

Piracy in Gulf of Aden: Considering the Effects of Private Protection Teams *

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There were 111 piracy related incidents reported on the east coast of Somalia and the Gulf of Aden last year. That means an increase of nearly 200 per cent compared with 2007. Furthermore, the reach of pirates in the region has extended hundreds of miles away from the coasts. All types of vessels with varying freeboards and speeds were targeted. The pirates boarding the vessels were also better armed than in previous years and prepared to assault and injure the crew.¹ Pirates earned more than \$30 million in ransoms in 2008 (a total bill is estimated close to \$180 million due to payments to negotiators and other players²) and the estimated loss of profit while ships are out of service is something that nobody will even talk about (e.g. average insurance rates have risen up to 400% last year³).

Even though the US and EU have formed multinational counter-piracy Task Forces⁴ consisting of numerous warships, that is not likely going to solve the problem alone.⁵ The area to cover is too large (up to 2.5 million square miles) and no country can afford to send such a mass of ships to float to gain total control of that region. There are nearly 16,000 ships a year as potential targets for pirates passing the Gulf of Aden. One of the most important trade routes in the world is now threatened by instability of the region.⁶ If the problem is not solved quickly and decisively the international community will face an additional negative factor in the current economical crisis due to a significant rise in prices of international trade caused by higher insurance payments or due to ship rerouting⁷ to avoid those dangerous waters.

An additional problem is the strengthening links between pirates and an Islamist insurgent group called the Shabab. As part of this relationship, the pirates are becoming more closely involved in arms trafficking through the region. That contributes to instability and violence in Somalia and whole Africa, that one day will pose a major security threat to the rest of the world.⁸

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As the situation has not significantly improved after applying naval patrolling in the area it might now be a right time to think of adding another layer of solutions – private security companies. While a mostly discouraging attitude has been assumed in terms of involving private sector into active actions,⁹ one of the NATO's relevant standpoints notes:

“Success in the future security environment won't be achieved by 'military victory' alone, it has to be created through communication, coordination and cooperation with all relevant actors at all levels within a global framework – providing security and stability wherever the sources of threat and instability appear.”¹⁰

The aim of this essay is to counter the negative attitude towards using private security companies for reducing the problem. Private security companies are available assets and are today probably the most suitable assets to use on tactical level – in commercial vessels. This paper will focus on the problem at sea by analyzing how pirates operate and what their goals are. The paper will counter the argument against using private protection teams (PPTs) and set out vital principles to use them effectively as an additional security measure. Detailed pirates' *modus operandi* and suggested tactics for PPTs will be described. The analysis provided below is a combination of information from official websites, expert research, and international open source media.

1. Threat situation and prognosis

1.1. A short history and current situation

Britain withdrew from British Somaliland in 1960 to allow its protectorate to join Italian Somaliland and form the new nation of Somalia. After the regime collapsed early in 1991, Somalia descended into turmoil, factional fighting and anarchy. Current estimated population is 9.5 million, main religion is Sunni Muslim. There is no effective government at present, and major clans rule their territories.¹¹

Since 2005 there has been a dramatic increase of piracy that has captured the attention of the rest of the world¹². Piracy has always existed in those waters and has not been considered a major problem before that, and even up to the end of 2007 the attention was relevantly low due to isolated incidents in Mogadishu port area¹³. Since then the problem has extended into the entire Gulf of Aden and other areas in open sea well away from

coastal areas reaching the distances of several hundreds of nautical miles (nm)¹⁴ that has resulted the growing resentment with piracy in the international community.

According to estimation, on December, 31st, 2008, Somali pirates were holding 13 vessels for ransom and 242 crewmembers hostage.¹⁵

“Piracy is as any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; against a ship, aircraft, persons or property in a place outside the jurisdiction of any State...”¹⁶

The passage above defines piracy as an act that can take place only outside the states’ territorial waters. Such activities in territorial waters are considered armed robbery and are not subjected as piracy by International Law.¹⁷ That is, there are not clear legal standards worldwide to counter or pursue pirates who attack ships in high sea and then take them into territorial waters of weak states, or who commit armed robbery within territorial waters of a weak state without fear of facing sanctions¹⁸.

The United Nations Security Council has recently issued a resolution authorizing all states to take an active part in the fight against piracy and armed robbery at sea off the coast of Somalia by deploying naval vessels and military aircraft, and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery. States and regional organizations cooperating with the Transitional Federal Government (Somalia) may enter into the territorial waters of Somalia and use all necessary means to repress acts of piracy and armed robbery at sea.¹⁹ That resolution is a good platform to reduce the problem, as risks for pirates are lifted already. The only problem is that allowed means (navies and military aircrafts) are not sufficient to fight piracy. Additional approaches and wider spectrum need to be considered.

