in a mother ship whose location can be monitored and the area around this vessel avoided. Besides, the operation of this mother ship and the method of dealing with the hijacked vessel with adequate command and control requires a sophisticated organisation. The number of such mother vessels and sufficiently trained pirates are few as most of them are fishermen, including some who have never been to sea. So, if a few of these mother vessels are captured / sunk then their ability to find replacements for the ship or trained personnel is limited and would severely reduce their high sea piracy venture. Because of the distance away from Somalia the mother vessel or the hijacked vessel can easily be tracked by aircraft and set free or the mother ship sunk or captured by naval forces when they get there. During last year the Indian Navy captured and set free three hijacked vessels used as mother ships.

Besides this, NATO and other affected countries have established a convoy system in the Gulf of Aden which is the most critical part of the voyage. Indian warships (INS *Tabar* and INS *Mysore*⁸ were among the first to enforce this convoy system as far back as 2008 soon after the MT *Stolt Valour* incident. The military response to pirate attacks has even brought about a rare show of unity by countries that are either openly hostile to each other, or at least wary of cooperation, military or otherwise. Presently there are about 26 countries naval vessels operating in the area under a loose tactical command of Combined Task Force 150 (CTF150) whose mission is Operation *Enduring Freedom*, Combined Task Force 151 (CTF151), EU naval task force operating under Operation *Atlanta* and independent operations done by some countries like India, China, and Japan etc. Most of them maintain a liaison cell with the Combined Maritime Forces, Headquartered at Bahrain.⁹ More on the military aspects later.

The geographic area where the Somali pirates now forage is considerable as shown in the diagram:



'Dots' – Denotes the reports of piracy/alleged piracy sighting/attacks as promulgated by IMB.

(Source: http://commons.wikimedia.org/wiki/File:Somalian_Piracy_Threat_Map.2010.png cc-by-sa Arun Ganesh. National Institute of Design, Bangalore <http://j.mp/ArunGanesh>)

Legal Aspects

An effective strategy would be one which plays on the weak points of the pirates' operations, like capturing the mother ship where ever they are found. But this is fraught with legal hassles. Whereas it may be easy to enforce some jurisdiction within national EEZ, open sea operations are a legal quagmire and are against the basic tenants of freedom of international waters and the right of innocent passage for the merchant ships as given in United Nations Convention on the Law of the Sea (UNCLOS). Besides this, any armed action against a mother vessel encroaches on the sovereignty of that vessel which is a hijacked vessel and in one instance the flag country of that vessel protested and held the country which took action responsible. It can become a messy diplomatic incident and the enforcing country should have the will (political and national) to follow through their military action. The best way is to react to a piracy attack and follow through with the

seizure and capture of the pirates to be then tried according to UN guidelines (which are still evolving to deal with this menace).

Effect of Piracy on India

How does this piracy in our backwaters affect India? It has a direct impact on India because of our geographical location and the area in which this piracy is prevalent. Fundamentally, the evolving Indian economy which is slated to multiply, is particularly vulnerable to any disruption of her seaborne trade. Presently the total trade is pegged at USD 700 billion (est. 2011)¹⁰ of which about 60-65 per cent would be by sea. By conservative estimate about 60 per cent of this would be at risk due Somali piracy as the ships with cargo to or from India, operate for some time in the Arabian Sea. This is further compounded by the movement of strategic material which would severely and directly impact the country, like disruption of crude and gas imports. Besides the obvious effects, imagine if an Indian Flag VLCC was hijacked. The media and the public outcry would be deafening and would question the efficacy of the whole maritime structure in the country. As always, the psychological effect on the nation is out of all proportions to the actual damage that is done. An interesting offshoot of piracy could be copycat attacks on ships and Indian marine installations by countries or groups interested in causing harm to the Indian State. The overall economic cost due to Somali piracy has been pegged at 7-12 billion dollars by the IMO. For India it would be a pretty high portion of this figure and so all affected parties will continue to bleed till this is eradicated.

Naval Response

There is thus, a dire need to build-up robust countermeasures to guard the nation's interests. It cannot be left to the Navy only to deal with this. It has to be a tiered defence system where each agency has a clearly defined role and jurisdiction. All agencies would have to play their part, and this would be only as good as its weakest link. With the capturing of a few mother ships by the Indian Navy within the Indian Exclusive Economic Zone (EEZ) the pirates have been avoiding coming close to the Indian coast thus creating a safe haven for relatively safe passage for ships going to and from the Persian Gulf to the Far East. But this is a sporadic result, albeit, one which has had the desired effect.

One of the fundamental responsibilities of any Navy is to provide a safe environment for its trade and commerce to flourish. The naval force levels have been structured accordingly and this is the litmus test of whether the Navy can enforce its sea denial capability against such a threat. But actually instituting an effective sea denial capability and to effectively monitor such the ocean area is far more difficult in peace time and is compounded by the core inefficiencies of the responsible agencies.