1.2. Pirates’ goals, organizations and operational setup

By analyzing various sources such as research studies, news stories and so on²⁰ a few major conclusions can be made:

First of all, the purpose of the pirates’ attacks is purely profit. Even if before pirates justified their acts by protecting Somali waters from illegal

fishing or waste dumping by other countries, now the acts of piracy are only committed to obtain money via ransoms that shipping companies are so generously paying. That is the pirates' Center of Gravity (CoG) – easy profit. The main critical capabilities to achieve the CoG are the willingness of shipping companies to pay the ransom. The threat to the hijacked crew members' lives keeps the warships in the distance once a victim vessel is taken over. Most importantly, there is the inability of commercial ships to protect themselves.

Pirate groups are based on bigger clans and they possess an intelligence system that is operated in accordance with spotters in “bottlenecks” such as the Suez Canal, designated safe routes, and relevant offices and so on. These are combined with monitoring of relevant internet sites and communication traffic. That allows pirates to identify high cost vessels and calculate the routes. Well prepared and well equipped teams in “mother ships” are informed via satellite phones, and they keep well away from the coast and intercept the predicted route of victims. After receiving the information from home base, they launch the raid with speedboats and attack the target with great speed and aggressiveness. Those groups can perform in 5-6 boats and use diversion operations to draw away possible protecting ships in the area. Groups are well composed, armed and equipped with high tech devices such as satellite phones and GPS. There are agreements between different groups that divide areas of operations, conduct combined training, and even have combined supporting activities.²¹

1.3. Pirates' modus operandi

Once pirates make the decision to launch an attack the operation can be divided into four phases: approach, boarding, gaining control over the bridge, and diverting the course to the designated staging area while controlling the ship's crew.

Approach is usually done with high speed (up to 25 knots) from behind the target ship.²² So far it has happened mostly in daytime and in relatively calm seas to ships that are not exceeding the speed of around 15 knots. As attackers close up to the target they open fire from assault rifles, mainly AK-47 or prototypes, once they are within approximately 100 meters range. This is a test for possible countermeasures as well as a means of applying psychological pressure on the ship's crew. Rocket propelled

grenade launchers (RPG-7 or prototypes) and medium machine guns (PK, RPK, RPD or prototypes) are in the pirate inventory as well, but they are used only in case the target vessel is not reacting to a small arms fire or shows signs of countermeasures. However, none of the pirate weapons systems exceed the effective range of 500 meters²³ and they are very limited in ammunition due to weight considerations for their small boats.

After the approach the most critical phase of the operation is the successful boarding that includes stable contact with target vessel. After that the pirates can employ climbing tools (ladders and/or grappling lines) or, in lower riding ships, simply climb over the railing. Therefore, the pirates usually conduct boarding on both sides with the intention of reducing the possible piecemeal attempts for defense. That phase is well rehearsed and is conducted usually within seconds. Successful boarding is the pirates' Decisive Point (DP) because if they fail in that phase, no control over the ship is possible and they are forced to withdraw. To reach that DP they employ speed and mass with a maximum stretch to overcome possible counteraction. If they are not able to board within 35-40 minutes they usually abort the attack, as the threat to be detained by warships in the area becomes likely.

Once on board the pirates storm the bridge and demand that the vessel stop. In that phase, while the ship is stopped, the pirates bring in the rest of ammunition and supplies from their boats and secure the boats to the captured vessel. Meanwhile the captain is ordered to gather all his crew and they are put under the pirates' armed guard.

Once the speedboats are fastened, the pirates force the captain to divert course to the harbor area given to him and the rest of the voyage consists of guarding the crew and looting in the vessel. After the pirates have gained complete control over the vessel, and order it to sail to intended harbor area where they start bargaining for ransom, there are not too many options left to free the ship without making the ransom payment.

1.4. Prognosis of developments

Piracy and armed robbery in Gulf of Aden is likely to increase and even exacerbate the situation in Somalia, which continues to constitute a threat to international peace and security in the region.²⁴ In the near future the pirates will improve their intelligence systems to achieve better situational

awareness, especially on the locations of warships. This will allow them to evade the only threat they have encountered so far. To improve the flow of information they will merge into stronger alliances with each other as well as with terrorist organizations present in the region and that will bring the threat to a new and much devastating level.

As capabilities of pirate groups are strengthening, they will be better organized, trained, equipped and led.²⁵ They are also likely to become more violent. Revenge and hate to the westerners might override the hunt for pure profit due to terrorist's propaganda and that is what terrorists will pursue to achieve.

More sophisticated methods of attacks are likely to be developed, such as using night vision devices or IEDs attached to a target vessel, to force it to comply with orders, or to mass more attackers against the ships, or to target more cruise ships.²⁶ Ransom millions will attract more locals to join the business, and we will see a growth of weapons trafficking, more violence in Somalia, and the destruction of any possible government authority that could be the only force to gain control over the situation²⁷.

2. Countering piracy on tactical level

2.1. Current measures and effects

To bring the problem to the point where it might meet an international tolerance level--total elimination of piracy is not likely-- a multidimensional approach must be considered. There can be three major different lines of operations: solving the problem on the ground by attacking pirates' harbors and safe heavens and to gain control of the Somalia by means of support to the Somali government; secondly, ongoing International Maritime Interdiction Operation by multinational fleets in the sea, and the third line is to counter pirates from the target vessels by armed PPT's.

To approach the problem from the ground is not an attractive option for the international community. That might create a similar situation that we have seen recently in Afghanistan. There is neither the Western will nor resources to be committed to the next full-scale conflict in the near future.

A second line of effort is currently the ongoing by Multinational Naval Task Forces (US and EU), but the effect of these task forces are not likely

to solve anything alone. Detection and detention of pirates in small skiffs before they attack their target is a question of pure luck in those waters. Once pirates have seized the vessel, the warships become totally useless – they can not do anything when pirates threaten to harm the ship and crew if attacked.

However, the problem can be very likely reduced via tactical countermeasures applied from the potential target vessels by well armed PPTs. They can use superior firepower and tactical advantages of the high stature of the ship, as well as sophisticated detection and identification equipment. Their effects can be enormously enhanced by co-operating with patrolling warships. The ships can buy time during the action while reporting repelled pirates to warships that can take up the hot pursuit and detain failed attackers. This can be the real discouraging factor to pirates' community as the risk of death or detention are weighed up against expected profit. Eventually such an approach will not eliminate the problem entirely, but will very likely reduce the tension in the area to the level that is tolerable to the international community.

2.2. Argumentation on PPTs

Opposition to the solution described above is found in various reasons. It is a fact that some of the PPTs have been accused of misconduct in latest conflicts²⁸ there remains a conflicted attitude towards them.

Opponents argue that PPTs are purely interested in money and that such a focus makes them ignore human rights (one can envision the possible use of lethal force against innocent fishermen) and there is the suspicion that they may even help create the threat situation to insure their services are needed. Furthermore, as pirates feel countered, they are likely to open fire more easily and harm the crew and ship than if no resistance is met. Moreover, poorer shipping companies cannot afford to hire PPTs, and that places them into a more dangerous situation.²⁹

A few mistakes are made in the case of discounting the use of PPTs. First of all, the environment at sea is completely different from that in the streets of Baghdad. While in urban areas PPTs are relevantly alone and no "acceptable witnesses" are often present. That might be the case of losing their adherence to the Rules of Engagement (ROE). The situation on a ship on the open sea is different and there are always eye-witnesses – the

crew. No PPT can act recklessly with hope that no-one will ever know about it.

Arguments that pirates will increase violence while armed resistance is present are not valid. Pirates are not suicidal and they will not endanger themselves while opposing superior power, nor will they damage ships that might explode and kill them as well. A good prediction is that pirates will stay well away from protected ships. Essentially, the argument that the less wealthy companies cannot afford PPTs to protect them is not valid – why should bigger companies give up defending their ships if they can afford it?

Additionally, there are no restrictions under international law that prohibits using armed defense on commercial vessels. The only restrictions come from national laws that differ from one state to another and are created to protect the states' independence, not taking into consideration today's situation of the threat of piracy. Those legal issues can be solved via UN Security Council.

2.3. Tactical suggestions for PPTs

As vessels come in different sizes and shapes, it is impossible to determine universal composition, weaponry and equipment of private protection teams (PPT). Therefore, sufficient time is needed to plan, organize and rehearse all the actions before voyage. The recommended PPT size should not be less than six well trained, disciplined and organized men. This allows them to provide good observation to obtain situational awareness throughout the tour. Six men can rotate by twos on watch 24/7 without losing effectiveness over a long period of time. The bigger and more complicated the vessel is, the more men are needed to provide sufficient guard on sea.

As pirates tend to use speed as one of the main principles, the early warning of a possible attack will be critical. Enhanced optics for day and night must be used constantly. Robust alert system for the resting team members must be planned to get everybody into rehearsed positions as fast as possible.