It is quite instructive to see the way Australia and Japan keep a very strict surveillance over their vast EEZ with a much smaller force. In Australia, the Australian Maritime Safety Authority (AMSA), Coast Guard and the Navy operate in a seamless organisation for safety and to protect their EEZ. In doing so, they effectively maintain a strict watch about the type and identity of all ships and is done very simply. All vessels which are due to enter Australian EEZ are voluntarily required to make a report (AUSREP) to their Authorities and thereafter the vessel is monitored automatically in real time using the polling facility of Sat-C which all ships are equipped for ocean passages as part of their GMDSS (Global Maritime Distress and Safety System) equipment. These reports are frequently checked and verified by actual sighting by a naval or coast guard aircraft. Japan also has a similar system called JASREP and maintain a similar watchful eye on shipping. Perhaps, they are more diligent and their Coast Guard more active. It is also possible that they get inputs from satellite sensors which are correlated with the radar and reported positions of ships. All of this is possible in our context too.

India also has such a reporting system – Indian Ship Position and Information Reporting System (INSPIRES) and Indian SAR reporting (INDSAR). If these reports are made, as they should be, all merchant ships in the area can be tracked and warned about any dangers including any piracy threats as they transit the High Risk Areas. This is all a part of the Navigation Area (Navarea) Coordinator's duty as laid down by IMO. As a first step this system of reporting and tracking requires to be made functional and that can only be done if it is effective and responsive. A little hardware investment for radar coverage along the coast and the Andaman and Lakshwadeep Islands, and more importantly, the management of this information in a cohesive manner for proper dissemination

and timely action needs to be implemented. The glaring lapse of so many layers of surveillance got highlighted when MT *Pavit*,¹¹ a disabled ship, simply drifted right across the north Arabian Sea to the Indian coast in August 2011.

In a peace time environment it is relatively easy to track and identify merchant shipping and deep sea fishing or other miscellaneous craft by use of GPS, LRIT(Long Range Identification and Tracking), AIS (Automated Identification System), polling on satellite communication channels and a plethora of information available in real time from the internet. Once the enforcement agencies enforce their writ, at least within the EEZ, the numbers of errant vessels would reduce considerably and, less effort and resources would be required to single out likely threats. This is the case in the sea areas around advanced countries. The modalities for doing so is a different topic in itself.

Positive Effects of Sea Area Management

Keeping our EEZ under strict surveillance and ensuring a safe haven for commercial navigation has many positive effects. For one, it ensures that our resources are not commercially exploited at the Nation's expense and making them available for our benefit. Marine pollution would be curtailed considerably. Presently, our waters are probably the most polluted sea waters in the world. If a hijacked foreign ship is released by the use of naval forces it gives a huge fillip to our mutual diplomatic relationships. Recent release of a Chinese flag vessel¹² near Lakshwadeep elicited a very positive response from their side. In another case the release of a Japanese cargo vessel (*MV Alondra Rainbow rescued in 1999*)¹³ off the Indian coast changed their perceptions about our Navy and since then there has been a significant improvement in naval rapport and diplomatic relations. In strategic terms, it shows to all concerned a demonstratable capability of the Nation to police its own waters and the will to take required action. It is no use to expound theories of a blue water navy if the home waters are not effectively guarded.

Effects of Piracy in Somalia and the Shipping Industry

Somali piracy has now become a source of easy money and has raised their standard of living to a subsistence level. This has now become their main industry with a flourishing trade to supply the

material for piracy. According to information compiled by the IMB, piracy income due to ransom was USD 58 million in 2009 and about USD 238 million in 2010.¹⁴ Added to this is the loss of trade, finances for the littoral countries and the cost of maintaining a massive naval presence by more than 26 countries. If added, it would certainly be more than USD 10 billion annually. This has now become so profitable in Somalia, that the funding of piracy is now structured in a stock exchange, with investors buying and selling shares for upcoming attacks! The value chain for this would probably run from the banks used to generate funds for ransom payment, to insurance companies, cargo interests and ship owners. None of them would actually lose money due to their ships being hijacked. In a very simplistic manner, it is translated to the increase in cost charged for carriage of goods. In fact they gain. As usual, it is the pawns (the crew on board ships and the pirates themselves) which suffer and bear the brunt and consequences when hijacked. The International Transport Federation (ITF) which is the mother trade union for all seafarers has threatened to stop manning ships which ply in these waters unless adequate protection is ensured to safeguard the crews. This would severely affect shipping worldwide. It may be very naïve to suggest, that instead of the massive expenditure and loss of revenue being incurred by all due to piracy, if a sizable portion of it was given to Somalia it might eradicate the basic cause of this problem. But then nothing is actually so simple in real life!

Conclusion

The consequences of piracy in this area are already quite palpable worldwide as they are affecting trade and becoming a very urgent issue when hostages are taken or killed. The clamour for action then reaches a crescendo but not much can be done about it except, to try and alleviate the immediate hostage issue by naval action or paying the ransom money as soon as possible. Various world bodies are seized of this problem and grappling with various issues to solve it in the short and long term. From the Indian Naval perspective a far greater effort requires to be made, to keep our backyard free for trade and ensure the security of the maritime assets and coastline.

Endnotes

1. Article on Indian Navy at <http://indiannavy.nic.in/AntiPiracy.htm>

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3. Reference: <http://en.wikipedia.org/wiki/Somalia>
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5. Article: Toxic Waste Behind Somali Pirates @ <http://www.projectcensored.org/top-stories/articles/3-toxic-waste-behind-somali-pirates/>
6. Press release: <http://www.eunavfor.eu/2011/12/merchant-ship-crews-held-hostage-in-somalia/>
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