Weaponry of PPT must include assault rifles with good optics to ensure better observation, and long range targeting that enhances accuracy and saves ammunition. That is one of the additional guarantees to make sure

that no innocent people get hurt. To achieve greater effective range than the pirates, it is highly recommended to have at least two medium machineguns placed on each side of the vessel that can be easily deployed or carried to the PPT's speedboat. The speedboat will come in handy when escorting a vessel with a dangerous cargo as oil, chemicals etc. That allows part of the PPT to investigate possible attackers from a greater distance while still being supported from the vessel.

Tactics, techniques and procedures come from the team's ability and experience, and the characteristics of the ship and cargo. To counter attacks the defense plan must address different situations, conditions, clear phases, contingencies such as an evacuation plan and so on. For example the whole operation can be divided into four major phases – Long Distance, Mid Distance, Short Distance and On Ship. All actions should be carried out while the vessel is on move with maximum speed possible.

The Long Distance Phase commences usually when on a relatively empty sea the guard is alerted by an approaching vessel (vessels, boats, skiffs etc) that cannot be identified as friendly. Visual or audio signals are to be passed to the approaching vessel to stop or divert the course. Meanwhile the rest of the PPT is taking positions and is getting ready to defend the ship. In case of a dangerous cargo the speedboat of PPT is to move towards the approaching vessel with slight angle to not block the fire support sector from the ship. If the approaching vessel is not going to slow down or change direction, the PPT will use signal flares towards possible attacker that should clearly inform that the approaching vessel is not welcome in the vicinity of the ship.³⁰ If the approaching vessel threatens the PPT's speedboat or displays weapons, then lethal force is to be used decisively and aggressively by the support team on ship, while the team on the speedboat is breaking contact.

The Mid Distance Phase occurs when the possible attacker is in the distance between 400 – 200 meters from the ship. Whether it crossed the 400 meter line or is spurting out from the cloud of other vessels in vicinity³¹ warning shots from rifles and machineguns are to be fired into the water (short or aside). If any other neutral vessels are present the PPT must consider maximum safety to avoid harming them. Any time if shots are fired or weapons pointed from the approaching vessel, then lethal force is to be used by PPT.

The Short Distance Phase commences when the approaching vessel is still on move towards the ship and has crossed the 200 meter line. In that case the full combat power will be introduced to the attacker to stop it in that distance, bearing in mind that they may carry an IED. Still, safety of all others in the area must be considered while calculating the angles of fire. Situations may occur where attackers are not spotted before they are already in Short Distance area or have been somehow evading observation (at night, in fog etc). In this situation warning shots are immediately fired short of, and next to, the suspected attacker and lethal force is to be used if the vessel does not stop, change direction immediately, or if it presents its weapons.

If all previous procedures are followed, the next phase is not likely to commence at all. So the On Ship Phase is to be considered more as contingency plan, but it is still the most important course of action to prepare and rehearse for. That phase occurs if the attackers manage to board either by surprise or with overwhelming force. Once they have reached their DP (get on deck) the fight turns to very close combat battle and there is hope to beat the pirates only if the plan is prepared and well rehearsed. Once it is obvious that the attackers have reached the deck, the defending team must pull back to the stairs that lead to the bridge. There is still a possibility to gain the tactical high ground and apply effective fire on a canalized enemy. Prepared obstacle systems will help to delay attackers' spurt towards the bridge, and that fight may initiate a long lasting position war. If PPT is really good, they may consider counterattack if the situation is favorable and help from outside is delayed.

The last resort contingency should be a readiness to evacuate form the ship. Even though not a preferred action, it is a plan to consider. Human life is the most valuable thing and once the situation has become so bad that there is no way to counter the pirates, the PPT must collect all the crew and abandon the ship with specially prepared emergency boats. That situation may emerge also if the ship is badly damaged and there is a danger of sinking or explosion.

In any case, the ship's master must send out a distress signal immediately once it is clear that the ship is under attack, or is about to be attacked. All countermeasures applied will gain significant time for patrolling warships to close to the spot and assist with all means available. In case pirates

withdraw, the security recordings will provide valuable evidence to cut off and detain fleeing pirates.

2.4. Principles to consider

Now few additional principles might need to be discussed by the international community and UN Security Council if there is a will to be truly effective in reducing the problem:

- Certified PPTs on commercial vessels are not to be considered as a threat to the states' independence when such vessels enter a state's territorial waters. Clear rules of weapons posture must be created as it is convenient to states, but it has to comply with the vessels' right to self defense in any kind of attack;
- Clear ROE and effective control systems have to be created. Certification (tactical proficiency and knowledge in ROE) by a proper institution of every individual PPT is the key to avoid possible misconduct.
- All incidents must be recorded and investigations carried out, as well, In case of proven violations of the ROE the PPT will be responsible (sanctioned by the country the members come from) and lose their certification. Certifying institution will record all the incidents, carry out final investigations and keep track of the performance of the PPTs;
- Insurance companies are to impose lower rates if a certified PPT is present during the journey. That allows shipping companies to afford protection, and disciplines the PPTs to comply with established ROE in order not to lose their certification.

Those are just a few main principles to consider. But most importantly a shift of mindset is necessary. With clear rules, and control and support from the international community, the private sector can perform the job needed and contribute significantly to reduction of the problem. Those means can establish good conditions and impose control mechanism to ensure that PPTs are performing in the best manner possible.

Conclusions

Piracy and armed robbery in Gulf of Aden is about to add a significant price tag to international economy that we, as consumers and taxpayers are forced to pay for losses in profit, higher insurance rates, ransoms, etc. More than that, the international community must be aware of the danger that Somali pirates are liable to become agents of international terrorist

networks and will strengthen these and bring the current threats to new and unpredictable level.

As mentioned above, it is not likely to achieve the real reduction of the tension in that region only by applying military means like sending conventional navies to patrol against the small pirate vessels. A possible solution to reduce piracy to the tolerance level can be achieved by applying tactical means on the commercial vessels by private protection teams. That idea complies fully with one of the NATO's principle, as it was declared in Riga Summit 2006:

“Today's challenges require a comprehensive approach by the international community involving a wide spectrum of civil and military instruments, while fully respecting mandates and autonomy of decisions of all actors, and provides precedents for this approach.”³²

Now is the time for the international community to consider other means than military ones to repel piracy. Private protection teams can be an essential means to reduce the problem in the area, as they can not be as easily evaded as warships by the pirates. There is no reason to predict that using armed protection on the commercial vessels will lead to a more dangerous situation than now exists. To apply armed private protection effectively the international community has to establish conditions, rules and control systems for private actors that comply with everyone's rights. Additionally, co-operation between private protection teams and naval Task Forces in the region must be enforced. That is the most effective way to counter pirates and reduce their enthusiasm to continue attacks. Furthermore, the insurance companies can reduce the rates significantly while the vessel is under the protection of a certified protection team. This will enable the less wealthy shipping companies to hire protection as well.

The desired end state is a situation where pirates' risks are increased to the level where their activities are no longer cost-effective. Attacking their Center of Gravity (easy profit) by taking away their most valuable capability – to attack unprotected ships - they are forced to withdraw at least from the high seas. That allows the situation to calm down to the tolerance level that was in the region few years ago. Still, there are no perfect solutions. But the one presented in that paper can be an effective alternative at the current time and under the current conditions.

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¹² Murphy (2007), p. 16.

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¹⁴ ICC International Maritime Bureau (2009), pp. 24, 36.

¹⁵ *Ibid*, p. 26.

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¹⁸ Murphy (2007), p. 12.

¹⁹ United Nations Security Council Resolution 1846 (2008).

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²¹ Schiemsy (2009), p. 43.

²² Approaches can be divided into two basic categories: overt assault and deception. Overt assault is conducted with the intention to not hide the purpose of approach. Deception method is used while pretending to be a regular fishing boat in vicinity or sending out distress signals as lost or injured fishermen.

²³ On the ground the medium machine gun can provide effective range up to 1000 meters, which is not achievable on the sea platform that is considerably less stable. Estimation is that effective ranges of all weapon systems on the small skiffs while on the move as well, are at least 50% less than on the ground.

²⁴ United Nations Security Council Resolution 1851 (2008).

²⁵ Schiemy (2009), p. 45.

²⁶ “Maritime expert: More pirate attacks on cruise ships to come” (2008), *USA Today*, at <http://www.usatoday.com/travel/cruises/item.aspx?ak=59434372.blog&type=blog>, accessed on 15 February 2009.

²⁷ Middleton (2008), p.12; American Shipper (2008).

²⁸ Babbin (2009).

²⁹ ICC International Maritime Bureau (2009), pp. 39-40; Phillips (2008).

³⁰ That method of firing signal flares as warning is successfully used in Afghanistan while Coalition convoys demand all the traffic to stop if convoy is on move.

³¹ Any time the ship is encountering areas where mass of fisher boats are present, the PPT must be in positions and in full alert.

³² NATO Riga Summit Declaration (2006).